

CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, September 1, 2009

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

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

4:00 PM BUDGET WORKSHOP

Melisa reviewed changes made to the budget in previous workshops and Council Meetings. The Council discussed allocations and the General Fund Account and Enterprise accounts.

Direction: City Attorney to find out if the City can loan General Fund monies to Enterprise Account

Direction: City Engineer to provide information on the potential reallocation of salaries on water and wastewater rates.

Direction: Staff to provide breakdown of \$295k on FY2009/2010 Wastewater debt service

Direction: Staff to see if borrowing can occur between enterprise funds to cover operating reserve

5:30 ABATEMENT ITEM

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

MOTION by Council Member Boeding, seconded by Council Member Morris and carried 4-0 to ISSUE AN ORDER OF ABATEMENT OF ALL VEHICLES DESCRIBED IN ADMINISTRATIVE CITATION DATED JUNE 26, 2009 PURSUANT TO CHAPTER 2.60 OF THE CITY MUNICIPAL CODE. ABATEMENT ACTION WILL BEGIN DECEMBER 1, 2009 IF VIOLATIONS HAVE NOT BEEN ABATED.

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

6:00p.m. REGULAR MEETING

ACTION TAKEN IN CLOSED SESSIONS (8/26/09)

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

COUNCIL ACTION: THE COUNCIL COMPLETED THE ANNUAL PERFORMANCE EVALUATION OF THE CITY ADMINISTRATOR.

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

COUNCIL ACTION: THE COUNCIL TOOK THE FOLLOWING ACTIONS WITH RESPECT TO THE CITY ADMINISTRATOR’S REQUESTS RELATED TO HIS LEAVE OF ABSENCE FOR ACTIVE MILITARY DUTY:

1. Use of sick days for military leave: the Council unanimously granted the City Administrator’s request to use accumulated sick leave until deployment.

2. Salary Differential: the Council unanimously declined this request.
3. Mobilization: the Council unanimously agreed with the Administrator's request that his leave of absence begin on August 29, 2009.

**CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL REGARDING CONTRACT:
CITY ADMINISTRATOR**

COUNCIL ACTION:

1. Request for 3% Cost of Living increase was denied. Roll call Vote taken: Boeding {IN FAVOR OF}, Turco {AGAINST}, Morris {IN FAVOR OF} and Lynch{AGAINST}
2. Request for increase of Administrative leave hours from 40 hours to 96 hours was approved unanimously.
3. The City Administrator and the City Council agreed to renegotiate the City Administrator's employment agreement immediately upon his return from active military duty to reinstatement with the City.

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

COUNCIL ACTION: No action taken

APPROVAL OF AGENDA

Agenda item #7 "CONSIDERATION OF REDUCTION IN FORCE OF PEACE OFFICER PERSONNEL" was pulled from the agenda. Closed session to be scheduled for 9/15 Council meeting.

Agenda item #9 "CONSIDERATION, APPROVAL AND ADOPTION OF 2009/2010 TENTATIVE BUDGET" was pulled from agenda and continued to the 9/15 Council meeting.

STAFF UPDATES

Dave Hanham – Planning Director

- Reviewed report included in the packet. Received MSR and will review and provide comments to LAFCO.

Direction: Dave to provide Council with copy of his comments on the MSR.

Dale Mendenhall – Police Chief

- Reviewed report included in packet.

Gary Ghio – City Engineer

- Regional water board approved monitoring well plan.
- Should know about stimulus funding by next council meeting.
- Letter sent to Caltrans' Dinah Bortner regarding the relinquishment agreement. Gary suggested CCOG representatives bring this issue up at the next CCOG meeting.

Carol Woolf – Water/Wastewater

- Greenhorn Creek is taking 700,000-800,000 gallons of water per day of which 250 gallons is Title 22 water. Have a good working relationship with Greenhorn Creek.

COUNCIL UPDATES

Councilmember Boeding

- Met with Police Chief on the Utica Lane/Bush Street intersection issue. Will be going to the Safety Services committee for review.

Councilmember Turco

- Attended UPA, BLT communication workshop.
- Will be attending CCOG

Direction: staff to provide copy of City of Angels complaint log to council

Councilmember Morris

- Attended Facilities/Infrastructure, CCOG Executive Committee
- Will be attending CCOG, LLD

Mayor Lynch

- Reported Tim Shearer met with the Caltrans District 10 Director regarding SR4 Bypass issues. Mayor Lynch spoke with the director of his concerns and the need for speed reduction signs on SR4. The director will be attending the CCOG meeting on the 2nd.

PUBLIC COMMENT

Abe Perry – Citizen of Angels Camp

Voiced a complaint of the bright lights and air conditioning machines noise coming from Savemart. Also noise concerns about the early morning garbage pickup. The Mayor asked that he contact Savemart and S.E.I. directly with his concerns.

Direction: Staff to provide Mr. Perry with contact information for Savemart and S.E.I.

Direction: Planning Director will check Municipal Code Ordinance for business lighting property boundaries.

Gary Croletto – Chair, Planning Commission

Stated that he has notice a number of businesses with lighting issues – lighting should go to the end of the property line.

Rick Downey – 817 Smith Flat Road

Asked for clarification on what the City's obligation is to the City Administrator while he is on leave of absence for military service. The Mayor explained that the Administrator will still accrue benefits and will receive a one-time payment of one-month of military salary as required by law January 1, 2010.

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 18, 2009
- b. Minutes of Special meeting – August 26, 2009
- c. **MOTION** to pay bills

REGULAR MEETING

1. AUTHORIZE PREPARATION OF CDBG APPLICATION FOR WASTEWATER MASTER

PLAN (referred to Council by Facilities/Infrastructure committee) – Terry Cox, Cox Consulting

MOTION by Council Member Boeding, seconded by Mayor Lynch and carried 4-0 AUTHORIZING THE PREPARATION OF A TECHNICAL ASSISTANCE GRANT APPLICATION TO FUND A WASTEWATER MASTER PLAN

2. APPLICATION REQUEST TO DRILL WELL WITHIN CITY LIMITS (referred to Council by

Facilities/Infrastructure committee) – John Tichenor

Mr. Tichenor explained that his intent is to drill a well to provide irrigation water for fire control.

Council Member Turco voiced concerns for the loss of hookup fees and setting a precedent. The only approved well within City limits is at the High School. It was suggested that the Ordinance be looked at possibly amended to allow certain types of well drilling requests. The Council was unanimous in this proposal.

Direction: City Attorney and Planning Director will review the ordinance and develop reasonable criteria to consider well drilling requests in the future. Criteria to include parcel size, fee stipulations and well use.

Direction: Item to be taken to Planning Commission for review and recommendation to Council at future meeting.

3. **PAVEMENT MANAGEMENT SYSTEM IMPLEMENTATION REPORT (referred to Council by Facilities/Infrastructure committee)** – Gary Ghio, City Engineer

MOTION by Council Member Boeding, seconded by Council member Morris and carried 4-0 APPROVING THE PAVEMENT MANAGEMENT SYSTEM IMPLEMENTATION REPORT DATED AUGUST, 2009

4. **WATER TREATMENT PLANT – FOURTH FILTER IMPROVEMENT PROJECT AND FILTER LOADING STUDY(referred to Council by Facilities/Infrastructure committee)** – Mayor Lynch

The Mayor stated that water flows have decreased significantly and he asked that the City wait and go through the fall to see whether there are exceedances and then look at the safety margin for the filter. He requested meeting with Joe Spano of the Department of Public health to review the 4th filter request before okaying the \$1.8M project. The Mayor asked that the City go forward with the study to see if we can run the plant at a lower increase. Council Member Morris stated that there is enough evidence to show that a 4th filter is needed.

MOTION by Council Member Morris, seconded by Council Member Boeding TO ABANDON THE PROPOSED FILTER LOADING STUDY AND MOVE FORWARD WITH THE FILTER DESIGN AND SUBSEQUENT CONSTRUCTION OF THE 4TH FILTER.

Carol Woolf, Operating Plan Manager explained the reasons the fourth filter is needed. She explained that any one day the City cannot meet required criteria, we are non-compliant and in violation with the State requirements.

Rick Downey – 817 Smith Flat Road

Asked what the pitfalls are if we wait to do the 4th filter. The City Engineer explained that the work on the filter can only be done in the winter. By waiting now, the City will go through another summer and there is a level of risk for peak flows during the summers. Construction will take a minimum of 4 months with February being the latest month to start.

John Tichenor – Angels Camp resident

Asked what kind of penalties there would be if we exceed our daily water limit. Carol Woolf explained that the City has informed the State that the 4th filter will be built and it is unknown what the state will do if the City does not move forward.

The City engineer recommended that the City schedule a meeting with Mr. Spano of the Health Department.

Direction: City Engineer will arrange a meeting with Joe Spano. In attendance will be the Mayor, Council Member Morris, Carol Woolf and the City Engineer.

A roll call was taken on the motion made previously by Council Member Morris: Roll Call: Morris {Yes}, Boeding {Yes}, Turco {No} and Lynch {No}

Council Member Morris amended her motion to read:

MOTION by Council Member Morris, seconded by Council Member Lynch and carried 4-0 TO ABANDON THE PROPOSED 4TH FILTER LOADING STUDY AND MOVE FORWARD WITH THE 4TH FILTER DESIGN

5. **LETTER TO CALTRANS REQUESTING RELINQUISHMENT OF GARDNER LANE RIGHT OF WAY (referred by Facilities/Infrastructure committee)** – Dave Hanham, Planning Director

MOTION by Councilmember Boeding, seconded by Councilmember Turco and carried 4-0
AUTHORIZING THE PLANNING DIRECTOR TO SEND LETTER TO CALTRANS REQUESTING
RELINQUISHMENT OF RIGHT OF WAY ON NEW HIGHWAY 4 AND GARDNER LANE

6. **ALTAVILLE/MELONES FIRE DEPARTMENT SIGN FEE WAIVER REQUEST** – Dave
Hanham, Planning Director

The Planning Director referred to the request letter provided in the packet. He stated that the new sign was brought to his attention and upon checking found that the fire department had put the sign up without a permit. He explained that his department called the Altaville Fire personnel to inform them of this meeting but calls were not returned. He stated that this would be setting a precedent if the fee waiver was granted.

Gary Croletto – Chair, Planning Commission

Gary explained that there is a problem with many businesses putting up signs without getting a permit.

MOTION by Council Member Morris, seconded by Council Member Boeding and carried 4-0
DENYING THE WAIVER OF A \$120.00 SIGN PERMIT FEE TO THE ALTAVILLE-MELONES
FIRE DEPARTMENT.

7. **CONSIDERATION OF REDUCTION IN FORCE OF PEACE OFFICER PERSONNEL**
(continued from 8/18/09 meeting) – Richard Matranga, City Attorney

This item was pulled from the agenda and continued to a future Council meeting under closed session.

8. **ESTABLISHING COST PER GALLON FOR SEWAGE TREATMENT FOR FY 2009/2010**
(continued from 8/4 Council meeting and referred by Facilities/Infrastructure at 8/21 meeting) –

Melisa Ralston, Finance Officer

This item was pulled from the agenda and continued to budget review.

9. **CONSIDERATION, APPROVAL AND ADOPTION OF 2009/2010 TENTATIVE BUDGET**
(continued from July 7, 2009 Council meeting.) – Melisa Ralston, Finance Officer

This item was pulled from the agenda

MEETING ADJOURNED AT 8:20 P.M.

ATTEST:

Jack Lynch
Mayor

Mary Kelly
City Clerk