

CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, August 18, 2009

Council Members Present: Jack Lynch (Mayor), Jack Boeding, (Vice Mayor), Elaine Morris and Craig Turco

Staff Present: Tim Shearer, Richard Matranga, Gary Ghio, Dale Mendenhall, Melisa Ralston, David Hanham and Mary Kelly

4:00 PM CALL TO ORDER

ADJOURN TO CLOSED SESSION

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION Exposure to litigation pursuant to subdivision (b) of Government Code Section 54959.9 (one case)

CLOSED SESSION: PURSUANT TO CALIFORNIA CODE SECTION 54957: EMPLOYEE ANNUAL PERFORMANCE EVALUATION – CITY ADMINISTRATOR

RECONVENE

NUISANCE ABATEMENT APPEAL HEARING – Richard Wilmshurst - 1204 SUMMIT ROAD, APN – 062 003 015 (continued from 8/4/09 CC meeting) - Olen Murphy, Code Enforcement Officer

Mr. Wilmshurst was unable to attend.

Item continued to September.

6:00p.m. REGULAR MEETING

CLOSED SESSION (8/11/09): CONSIDERATION OF GRANTING APPROXIMATELY ONE (1) YEAR LEAVE OF ABSENCE TO CITY ADMINISTRATOR FOR MILITARY SERVICE ACTIVE DUTY
Council Action: Leave of absence granted to City Administrator

CLOSED SESSION (8/11/09): PURSUANT TO GOVERNMENT CODE SECTION 54957-6 LABOR NEGOTIATIONS/CITY ADMINISTRATOR. AGENCY REPRESENTATIVE: CITY COUNCIL/CITY ATTORNEY

Council Action: No legislative action taken. Item continued to 8/18/09

CLOSED SESSION (8/18/09): CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION. Exposure to litigation pursuant to subdivision (b) of Government Code Section 54959.9 (one case)
Council Action: Direction given to City Attorney

CLOSED SESSION (8/18/09): PURSUANT TO CALIFORNIA CODE SECTION 54957: EMPLOYEE ANNUAL PERFORMANCE EVALUATION – CITY ADMINISTRATOR

Council Action: No final action was taken.

APPROVAL OF AGENDA

Agenda item #10 “CONSIDERATION OF REDUCTION IN FORCE OF PEACE OFFICER PERSONNEL” was pulled from the agenda.

Direction: Item continued to future Council meeting.

STAFF UPDATES

Tim Shearer – City Administrator

- Tim, the City Engineer, Mayor and Carol Woolf attended the hearing at the State Water Regional Control Board regarding the City of Angel's discharge permit. The permit, allowing stream discharge into the creek was approved.

Gary Ghio – City Engineer

- Murphys Grade Water line has been completed.
- Survey work on Highway 49 sidewalks is being done. There is no funding for the project yet.

Dave Hanham – Planning Director

- Housing Element is with the State of California for review.
- The MSR review is moving forward.
- A large format retail committee has been formed. A draft ordinance will be taken to them for review in the next few weeks.
- Long range plan committee is working on tree ordinance.

Council Member Turco asked what the cost would be if fees were waived for some businesses interested in the façade grant program – piggy backing onto other businesses. He is concerned of over commitment by the City.

Direction: Planning Director to provide a report to Council of what effects/cost might be associated with piggy backing businesses in the façade project.

Mayor Lynch asked who at the City and County will attend the required LAFCO meeting regarding the sphere of influence. Dave said that himself, the Mayor, a Council member and the City Administrator would meet with their counterparts from the County. The Mayor requested Dave to start the process needed for this meeting to take place.

Dale Mendenhall – Police Chief

- Information item only – school starts on Wednesday. Advised all to drive careful.

COUNCIL UPDATES

Councilmember Boeding

- Attended Personnel/Finance and chamber seminar.
 - Reported traffic problem at Utica Lane and Bush Street
- Direction: Staff to check area at Utica and Bush for traffic problems.**

Councilmember Turco

- Attended UPA, ACBA, Façade workshop/meeting.
 - Attended SBA meeting and was impressed with the many small business grants available. City of Angels did not have a large representation by the business community.
- Direction: Provide links to website of agencies such as SBA.**

Councilmember Morris

- Attended LLD, Safety Services, Visitor's Center BBQ/Appreciation.
- Will be attending Facilities/Infrastructure on Friday.

Mayor Lynch

- Spoke on attending the hearing at the SWRCB and the granting of the discharge permit. Said he was impressed with the quality of the presentations presented by Staff. The permit was challenged by California Sports Fishing Protection Association and each challenge point was disputed by Jim Marshall. Appreciated the statement made by a director from the City of Auburn who said there is a tremendous burden to small cities impacted with the cost of preparing these reports.
- Attended LAFCO meeting.

PUBLIC COMMENT

Bob Rogers – Museum Administrator

Reported the museum revenues are 68% higher than last month. There is now gold panning open to the public with gold supplied by Brad Sutton.

Pat Goulash – Orphan Annie's

Voiced her concerns on the lack of signage showing the closure of Vallecito Road. Urged the Council to "light a fire" under Caltrans to get more signage out. Dave Hanham explained that Caltrans is reviewing the City's signage plan and he is pushing forward. Council Member Turco asked if additional letters from the City to

Caltrans expressing concerns of the business owners and asking for temporary signage. He suggested flashing signs – something dramatic. Council Member Boeding said the City should pay for temporary signage to lessen the frustration being experienced by visitors. Mayor Lynch said the City needs to go forward with some sort of temporary signage. He mentioned the lack of speed reduction signs on Highway 4/49 and the potential of a serious accident. Tim said he would be meeting with Caltrans representatives the next day and would bring these issues up. He suggested that the Mayor call the Caltrans District Director directly and speak to him on these issues.

John Broeder – Finnegan lane

Suggested again that mapping and GPS agencies be informed of the Highway 4 name change to Vallecito Road.

George Fry – 1304 Oak Place

Attended the SWRCB hearing and was impressed with Jim Marshall. Attended the SBA forum and brought handouts available at the back of the room. He suggested all citizens be ambassadors to promote tourism in the City.

CONSENT AGENDA

MOTION by Council Member Turco, seconded by Council Member Morris and carried 4-0 to adopt the consent agenda:

- a. Minutes of Regular meeting – August 4, 2009
- b. **MOTION** to pay bills

REGULAR MEETING

1. PROPOSED AMENDMENT OPTIONS FOR FRANCHISE AGREEMENT BETWEEN THE CITY AND S.E.I. SOLID WASTE (referred to Council by Personnel/Finance/Quality of Life committee) – Suzanne Kuehl, S.E.I. Solid Waste

Suzanne gave a brief background of the history of SEI's relationship with the City. She said that SEI considers themselves part of the Angels Camp community. She then presented a Powerpoint outlining two Options for amending the agreement between the City and SEI (attachment 'A'). Option #1 is SEI's preference. Mayor Lynch expressed his concerns for the CPI cost adjustment language. Council Member Turco explained that the Personnel/Finance committee addressed this issue at their August meeting and are in agreement with Option #1.

Steve Difu – 576 Sasa

Said the City should recognize the years of service from S.E.I. and how they follow-through with their promises.

Mayor Lynch requested there be a formal proposal in writing from S.E. I. outlining Option 1.

Council Action: The Council were unanimous in their selection of Option #1 subject to review of a formal contract provided by S.E.I.

Direction: Suzanne to provide a formal proposal/contract to the City Council for review and approval.

2. ECONOMIC SUMMIT II SPONSORSHIP REQUEST FROM CHAMBER OF COMMERCE (referred to Council by Personnel/Finance/Quality of Life committee)– Diane Gray, Executive Director – Chamber of Commerce

Director – Chamber of Commerce

MOTION by Council Member Boeding, seconded by Council Member Lynch and carried 3-1 with Council Member Turco voting 'NO' APPROVING CONTRIBUTION OF \$1,000 TO THE CALAVERAS COUNTY CHAMBER OF COMMERCE FOR CITY SPONSORSHIP OF THE CALAVERAS COUNTY ECONOMIC SUMMIT II FORUM

3. CONTRACT AWARD: WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT

– Gary Ghio, City Engineer

MOTION by Council Member Boeding, seconded by Council member Morris and carried 4-0 AWARDING CONSTRUCTION CONTRACT FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT TO PACIFIC MECHANICAL CORPORATION WHO PROVIDED LOW BID OF \$1,972,800

4. CHAPTER 3.30 AMENDMENT OF THE MUNICIPAL CODE WITH RESPECT TO ENGINEERING RELATED CONSULTANT SERVICES(continued from 8/4/09 Council meeting)

– Richard Matranga, City Attorney

The following changes were made to the Ordinance and included in the motion:

Page 4, Section 3-30-090

A. Open Market Bidding Procedures. ‘.....estimated value on the amount of fifteen thousand dollars...’ changed to read:

‘.....estimated value on the amount of twenty-five thousand dollars...’

Page 8, Section 3-30-130

B. ‘.....consultant services in the amount of \$_____ or less, may be made by the City Engineer.’ changed to read:

‘.....consultation services in the amount of \$5,000 or less, may be made by the City Engineer. For contract amounts in the sum of \$125,000 or less, the City Engineer may prepare a report and recommendation to the Council without a formal Request for Proposal.’

A. MOTION by Council Member Turco, seconded by Councilmember Boeding and carried 4-0 INTRODUCE ORDINANCE #438, AN ORDINANCE AMENDING CHAPTER 3.30 OF THE MUNICIPAL CODE: PURCHASE, BID PROCEDURE, ENGINEERING RELATED CONSULTANT SERVICES AND PROPERTY DISPOSAL; WAIVE THE FIRST READING AND SET PUBLIC HEARING FOR SEPTEMBER 15, 2009.

B. MOTION by Council Member Morris, seconded by Council Member Turco and carried 4-0 APPROVING RESOLUTION NO. 09-33. A RESOLUTION APPROVING A UNIFORM PUBLIC COST ACCOUNTING PROCEDURE IN COMPLIANCE WITH THE PUBLIC CONTRACTS CODE

5. PROPOSITION 218 – NOTICE OF PUBLIC HEARING (continued from 8/4/09 Council meeting) – Richard Matranga

The City Attorney explained that in order to be eligible for stimulus funding, Proposition 218 procedures must be followed regarding holding an election on future increases in water and sewer rates. If an election is held and not passed, the City will not get the funds. He suggested the City have a public workshop to explain the ratification process. The City Engineer reported that he should be finding out soon whether the City will be granted the stimulus funds. He suggested holding off on the 218 process and workshop until we find out if these grant funds are awarded. The City Attorney recommended the Council proceed with approving the resolution establishing procedures for the proposition 218 requirements.

MOTION by Councilmember Turco, seconded by Councilmember Boeding and carried 4-0 APPROVING RESOLUTION #09-35. A RESOLUTION ESTABLISHING PROCEDURES FOR INCREASING WATER AND WASTEWATER PROPERTY RELATED FEES IN ACCORDANCE WITH THE REQUIREMENTS OF PROPOSITION 218

6. SUSPENSION OF COLLECTION OF \$10.65 WATER RATE FEES (continued from 8/4/09 Council meeting) – Richard Matranga, City Attorney

The City Attorney was directed at the previous Council meeting to create a resolution justifying suspension of the \$10.65 monthly water fee. A resolution has been provided in the packet.

George Fry – 1304 Oak Place

Stated that even with a reduction of the \$10.65, the City’s water rates are still higher than other agencies. Elaine Morris read a comment into the record which in part stated that she would be voting yes on this item, but doing so reluctantly and with reservations.

MOTION by Council Member Turco, seconded by Council Member Boeding and carried 4-0 APPROVING RESOLUTION #09-34. A RESOLUTION SUSPENDING A PORTION OF MONTHLY

WATER SERVICE FEES with correction on paragraph 7, changing it to read: BE IT FURTHER RESOLVED, that this resolution shall be effective with the next monthly billing.

Roll Call: Morris {Yes}, Boeding {Yes}, Turco {Yes} and Lynch {Yes}

8:40 RECESS

8:45 RECONVENE

7. **4th QUARTER FINANCIAL REPORT** – Melisa Ralston, Finance Officer
The Finance Officer gave a PowerPoint presentation showing the breakdown of revenue and expenditure balances for the 4th quarter ending June 30, 2009.
8. **CONTRACT APPROVAL OR FAÇADE GRANT ARCHITECT** – Tim Shearer, City Administrator
MOTION by Council member Turco, seconded by Council Member Morris and carried 4-0
APPROVING CONTRACT WITH RUDY ORTEGA & ASSOCIATES FOR ARCHITECTURAL SERVICES FOR THE ANGELS DOWNTOWN FAÇADE IMPROVEMENT PROGRAM
9. **AGREEMENT BETWEEN THE MUSEUM AND CALAVERAS ARTS COUNCIL TO PROMOTE & SELL ART PIECES FROM LOCAL ARTISTS (referred to Council by the Personnel/finance committee 7/6/09)** – Bob Rogers, Museum Administrator
MOTION by Council Member Boeding, seconded by Council Member Turco and carried 4-0
APPROVING A SALES AGREEMENT BETWEEN THE ANGELS CAMP MUSEUM AND THE CALAVERAS COUNTY ARTS COUNCIL FOR PROMOTION AND SALES OF ART PIECES FROM LOCAL ARTISTS WITH THE ADDITION OF A TERMINATION CLAUSE FOR BOTH PARTIES AND THE CONDITION THAT THE CITY REVIEW THE PROMOTION/SALES PROCESS
10. **CONSIDERATION OF REDUCTION IN FORCE OF PEACE OFFICER PERSONNEL** – Tim Shearer, City Administrator
This item was pulled from the agenda and continued to a future Council meeting.

MEETING ADJOURNED AT 9:09 P.M.

ATTEST:

Jack Lynch
Mayor

Mary Kelly
City Clerk