

**AGENDA ITEM #1**

# CITY of ANGELS

Mayor  
ELAINE MORRIS

Vice Mayor  
JACK LYNCH

Council Members:  
STUART RAGGIO  
ROGER NEUMAN  
SCOTT BEHIEL



Incorporated in 1912

Post Office Box 667 • 584 South Main  
ANGELS CAMP, CALIFORNIA 95222  
Phone (209) 736-2181 • Fax (209) 736-0709  
[www.angelscamp.gov](http://www.angelscamp.gov)

City Administrator  
MICHAEL McHATTEN

City Engineer  
WEBER/GHIO

City Attorney  
RICHARD MATRANGA

**FOR THE MEETING OF: February 7, 2012**

**TITLE: STAFF UPDATE ON DEMAREST DETECTOR LOOPS**

**BY: Michael C. McHatten, City Administrator**

**APPROVED:** \_\_\_\_\_

## **SUMMARY RECOMMENDATION**

This is an informational report only. No Council Action is required

## **EXECUTIVE SUMMARY**

As the City Council is aware, the Detector Loops (Traffic Signal Detector's) on Demarest had been switched by CalTrans to a timed setting as they were damaged and subsequently unable to detect traffic. CalTrans made the repair on the Detector Loops, however did not repair the paving system (City Responsibility) that ultimately protects the loops. Recognizing the need for a more permanent repair, staff is working through an initial hurdle with CCOG to obtain funding to upgrade/enhance and repair the Murphys Grade Intersection Road (including Demarest). If formally approved, a funding obligation would be in place to begin this project in the 13/14 and 14/15 Fiscal Years. Based on the prospects of a funding source for a more permanent repair, staff identified a technology that would repair damaged paving over the loop and subsequently protect the loops for the next few years. Initial bids indicate that the repair (which can be made utilizing funds budgeted for Street Rehabilitation) would cost around \$5,000.00

## **BACKGROUND**

As the City Council is aware, the Detector Loops (Traffic Signal Detector's) on Demarest had been switched by CalTrans to a timed setting as they were damaged and subsequently unable to detect traffic. The timed setting led to long signal wait delays as well as community complaints. Staff identified that CalTrans was responsible for the loops and requested that they make the necessary repairs. CalTrans recently repaired the detector loops and they are now operating as designed. However, CalTrans is not responsible for repairing the paving system itself so the detector loop repair may be short lived until the paving system is repaired in order to protect the loops.

Additionally, it was noted by CalTrans staff as well as the City Engineer that the failure of the detector loops appears to be the result of a trench compaction failure. Staff is still researching who may be responsible for that failure in order to see if there is an ability to recoup costs related to the damage to both the paving system as well as the detector loops.

Recognizing the need for a more permanent fix/repair at the intersection, staff submitted to CCOG the Murphys Grade Intersection Project (including Demarest is part of the intersection regional route) for programmatic funding. While not formally approved, the Murphys Grade Project cleared the initial hurdle for funding (pending CCOG formal approval) which will program funds for the 13/14 and 14/15 Fiscal Years. The project entails intersection roadway improvements including sidewalk along Murphys Grade Road and intersection enhancements.

Based on this potential funding source, staff is looking to make a temporary payment fix utilizing micro surfacing, a polymer-modified cold-mix paving system leveling technology. The process avoids the use of asphalt (which in patch situation will degrade quickly) utilizing a concrete-type material which utilizes special polymers and emulsifiers and should easily last to protect the loops for the next few years until funding for a more permanent repair/enhancement is in place.

Staff is currently getting quotes for the repairs and an initial bid indicates that the repair can be made for around \$5,000.00. Currently, there are funds budgeted through the City of Angels Pavement Management Plan for Street Rehabilitation. The funding source is TOT/Streets and Street Mitigation Fees. The identified need to make this repair is an appropriate use of those funds. In order to help control costs of the repair, staff will work in conjunction with the repairing contractor by providing traffic control and post construction sweeping. Since there is a current budget allocation for Street Rehabilitation Projects, no formal action is required.

#### **FINANCIAL IMPACT**

As previously noted, initial bids indicates that the repair can be made for around \$5,000.00. Currently \$200,000 has been budgeted for Street Rehabilitation Projects. The use of this funding source for the repairs is an appropriate use of those funds.

**AGENDA ITEM #2**

Mayor  
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**FOR THE MEETING OF: February 7, 2012**

**TITLE: MEMORANDUM OF UNDERSTANDING: STORAGE OF PUBLIC HEALTH EMERGENCY SUPPLY TRAILERS**

**BY: Michael C. McHatten, City Administrator**

**APPROVED:**  \_\_\_\_\_

## **SUMMARY RECOMMENDATION**

Staff recommends that the City Council approve the Memorandum of Understanding (MOU) with Calaveras County for the Storage of Public Health Emergency Supply Trailers and authorize the City Administrator to execute the agreement

## **EXECUTIVE SUMMARY**

The Calaveras County Public Health Department is responsible for planning and response to significant public health and medical incidents such as the influenza pandemic that occurred in 2009. As part of medical health emergency preparedness, the Department has pre-positioned medical supplies and equipment to support medical response activities such as immunizing large numbers of the public, supporting a surge in demand for medical care that overwhelms the normal medical care system, or dispensing medications to protect the public.

The Department currently has five mobile trailers where the supplies and equipment are stored. The Public Health Department has requested that the five trailers be stored at our facility near the City of Angels Police Department. The site is considered suitable and desirable due to the security and proximity to Bret Harte High School. The high school is the planned location for a mass community immunization clinic or medication dispensing site. There are no additional site preparations needed and there is adequate space for the five trailers.

## **BACKGROUND**

County Health Services and the City of Angels Police Department have been working together in order to place five (5) medical health emergency supply trailers at the City Yard near the Police Department. The City Yard was deemed a good location due to space availability as well as

proximity to Bret Harte High School. Bret Harte High School is a planned location for a mass community immunization clinic and/or medication dispensing site if an event such as an influenza pandemic would to occur.

The City is not responsible for the maintenance and upkeep of the trailers; that responsibility is borne by the County. In addition, the County shall not store hazardous materials or supplies in the storage trailers. While the current term of this MOU is for ten (10) years, the MOU may be terminated by either party without cause upon sixty (60) days written notification.

Since the County and the City share a joint desire to assure rapid and effective medical health treatment response to an emergency affecting area residents and the storage of the trailers at the City yard provides rapid deployment of these services, staff is recommending approval of the MOU

**FINANCIAL IMPACT**

There are no additional costs to the City for support of this emergency preparedness need.

**MEMORANDUM OF UNDERSTANDING  
STORAGE OF PUBLIC HEALTH EMERGENCY SUPPLY TRAILERS**

This Memorandum of Understanding (MOU) is entered into by the City of Angels, hereinafter referred to as 'City' and the County of Calaveras, hereinafter referred to as 'County', for the onsite storage of emergency medical supply trailers at the Angels Camp Police Department grounds, located at 200 Monte Verda Street, Angels Camp, CA 95222, hereinafter referred to as "Storage Site".

Whereas the County and City share a joint desire to assure rapid and effective medical health response to an emergency affecting the health of local residents, and

Whereas, the County maintains preparedness for response to a large scale medical health emergency, including the acquisition and storage of prepositioned supplies and equipment, and

Whereas the County stores these pre-positioned medical supplies and equipment in trailers for rapid deployment and desires a suitable location for storage of the supply trailers, and

Whereas the City has a suitable location for trailer storage on the grounds of their Police Department, therefore the parties do agree as follows:

**1. STORAGE OF TRAILERS**

City shall permit County to store five (5) medical health emergency supply trailers on the Storage Site. County is responsible for maintenance and upkeep of County supplies, equipment and trailers. County shall not store any hazardous materials or supplies requiring material data safety sheets in storage trailers.

County shall be responsible for providing needed conveyance vehicles for movement of trailers.

**2. TERM**

This MOU shall be effective February 15, 2012 and shall continue in effect through and including February 15, 2021. The term may be extended thereafter upon mutual written agreement unless terminated by either party. This MOU may be terminated by either party in writing without cause upon 60 days written notice.

### 3. WRITTEN NOTICE

Written notices related to this MOU shall be sent to the following:

**a. NOTICE TO COUNTY**

Colleen A. Tracy  
Health Services Agency Director  
Calaveras County Public Health  
891 Mountain Ranch Road  
San Andreas, CA 95249  
Phone: 209.754.6460

**b. NOTICE TO CITY**

Michael McHatten  
City Administrator  
City of Angels  
P.O. Box 667  
Angels Camp, CA 95222  
Phone: (209) 736-2181

### 4. DAY TO DAY REPRESENTATIVES

The following persons shall be responsible for the day to day operation of this MOU:

**a. COUNTY**

Jane Loeffler  
Emergency Preparedness  
Program  
Calaveras County Public Health  
891 Mountain Ranch Road  
San Andreas, CA 95249  
Phone: (209) 754-6460

**b. CITY**

Todd Fordahl  
Chief of Police  
City of Angels  
P.O. Box 459  
Angels Camp, CA 95222  
Phone: (209) 736-2567

### 5. ACCESS TO STORAGE SITE

County shall require periodic access to stored trailers on the Storage Site for inventory, maintenance and stocking needs. Such access shall be preplanned by the Day to Day Representatives. Access to trailers for these purposes shall be at the mutual convenience of the City and County.

City understands that County may require unscheduled rapid access to trailers for movement of supplies for emergency response. City agrees that it will provide such access at County's request. Emergency response requests shall be communicated by the County's Day to Day representative or an authorized County designee. 24/7 after hours contact information for each party is as follows:

**a. COUNTY**

Sheriff's Dispatch Department  
Calaveras County  
Phone: (209) 754-6500

**b. CITY**

Todd Fordahl, Chief of Police  
City of Angels  
Phone: 209-559-5441 (Cell)

**6. INDEMNIFICATION**

The County shall, to the extent allowed by law, indemnify, defend and hold harmless the City, its officers, agents and employees from and against any and all claims, demands, liability, costs and expenses of any nature, including court costs and attorney fees, arising out of County’s activities under this MOU. This obligation to defend and indemnify City does not include claims which arise solely from the active negligence of City or City’s employees.

The City shall, to the extent allowed by law, indemnify, defend and hold harmless the County, its officers, agents and employees from and against any and all claims, demands, liability, costs and expenses of any nature, including court costs ad attorney fees, arising out of City’s activities under this MOU. This obligation to defend and indemnify County does not include claims which arise solely from the active negligence of County or County’s employees.

**7. INSURANCE**

The County shall maintain at all times during the term of this MOU, state required liability insurance on any vehicle used in the course of performing activities related to this MOU.

**8. MODIFICATIONS**

Any modifications to this MOU shall be in writing and signed by both parties.

**COUNTY OF CALAVERAS**

\_\_\_\_\_  
Jeanne M Boyce, County Administrative Officer

\_\_\_\_\_  
Date

**Approved as to Form:**

\_\_\_\_\_  
County Counsel

\_\_\_\_\_  
Date

**CITY OF ANGELS**

\_\_\_\_\_  
Michael McHatten, City Administrator

\_\_\_\_\_  
Date

**Approved as to Form:**

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date:

**AGENDA ITEM #3**

# CITY of ANGELS

Mayor  
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Vice Mayor  
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MICHAEL McHATTEN

City Engineer  
WEBER/GHIO

City Attorney  
RICHARD MATRANGA

**FOR THE MEETING OF: February 7, 2012**

**TITLE: 2011/2012 QUARTERLY FINANCIAL REPORT**

**BY: Michael C. McHatten, City Administrator**

**APPROVED:** \_\_\_\_\_

A handwritten signature in blue ink, appearing to read "Dan", is written over a horizontal line.

## EXECUTIVE SUMMARY

The report provided is through the first two quarters of the Fiscal Year (FY). Another way of looking at the report is for the first six month reporting period (6months/12months=50%) or 50% of the FY. The purpose of the report is to provide Council updates on expenditure trends and revenue trends. Most importantly, the report is designed to inform the Council as to how we are performing as an organization related to our FY11/12 budget. The second quarter report begins to tell the tale of the organizations Fiscal Health as one-time expenditure anomalies begin to flatten out and cycle back toward budgeted projections. In addition, although revenue for Property and TOT wasn't received until January 2012, staff accrued the receipt of these receivables so that Council has a more accurate picture of our first six month performance.

The report format will essentially stay the same and is a useful tool for Council as well as staff to help ensure that budgetary goals are met and/or exceeded. Diligence in reporting and action is critical as it is important to make decisions with regards to saving on the expenditure side if the revenue side is trending below budget. In local government, the second quarter of reporting (After December sale tax figures are recorded and the first property tax installment is received) becomes the tipping point for any action including cutbacks in spending.

At this time, I am pleased to report that the City is ahead of budgeted revenue trends. Based on three major General Fund Revenue sources (Property Tax, Sales Tax and TOT Tax) the City has received 54.8% of our budgeted revenue. Another way of looking at this is that the City has received \$87,074.00 more than budgeted projections. (See Chart Below)

**HOME OF THE JUMPING FROG**

<b>Revenue Source</b>	<b>Budgeted Amount</b>	<b>YTD Revenue</b>	<b>%</b>	<b>\$ over/under budget</b>
TOT-General Fund	\$479,400	\$275,080	57%	\$35,380
Property Tax	\$900,000	\$474,436	53%	\$24,436
Sales Tax	\$440,000	\$247,258	56%	\$27,258
<b>Totals</b>	<b>\$1,819,400</b>	<b>\$996,974</b>	<b>54.8%</b>	<b>\$87,074</b>

Most importantly, staff has been diligent in monitoring and maintaining expenditure budgets. Current trends for 50% of the fiscal year, indicates that we have expended only 41% of budget, including 44% of our payroll budget and 35% of our operating budget. While much of the operating budget is tied to service delivery that often is program or project driven, the six month trend is very encouraging.

If revenue trends hold true for the remainder of the FY (which it often does with the major revenue sources) and the staff continues to operate within and/or below budget the City stands a good chance at significantly closing the gap on our budgeted operating loss. Based on these trends, I am not making any recommendations at this time that would include any additional cutbacks in service.

## **BACKGROUND**

### **Page 1: Fund Balance by Month**

The purpose of this report is to demonstrate to the City Council the need to begin and end the year with a healthy fund balance. While Water and Wastewater funds do not vary by month to month (due to the nature of enterprise funds), the General Fund is a little more dynamic. Since Property Tax is only received twice a year, the fund balance must be healthy enough to absorb the continual monthly decline before the revenue stream hits. Additionally, the beginning fund balance (6/30/11) reflects the audited fund balance position and not an estimated fund balance.

### **Page 2: Major Revenue Sources**

The purpose of this page is to provide a review of our Major Revenue Sources (TOT, Sales Tax and Property Tax) so that Council can gauge our performance versus budget. As illustrated, the City is outperforming budget in every major revenue source. This is encouraging news as we have enough trend history in the current FY to project that actual performance at year-end should continue and perform better than expected. This in turn becomes a building block for next year's budget.

### **Page 3: Transient Occupancy Tax**

This page provides historical TOT revenue trends including actual versus budget for the previous four FY's. Historically, our best performing quarters of the FY are the 1<sup>st</sup> and the 4<sup>th</sup>. Staff is encouraged by the amount collected to date 58% of budget, (8% over budgeted trend line) since one of our strongest quarters of the FY is still ahead of us.

### **Page 4: Sales Tax**

This page provides historical Sales Tax trends including actual versus budget for the previous four FY's. From the figures provided it is easy to see the impact the economy has had on sales tax revenue. Focusing on the current FY, the Council was prudent in budgeting a much lower revenue amount than the previous FY. Early indications are that we are exceeding budgeted revenue for sales tax 56% (6% over budgeted trend line) which would be a great building block going into next FY.

**Page 5: Property Tax**

This page provides historical Property Tax trends including actual versus budget for the previous four FY's. There are three major sources of Property Tax Revenue including Property Tax, Property Tax In-Lieu of Sales Tax and Property Tax In-Lieu of Vehicle License Fees (See Chart Below)

<b>Property Tax Type</b>	<b>Budgeted Revenue</b>	<b>YTD Revenue</b>	<b>% of Budget</b>
Property Tax	\$500,000	\$269,027	54%
PT In-Lieu Sales Tax	\$150,000	\$150,000	52%
PT In Lieu VLF	\$250,000	\$126,742	51%
Totals	\$900,000	\$474,436	53%

The current collection rate of 53% (3% over budgeted trend line) is good news in that typically the second installment of the tax roll does not vary that much for the first installment. Staff, in building the budget for next year, will work with the County Tax Assessor in order to obtain early as possible indications as to what assessed valuation for next FY will be.

**Page 6: Financial Report: Year to Date Expenditures**

This section of the report begins to focus on Departmental expenditure trends. What is clearly evident is that staff is working hard at being prudent budget managers and has currently spent just over 41% of the expenditure budget. While, many expenditure line items are tied to specific programs and projects that have yet to come to fruition, the current trend is encouraging. While I do not expect this trend to hold true for the remainder of the FY, I do expect us to be at and/or below budget by the end of the FY. By doing so will help close the gap of the budgeted operating loss.

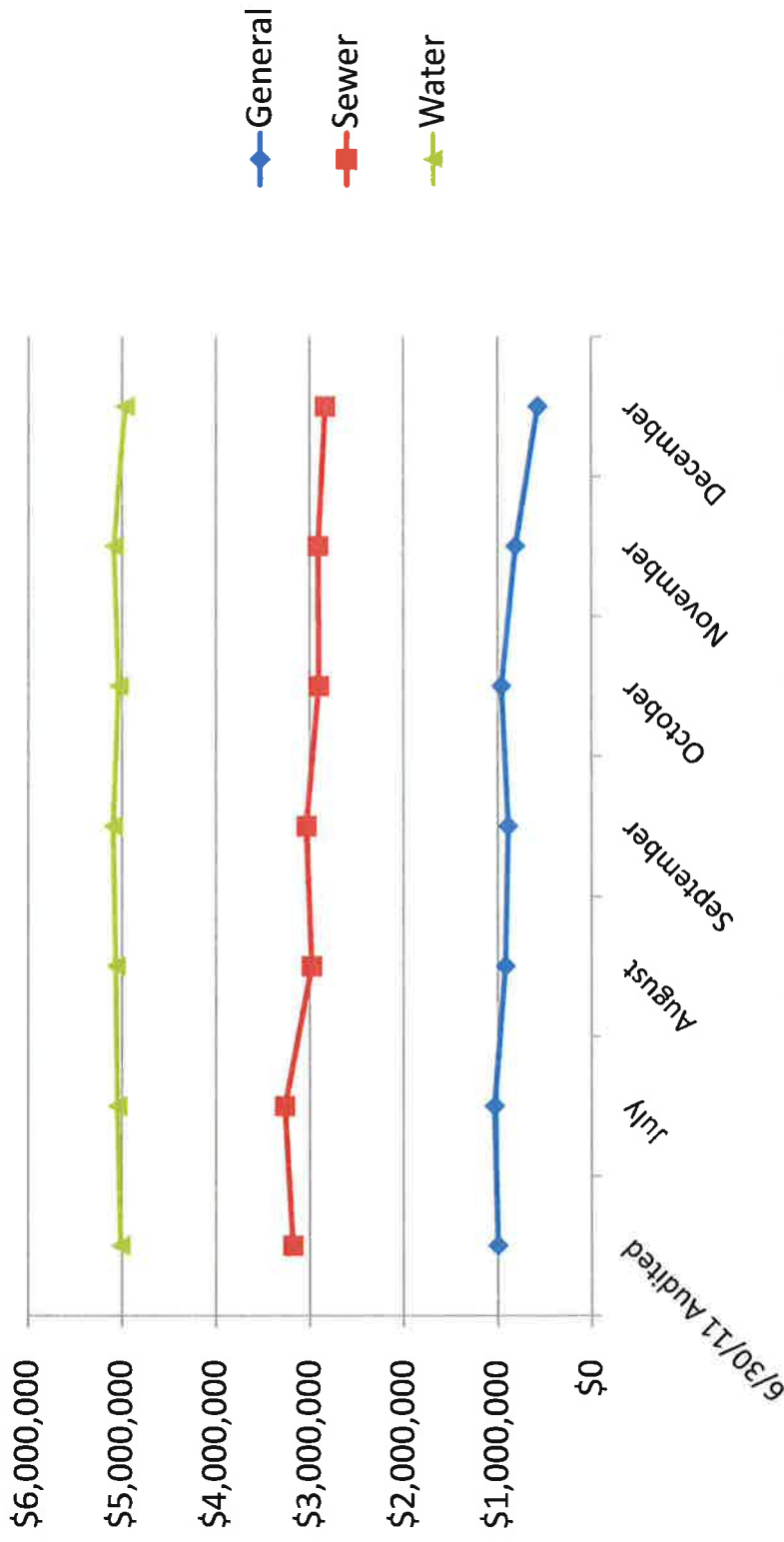
**Page 7: Expenditure Report**

The last page of the report focuses more in depth on expenditure line items. Specifically, we begin to look at trends in Personnel, Operating and Capital Budgets. Currently our Personnel Budget is running at 45% of budget and our Operating Budget is at 36% of budget. The third quarter report will be a key in predicting where we may end up the FY in total expenditure performance. Staff will continue and be vigilant in operating within budget while continuing to pursue the project and programs that were critical service delivery items.

**CONCLUSION**

There is no action required with this report. The Council should be encouraged by the current trends in revenue and expenditures. The next quarterly report will provide the Council a much clearer picture of the current fiscal year, including some assumptions of our year end performance. In addition, the next report will serve as an early indicator for next year's budget assumptions.

## Fund Balance by Month

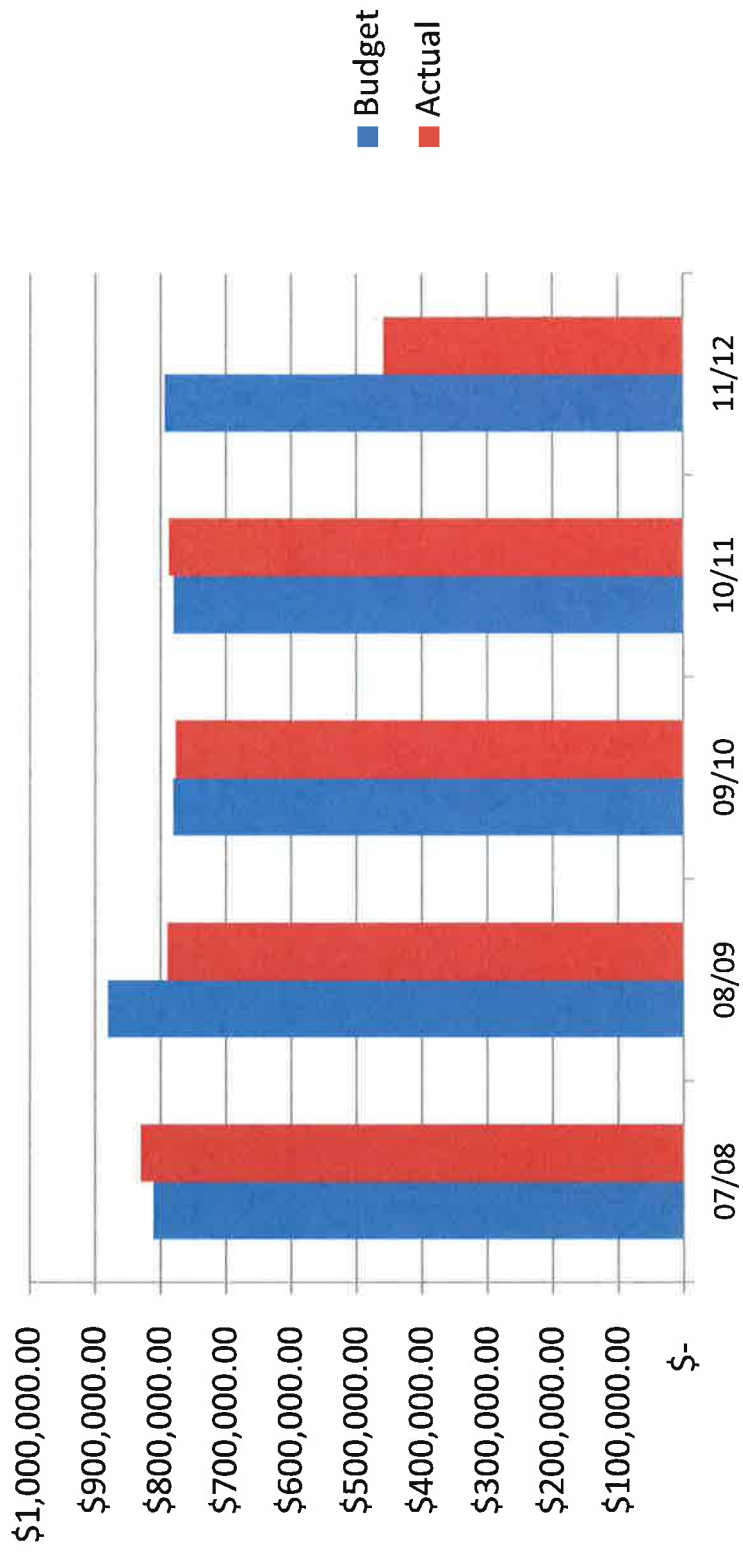


	General	Sewer	Water
6/30/11 Audited	\$999,156	\$3,179,960	\$5,018,029
July	\$1,035,259	\$3,268,434	\$5,052,261
August	\$919,742	\$2,980,423	\$5,072,919
September	\$890,229	\$3,036,770	\$5,098,160
October	\$961,632	\$2,906,159	\$5,041,138
November	\$811,955	\$2,912,842	\$5,092,030
December	\$572,043	\$2,835,868	\$4,972,830

City of Angels  
Major Revenue Sources  
For the Period July 1 - December 31, 2011

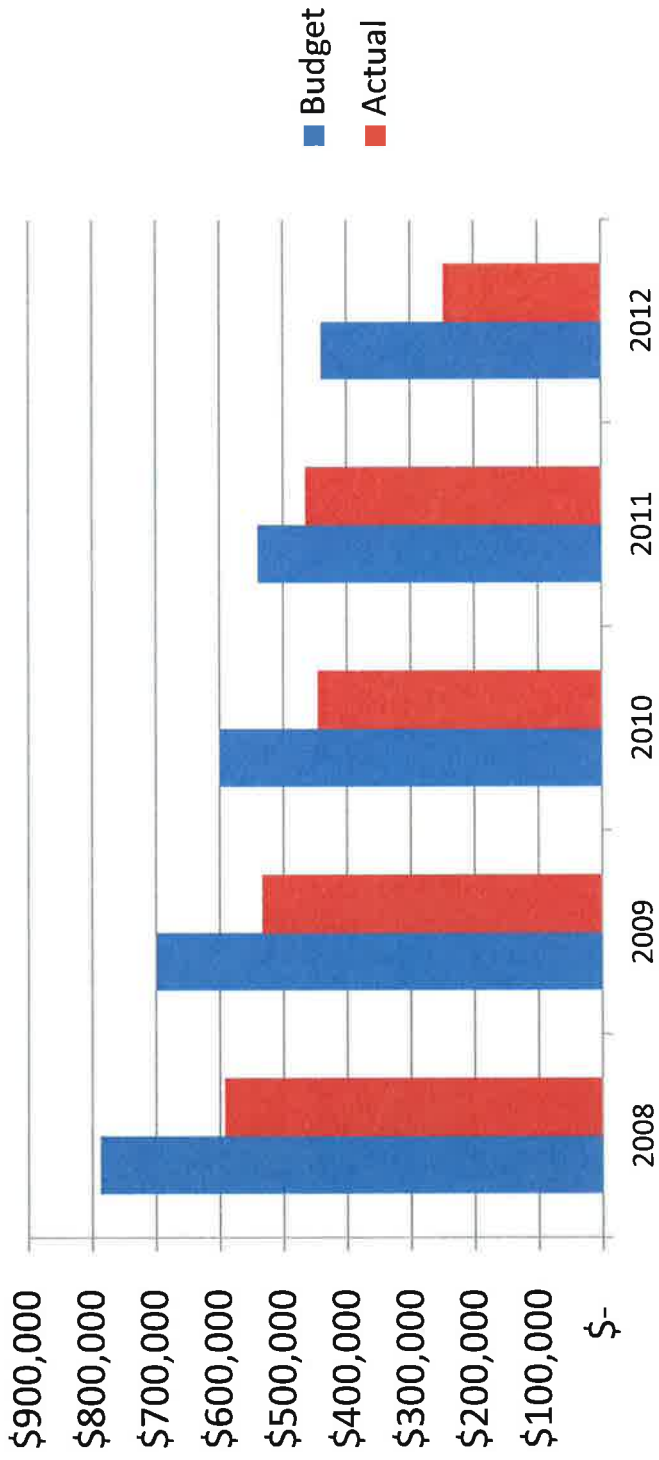
	<u>Budgeted</u>	<u>YTD</u>	<u>%</u>
	<u>Revenue</u>	<u>Revenue</u>	
<b>Transient Occupancy Tax:</b>			
General Fund	\$ 479,400	\$ 275,080	57%
Safety Services	\$ 105,000	\$ 61,129	58%
Roads	\$ 105,000	\$ 61,129	58%
Tourism	\$ 105,000	\$ 61,129	58%
	<u>\$ 794,400</u>	<u>\$ 458,467</u>	<u>58%</u>
		<b>Grand Total</b>	
Sales Tax	\$ 440,000	\$ 247,258	56%
<b>Property Taxes:</b>			
Property Tax	\$500,000	\$269,027	54%
PT In-Lieu of Sales Tax	\$150,000	\$78,667	52%
PT In-Lieu of Vehicle License Fees	\$250,000	\$126,742	51%
	<u>\$900,000</u>	<u>\$474,436</u>	<u>53%</u>

# Transient Occupancy Tax



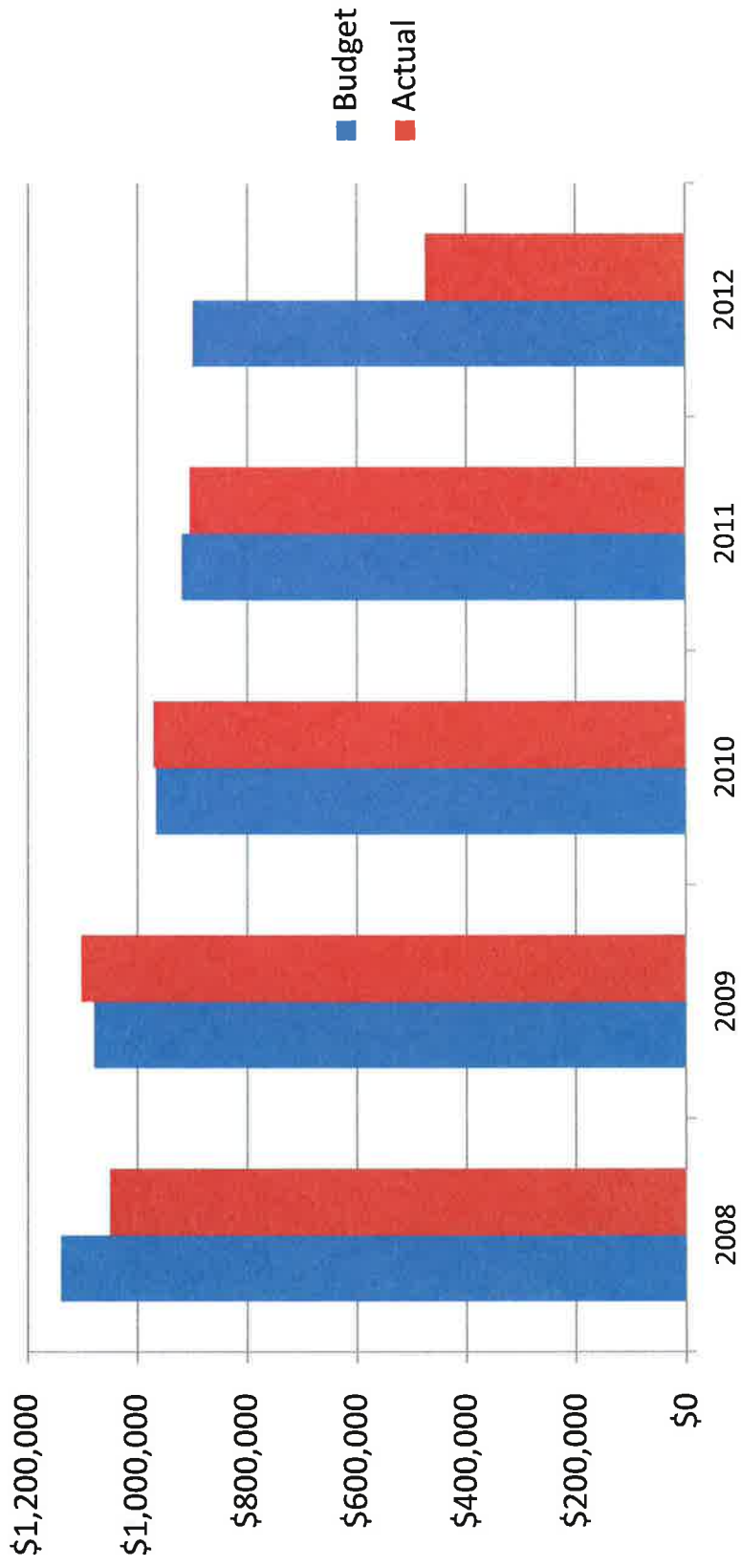
	Budget	Actual
07/08	\$ 794,400.00	\$ 881,000.00
08/09	\$ 811,500.00	\$ 780,820.00
09/10	\$ 780,500.00	\$ 780,500.00
10/11	\$ 830,652.16	\$ 789,656.41
11/12	\$ 776,919.54	\$ 458,466.52

## Sales Tax



	Budget	Actual
2008	\$ 787,875	\$ 592,417
2009	\$ 700,000	\$ 533,649
2010	\$ 600,000	\$ 445,466
2011	\$ 540,000	\$ 464,686
2012	\$ 440,000	\$ 247,258

## Property Taxes



	Budget	Actual
2008	\$1,140,000	\$1,050,274
2009	\$1,080,000	\$1,102,848
2010	\$967,026	\$970,872
2011	\$920,000	\$904,725
2012	\$900,000	\$474,436

**City of Angels**  
**Financial Report for the Period July 1 - December 31, 2011**

	<b>Gen Fund</b>	<b>Sewer</b>	<b>Water</b>	
YEAR TO DATE EXPENDITURES	1,073,411.39	773,752.72	493,136.16	
<b>YTD COSTS AND EXPENSES</b>	<b>YTD EXP</b>	<b>BUDGET</b>	<b>BALANCE</b>	<b>% USED</b>
City Officials	11,759.64	26,220.00	14,460.36	44.85%
City Attorney	65,145.31	134,140.00	68,994.69	48.57%
City Engineer	17,488.40	22,000.00	4,511.60	79.49%
Finance & General Administration	420,221.21	906,290.00	486,068.79	46.37%
Calaveras Visitor Bureau	4,301.04	10,490.00	6,188.96	41.00%
Community Support	11,209.15	48,200.00	36,990.85	23.26%
Capital Projects/Purchases	1,877.75	85,215.00	83,337.25	2.20%
Building & Planning Department	159,562.75	355,405.00	195,842.25	44.90%
Museum	67,227.62	151,280.00	84,052.38	44.44%
Fire Department	95,443.12	253,530.00	158,086.88	37.65%
Police Department	498,580.68	1,051,545.00	552,964.32	47.41%
Public Works	18,760.11	55,845.00	37,084.89	33.59%
State Highway Street Cleaning	2,127.72	3,975.00	1,847.28	53.53%
Parks	19,425.06	42,525.00	23,099.94	45.68%
Sewer Collection System	60,528.86	214,030.00	153,501.14	28.28%
Water Distribution	83,420.68	205,560.00	122,139.32	40.58%
Sewer Treatment	568,338.37	1,505,215.00	936,876.63	37.76%
Water Treatment	234,882.80	606,840.00	371,957.20	38.71%
<b>Total Expenses</b>	<b>2,340,300.27</b>	<b>5,678,305.00</b>	<b>3,338,004.73</b>	<b>41.21%</b>

**City of Angels**  
**July 1 thru December 31, 2011 Expenditure Report**

Description	YTD Personnel		% Used		YTD Operations		% Used		Operations		Total	
	Personnel	Budget	Personnel	Budget	Personnel	Budget	Personnel	Budget	Personnel	Budget	Expenditure	Budget
City Officials	9,250	18,600	50%	18,600	2,510	7,620	33%	7,620	11,760	26,220	26,220	45%
City Attorney	0	0	0%	0	65,145	134,140	49%	134,140	65,145	134,140	134,140	49%
City Engineer	0	0	0%	0	17,488	22,000	79%	22,000	17,488	22,000	22,000	79%
Finance & General Administration	252,219	593,460	42%	593,460	168,002	312,830	54%	312,830	420,221	906,290	906,290	46%
Calaveras Visitor Bureau	0	0	0%	0	4,301	115,490	4%	115,490	4,301	115,490	115,490	4%
Community Support	0	0	0%	0	11,209	48,200	23%	48,200	11,209	26,600	26,600	42%
Capital Projects/Purchases	0	0	0%	0	1,878	85,215	2%	85,215	1,878	85,215	85,215	2%
Building & Planning Department	119,935	268,065	45%	268,065	39,628	87,340	45%	87,340	159,563	355,405	355,405	45%
Museum	25,926	53,835	48%	53,835	41,302	97,445	42%	97,445	67,228	151,280	151,280	44%
Fire Department	135,399	278,320	49%	278,320	22,350	81,210	28%	81,210	157,749	359,530	359,530	44%
Police Department	417,855	907,455	46%	907,455	104,340	243,150	43%	243,150	522,195	1,150,605	1,150,605	45%
Public Works	11,705	34,015	34%	34,015	7,055	21,830	32%	21,830	18,760	55,845	55,845	34%
State Highway Street Cleaning	2,128	3,975	54%	3,975	0	0	0%	0	2,128	3,975	3,975	54%
Parks	16,115	33,850	48%	33,850	3,310	8,675	38%	8,675	19,425	42,525	42,525	46%
Gas Tax	34,890	87,670	40%	87,670	19,393	34,400	56%	34,400	54,283	122,070	122,070	44%
Sewer Collection System	38,494	135,360	28%	135,360	27,720	106,170	26%	106,170	66,214	241,530	241,530	27%
Water Distribution	73,867	153,090	48%	153,090	9,553	52,470	18%	52,470	83,421	205,560	205,560	41%
Sewer Treatment	151,131	310,190	49%	310,190	438,016	1,264,025	35%	1,264,025	589,147	1,574,215	1,574,215	37%
Water Treatment	99,716	210,220	47%	210,220	135,167	396,620	34%	396,620	234,883	606,840	606,840	39%
<b>Total</b>	<b>1,388,630</b>	<b>3,088,105</b>	<b>45%</b>	<b>3,088,105</b>	<b>1,118,368</b>	<b>3,118,830</b>	<b>36%</b>	<b>3,118,830</b>	<b>2,506,998</b>	<b>6,185,335</b>	<b>6,185,335</b>	<b>41%</b>
<b>Capital Funds</b>												
Sewer Capital Improvement									<b>YTD Capital</b>	<b>Budget</b>	<b>% Used</b>	
Sewer Debt Service									220,964	795,838	28%	
Sewer Capital Replacement									28,808	248,755	12%	
Water Capital Improvement									193,577	708,000	27%	
Water Debt Service									85,320	250,000	34%	
Water Capital Replacement									37,234	75,000	50%	
									99	5,000	2%	

**AGENDA ITEM #4**

Mayor  
ELAINE MORRIS

Vice Mayor  
JACK LYNCH

Council Members:  
STUART RAGGIO  
ROGER NEUMAN  
SCOTT BEHIEL

# CITY of ANGELS



Incorporated in 1912  
Post Office Box 667 • 584 South Main  
ANGELS CAMP, CALIFORNIA 95222  
Phone (209) 736-2181 • Fax (209) 736-0709  
[www.angelscamp.gov](http://www.angelscamp.gov)

City Administrator  
MICHAEL McHATTEN

City Engineer  
WEBER/GHIO

City Attorney  
RICHARD MATRANGA

**FOR THE MEETING OF: February 7, 2012**

**TITLE: STAFF UPDATE EMERGENCY PURCHASING ACTION**

**BY: Michael C. McHatten, City Administrator**

**APPROVED:** \_\_\_\_\_

A handwritten signature in blue ink, appearing to read 'J. McHatten', is written over a horizontal line.

## **SUMMARY RECOMMENDATION**

This is an informational report only. No Council Action is required

## **EXECUTIVE SUMMARY**

An Emergency Purchase Order was initiated by staff pursuant to Purchasing Policy. Expenditures that are required to prevent or remedy life threatening situations or unsafe conditions that seriously threaten the health or safety of the populace are authorized to be made by the City Administrator. Based on the failure of a water main, three homes were without water service. Due to the age of the water main and size and scope of the project, as well as other similar work priorities, staff determined that we must contract out the work immediately. In addition, due to the fact that the area where the mainline broke was known as an unprotected fire service area, staff determined that it would be cost effective at the time of the repair to increase the water main size in order to support a fire hydrant system. This action led to an overall improvement in the system and thus eliminated a critical void in our fire protections service.

## **BACKGROUND**

During the holiday season a water main break occurred on Hillside Court. The break occurred on an old two inch (2") metal line. Age, degradation and possible earth movement during freezing temperature conditions led to break in the line. Four customers were out of water service and crews quickly established temporary water service until the permanent repair could be made.

The water main was not part of a looped system thus operating as an isolated dead-end line with no blow-off. Additionally, based on the age of the infrastructure, size and location there was not adequate fire protection service through a hydrant system for this area.

Staff determined upon investigation and analysis of the water main that the only remedy to repair the line was a complete replacement. Based on the size and scope of the project, (as well as additional minor water service breaks that staff was working on), staff made the determination that we would have to contract out the repair work. Since providing safe and healthy potable water onto itself kicks in an Emergency Purchase provision, staff contacted Sutton Construction to make the necessary repairs.

Staff also correctly determined that since there was no fire protection service we should upsize the line in order to support a fire hydrant. The only added cost for this decision was for the increase in pipe size as well as fittings, including the hydrant itself. While this was an additional cost of approximately \$4,400.00, this decision provided much needed fire protection to an area that was unprotected.

The entire repair took seven days. This was due to the depth, grade changes, and soil conditions. All totaled the entire cost was just under \$38,000. \$4,400 of which was for the upsizing of the system related to providing fire protection.

#### **FINANCIAL IMPACT**

This was an unbudgeted emergency repair totaling just under \$38,000. Staff will monitor budgets in order to try and contain this additional expense within our budget (including the contingency line item.) However, Council should be aware that emergency repairs such as this cannot be predicted or budgeted for. This, as well as any other budget amendment that may be required, will be brought to the City Council for their consideration.

**AGENDA ITEM #5**

# CITY of ANGELS



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ELAINE MORRIS

Vice Mayor  
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Council Members:  
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City Administrator  
MICHAEL McHATTEN

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WEBER/GHJO

City Attorney  
RICHARD MATRANGA

**FOR THE MEETING OF: February 7, 2012**

**TITLE: APPROVAL OF JOINT CITY COUNCIL/PLANNING COMMISSION  
WORKSHOP TOPICS AND OBJECTIVES**

**BY: Michael C. McHatten, City Administrator**

**APPROVED:** \_\_\_\_\_

## **SUMMARY RECOMMENDATION**

Staff is seeking City Council concurrence regarding the proposed workshop topics and objectives.

## **EXECUTIVE SUMMARY**

Prior to the passing of Mayor Jack Boeding, staff was beginning to work on a joint City Council and Planning Commission Workshop. With the passing of Mayor Boeding, those plans were put on hold. Staff is recommending the following be used as the initial Workshop topics and objectives in order for staff to begin to prepare for an effective workshop

- Roles and Responsibilities of Planning Commission and City Council
- Purpose and Function of Planning Commission and City Council
- Upcoming Actions which will be before the Planning Commission and City Council
- Brainstorming Session for a better Angels Camp

While this in no way limits the discussion, the proposed topics and objectives allow staff to adequately focus and prepare for the Workshop.

## **BACKGROUND**

Joint City Council and Planning Commission Workshops are not an “out-of the ordinary event”. In fact, Joint Workshops and/or Meeting are often held when there is a major Planning Project when both Agencies have an impact on the outcomes. In addition, Joint City Council and Planning Commission Workshops are held as a strategy session in order to define upcoming priorities and work programs for the agencies involved.

Mayor Boeding in conjunction with the City Council and Planning Commission discussed the idea of a joint workshop and a list of Potential Topics for City Council/Planning Commission Workshops

**HOME OF THE JUMPING FROG**

was developed by the Planning Commission (see attached). Jacks untimely death derailed plans to hold the workshop. Since there are several new Councilmember's and well as Commissioner's staff recommends that the initial workshop focus on the following topics

- Roles and Responsibilities of Planning Commission and City Council
- Purpose and Function of Planning Commission and City Council
- Upcoming Actions which will be before the Planning Commission and City Council
- Brainstorming Session for a better Angels Camp

Finally, in light of recent City Council action and Planning Commission response to those actions (including Public Comment by Commissioner Reesman), City Attorney Richard Matranga has provided a memo (see attached) with regards to the fee waiver for 49er Motors. The memo is provided as background information only as the City Attorney's Office is still conducting research into this issue and any questions with regards to this should be held until the City Attorney can address them. With that said, Staff is in concurrence that the important issue moving forward begins with a Joint Workshop with the agencies focused on the proposed topics.

If the City Council concurs with the topics that staff has recommended, staff will subsequently prepare for a March 20, 2012 Workshop to be held in advance of the Regular City Council Meeting.

#### **FINANCIAL IMPACT**

There is no financial impact as a result of the proposed action

**GENERAL:**

**What are the City's goals for development in Angels Camp?**

1. Quality of Life
2. Community Character
3. Affordable Housing
4. Jobs/Economic Development
5. Infrastructure
6. Traffic and Circulation

**What do we want Angels Camp to be?**

1. Review the Gen. Plan Vision Statement
2. Are we headed in the right direction?
3. What are the benefits of planning in a small town?
4. Dynamic
5. Creativity
6. Ability to build consensus

**What do the people want?**

1. Property owners have the right to develop their property **BUT...**
  - The City has the right to place limitations on how a property can be used, in the interest of the community (police powers).
  - Find the balance between the City's limitations and the property owner's rights that will result in development that is right for the residents of Angels Camp.
  - Tell people what they CAN do with their property.
  - Do not focus on what they cannot do.
  - Be consistent.

**How can we enhance communications?**

1. Work to improve Communications
  - PC and CC
  - Staff and PC and CC
  - Public
  - Media
  - Information flow and exchange
  - Need to know
  - Consistency

**Economic Development**

1. Jobs Creation
2. Redevelopment
3. Financial benefits of Redevelopment
4. Use of funds from Tax Increment Financing for public projects and infrastructure
5. Debunking the Blight and Eminent Domain Myths
6. Developing a Redevelopment Strategy

## **Planning Process & Procedures**

**To plan effectively, the City must have adequate planning tools.**

1. General Plan
2. Zoning Ordinance
3. Community Character Guidelines
4. Procedural Requirements
5. Public Information Distribution
  - Handouts
  - Website

### **The development review process**

1. Types of Applications:
2. Variances
3. Subdivisions
4. Site Plan Review
5. Conditional Use Permit
6. Planned Development/Specific Plan
7. General Plan and Zoning Ordinance Amendments
8. Development Agreements

### **Procedural Requirements**

1. Due Process
2. 5th Amendment
3. Relies on fair and impartial consideration of application

### **Administrative (Ministerial) Actions:**

1. Planning staff is the decision-making body.
2. Most administrative approvals can be appealed to the Planning Commission
3. Signs (except in Historic District)
4. Temporary Uses
5. Home Occupations
6. Boundary Line Adjustments
7. Site Plan Review (change in use) with no expansion of building
8. Building Permits

### **Quasi-judicial actions:**

1. The decision-making body is judging the application.
2. As in court, all evidence must be presented and considered before a decision is made.
3. Discretionary development applications include Variances, Alterations and Signs in the Historic District, Site Plan Review, Conditional Use Permit, Subdivisions, Planned Developments
4. Applications that must be approved by City Council include Variance and/or Waiver of street improvement requirements and Planned Developments.

**Legislative actions:**

1. The Planning Commission provides a recommendation to City Council, which adopts plans, guidelines, regulations and ordinances.
2. General Plan Amendments
3. Zoning Ordinances
4. Development Agreements
5. Code enforcement
6. Conditions of approval implementation

**Appeals:**

1. Staff approvals are appealed to the Planning Commission, which will review the application de novo (as if it were a new application)
2. Planning Commission decisions are appealed to City Council

**State Laws:**

1. Title 7 of the California Government Code (§§65000-67980) grants authority and establishes criteria for review of many types of applications, including development review procedures.
2. CEQA
3. Subdivision Map Act
4. Housing
5. General Plan
6. Zoning Regulations
7. Land Development
8. Permit Streamlining Act
9. Fees
10. No project can be approved unless it complies with the General Plan and the Zoning Ordinance.

## Memo Re: Fee Waivers

Michael:

I understand that the Council will be setting a date for a joint meeting with the Planning Commission to consider several items. Foremost, will be a discussion of the respective roles of the commission and council in carrying out the goals set forth by the city's general plan, other planning related documents and the policies of the City Council.

As you know, one of the matters to be addressed by this office is the legal authority of the City Council to "waive" fee requirements and/or other requirements during the process of considering granting "entitlements".

Recently, the council was asked to consider waiving application fees in connection with an application for a conditional use permit under the city's zoning ordinance. The council, after receiving input from staff, the public and the applicant considered the matter and granted the application.

At a meeting, approximately one month later, the council's action to grant the application was challenged on legal, as well as, policy grounds.

This office has been conducting research regarding this specific application and the overall subject of waiving fees and/or other requirements. A comprehensive memorandum addressing the legal issues regarding these waivers will be forthcoming. In the meantime, upon a review of the allegations made regarding the council's actions of December 6, 2011, I offer the following:

Several government code sections were cited by the complainant. It was alleged that the council was in violation of these sections (Sections 65090-65096). There is, however, no explanation regarding how, specifically, the council violated these sections. There were also allegations that the council overstepped its authority in granting the fee waiver. While I have advised that the council adopt a clear policy containing criteria for these types of waivers, they are not "illegal", per se. In my view, these waivers do not constitute a gift of public funds, nor do they impermissibly discriminate between those who seek the waivers, under proper circumstances. Certainly, one of the items to be considered at your upcoming joint meeting should be a clear policy addressing this matter.

This office has not completed our research regarding the issue of waiver of the requirement for a conditional use permit on this subject property. There are, under some circumstances, grounds to exempt or waive the requirement for a conditional use permit, e.g., where business has been conducted on this site for the requisite period of time prior to the application and/or, arguably when the facts demonstrate that there is no change in the proposed use of the property. Each application

presents itself with a unique set of facts, which must be analyzed separately. That determination can, in my view, be made by the council or the commission. To assure that the public is afforded the opportunity to participate in the process, a clear policy regarding consideration of waiving a requirement for a conditional use permit should be adopted by the council. That policy should include a provision setting forth which body has authority to make that determination so that adequate notice of the consideration of the application can be provided.

I look forward to discussing clarification of these issues and meeting with the council and commission in March.