

**DRAFT**

**CITY OF ANGELS  
CITY COUNCIL  
MINUTES**

**Tuesday, August 4, 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

**4:13 PM CALL TO ORDER**

**PUBLIC HEARING: NUISANCE ABATEMENT HEARING – Richard Wilmshurst - 1204 SUMMIT ROAD, APN – 062 003 015** - Olen Murphy, Code Enforcement Officer

Mayor Lynch read the hearing procedures (Attachment 'A'). He asked if there was any reason the Council could not proceed with the hearing. Mr. Wilmshurst requested a continuance until September 1<sup>st</sup> to preview his request for discovery and a notice of defense. The City Attorney explained that this is not that kind of a hearing – the code section referred to by Mr. Wilmshurst in his Request for Discovery is a State code, not a City code. He suggested Mr. Wilmshurst provide the City with clear legal authority for the right of discovery, a statute or case law that states the government procedures are applicable to this type of hearing. He needs to bring the Council the code section that would require the City to provide discovery. The Council agreed that additional code information is needed from Mr. Wilmshurst in order for them to make a decision regarding a continuance.

**Direction: Mr. Wilmshurst to provide code information regarding his right to discovery. Item continued to August 18<sup>th</sup> Council meeting.**

**NOTE: Abatement Item was moved for discussion at 5:45**

**4:30 PM ADJOURN TO CLOSED SESSION**

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

**RECONVENE**

**5:50 PM ABATEMENT ITEM**

**CONSIDERATION OF ABATEMENT/DEMOLITION OF THE LODGE HOTEL (continued from July 7, 2009 Council meeting)** - Steve Flaigg, Building Inspector

Steve Flaigg reported that work at the Lode Hotel is moving steadily along. Councilmember Boeding stated that since the safety issues have been addressed, updates are not needed on a monthly basis. Flaigg stated that although the building is safe 'to date', permanent repairs are still needed. Councilmember Turco suggested there be updates every other month and Councilmember Morris agreed, suggesting a progress report be provided to council from the property owner's engineer. Mayor Lynch felt a short update every month was needed. All Councilmembers, except Boeding agreed that an update should be provided monthly.

**Direction: Item to be continued to the first meeting in September with a written progress update provided to the Building Official by the property owner's engineer.**

**RECESS**

## **DRAFT**

### **6:00p.m.      RECONVENE TO REGULAR MEETING**

#### **ACTION TAKEN IN CLOSED SESSION**

No legislative action was taken. A special meeting of the Council will be held on August 11<sup>th</sup> at 4:00. This will be a closed session.

#### **APPROVAL OF AGENDA**

Agenda was approved by consensus

#### **STAFF UPDATES**

##### **Tim Shearer** – City Administrator

- Attended the kickoff meeting for the Access Management Plan at the CCOG.
- Discussed the signage for the Bypass with Caltrans. Will take about 6 months to complete. There is no anticipated problem with the funding.
- The façade architect selection committee will be recommending an architect at a future meeting.
- On a personal note, Tim has received his masters and shared with the audience by showing of his diploma from war college. He rank is Colonel with 26 years in the reserves.

##### **Gary Ghio** – City Engineer

- NPDES hearing is set for August 13<sup>th</sup>. Will be discussed at the end of the agenda. Gary asked someone from Council be available. Mayor Lynch plans to attend.
- Opened bids for the water/wastewater project. Will be bringing recommendation to the Council on the 18<sup>th</sup> of August.
- The waterline replacement project is near completion.
- The City will not be eligible for stimulus funding unless we follow Proposition 218 procedures regarding holding an election on existing rates.

**Direction: Proposition 218 election procedures to be agenda item for August 18 agenda.**

##### **Dale Mendenhall** – Police Chief

- Reported on National Night Out from 7:00 p.m. – 9:00p.m. The evening of 8/4. Always the first Tuesday in August.
- Did not receive the CHRP grant which would have funded two police positions.

##### **David Hanham** – Planning Director

- Comments on the Housing Element will be completed this week.
- Re-zoning process began at the Planning Commission beginning with the Historical District.
- Working on addressing

##### **Melisa Ralston** – Finance Officer

- CalPERS audit is wrapping up.
- City audit should be coming to Council in September.

##### **Steve Flaigg** – Building Inspector

- Presented a video of the Bypass celebration

#### **COUNCIL UPDATES**

##### **Councilmember Boeding**

- Attended City celebration for the opening of the new Highway 4 and Caltrans ribbon cutting.

##### **Councilmember Morris**

- Attended ribbon cutting for the new Highway 4.
- Attended meetings at UPA and Central Sierra Planning Council.
- Will be attending meetings at LLD and Safety Services

## DRAFT

### Councilmember Turco

- Attended UPA

### PUBLIC COMMENT

There were no comments from the public.

### CONSENT AGENDA

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

- a. Minutes of Regular meeting – July 21, 2009
- b. MOTION to pay bills

### REGULAR MEETING

1. PUBLIC HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT(CDBG) – Terry Cox, Cox Consulting

- A. ANNUAL GRANTEE PERFORMANCE REPORTS

Terry Cox explained that a public hearing is required to discuss the annual CDBG reports. A sign-in sheet was provided for anyone wishing to comment and comments also can be sent to City Hall.

OPENED PUBLIC HEARING – 6:43 P.M.

The Mayor asked if there were any comments on this item. There being none, the public hearing was closed.

PUBLIC HEARING CLOSED – 6:45 P.M.

MOTION by Councilmember Turco, second by Councilmember Boeding and carried 4-0 APPROVING THE ANNUAL REPORT(S), AND AUTHORIZING THE CITY ADMINISTRATOR OR CITY CLERK'S SIGNATURE AND SUBMISSION OF THE REPORTS TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT(HCD).

- B. CONSIDERATION OF NEW CDBG PROJECTS FOR THE 2009/2010 CYCLE

Terry Cox explained the City can apply for \$35,000 in planning grants in two categories: General and Economic Development. Ideas and project suggestions are needed.

**Direction: Item to be taken to Infrastructure/Facilities to gather project ideas for planning grants.**

**Direction: Economic Development grant to be discussed at Personnel/Finance.**

2. APPROVAL FOR SUBMISSION OF DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT LOAN APPLICATION – California Engineering Co.

MOTION by Council Member Turco, seconded by Council Member Morris and carried 4-0 ADOPTING RESOLUTION #09-32. A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE HOME INVESTMENT PARTNERSHIPS PROGRAM AND, IF SELECTED, AUTHORIZE THE EXECUTION OF A STANDARD AGREEMENT OF ANY AMENDMENTS THERETO, AND OF ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE HOME INVESTMENT PARTNERSHIPS PROGRAM

3. APPROVE RESOLUTION ESTABLISHING COST PER GALLON FOR SEWAGE TREATMENT FOR FY 2009/2010 - Gary Ghio, City Engineer

**DRAFT**

The City Engineer explained the yearly cost per gallon for sewage treatment is based on dividing the current budget figure and flow rates . The flow rates have been dropping over the past few years and the budget has increased. This resulted in a 23% increase in the sewage fees.

Councilmember Turco asked if the budget can be reduced to keep the rates flat. The Finance Officer reported on what some of the big budgeted items were. These included the Master Plan and Management Plan. The SSMP is mandated by the State. The Master Plan has no current projects but must support the General Plan. The penalty for not revising the Master Plan was unknown.

**Steve Difu** – 576 Sasa

Asked why the City needed such an intense plan.

**Rick Downey** – 817 Smith Flat Road

Said that perhaps the flow rate is down because citizens are conserving water because the rates are too high. It would be a slap in their faces to raise the rates if people are trying to conserve. The system has to be changed – either the budget process or calculation of the fees.

**Bob Menary** – 312 Catalpa

The City of Angels should be looked at as a business. If there is an increase, the City will lose a lot of the residents.

The City Attorney recommended continuing this item until the next meeting. He will work with the City Engineer to see if there are any other options. Councilmember Boeding stated that if the rates were set by a resolution adopted by the Council then a new resolution should be adopted. Mayor Lynch suggested this item be moved to the Facilities/Infrastructure Committee meeting for further discussion. **MOTION** by Councilmember Turco, seconded by Councilmember Boeding and carried 5-0 to move this item to the Facilities/Infrastructure meeting on August 21<sup>st</sup>

**Direction: Item to be moved to the August 21st Facilities/Infrastructure committee.**

**Direction: Item to be continued to the September 1<sup>st</sup> regular City Council Meeting.**

---

**4. BIDDING PROCEDURE FOR ALL ENGINEERING PROJECTS PER MUNICIPAL CODE**

**3.30** – Richard Matranga, City Attorney

Matranga explained that he has worked with the City Engineer to develop language for an amendment to the current bidding ordinance. Councilmember Turco asked what engineering related services versus consultants meant. Matranga said he would need a definition to provide language for the exact meaning of services. The City Engineer explained that a full RFP will cost the City approximately \$7,500. This item was to be discussed at the Facilities/Infrastructure meeting, but because it was cancelled, Ghio has concerns with the timetables for some of the current projects. He has been asked by Council to hold off on all projects until the ordinance is amended to provide new language. If an RFP is required, this can delay the projects even more.

**MOTION** by Council Member Morris, seconded by Council Lynch and carried 4-0 **DIRECTING THE CITY ATTORNEY TO DRAFT AN ORDINANCE AMENDMENT TO CHAPTER 3.30 OF THE MUNICIPAL CODE FOR BID PROCEDURES AND DEFINING ENGINEERING RELATED SERVICES**

**Direction: City Attorney to provide a draft ordinance amendment to Council at 8/18 meeting.**

---

**5. STATUS REPORT FROM CITY ATTORNEY REGARDING \$10.65 MONTHLY FEE CURRENTLY INCLUDED IN WATER BILLS (continued from 7/21/09 meeting)** – Richard

Matranga

The City Attorney advised that the Water Master Plan “be revised to conform to the requirement in the California Constitution which limits fees derived from the enterprise to the funds required to provide the service.” His understanding was that an update of the plan was in progress. His overall conclusion to the \$10.65 monthly fee is that “there are legally authorized means to consider to take action to suspend

**DRAFT**

the water service fees if the Council makes the necessary findings to provide the basis for its proposed action. Any action to suspend the fees should include a rescission of Resolution No. 06-21.”

Elaine Morris read a statement into the record which in part said that the Master Plan should be completed before any decision to suspend the water fee is made. She stated that if the Master Plan is not updated, this makes the General Plan inconsistent.

**Steve Difu** – 576 Sasa

Asked why the City is concerned about being in compliance with the state mandates. Don’t comply and see what happens.

**Rick Downey** – 817 Smith Flat Road

Said he has complied with state mandates and no one ever sees what the penalties are because there is always compliance. Has anyone ever been penalized? He said the City needs to stand up to the State and see what the penalties are for non-compliance.

Mayor Lynch suggested suspending the \$10.65 until a revised water master plan is done based on the reserves the City currently has. Councilmember Morris asked if the fee is suspended and the Master Plan says it can be re-instated, can a protest hearing be put on the ballot. The City Attorney replied that it could.

**MOTION** by Councilmember Turco, seconded by Councilmember Boeding and carried 3-1 with Councilmember Morris voting {NO} **STAFF TO CREATE A RESOLUTION JUSTIFYING SUSPENSION OF THE \$10.65 MONTHLY WATER FEE DUE TO THE AMOUNT OF RESERVES IN THE WATER ACCOUNT TO SUBSTANTIATE CURRENT NEEDS**

**6. RESOLUTIONS ADOPTING EXEMPT EMPLOYEES, NON-EXEMPT EMPLOYEES AND FIREFIGHTERS ASSOCIATIONS MEMORANDUMS OF UNDERSTANDING** – Scott Kenley

A. **MOTION** by Councilmember Boeding, seconded by Councilmember Morris and carried 4-0 **ADOPTING RESOLUTION NO. 09-23. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANGELS CAMP ADOPTING THE EXEMPT EMPLOYEES ASSOCIATION MEMORANDUM OF UNDERSTANDING**

B. **MOTION** by Councilmember Morris, seconded by Councilmember Turco and carried 4-0 **ADOPTING RESOLUTION NO. 09-24. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANGELS CAMP ADOPTING THE NON-EXEMPT EMPLOYEES / CONFIDENTIAL ASSOCIATION MEMORANDUM OF UNDERSTANDING**

C. **MOTION** by Councilmember Morris, seconded by Councilmember Lynch and carried 4-0 **ADOPTING RESOLUTION NO. 09-25. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANGELS CAMP ADOPTING THE FIREFIGHTERS ASSOCIATION MEMORANDUM OF UNDERSTANDING**

---

**MEETING ADJOURNED AT 8:53 P.M.**

ATTEST:

---

Jack Lynch  
Mayor

---

Mary Kelly  
City Clerk