

CITY OF ANGELS  
CITY COUNCIL  
MINUTES

**Tuesday, April 1, 2014**

Council Members Present: Mayor Elaine Morris, Vice Mayor Jack Lynch, Wes Kulm, Bert Sobon and Scott Kelly

Staff Present: Michael McHatten, Derek Cole, Dave Myers, Julie McManus, Dave Hanham, Nathan Pry, Todd Fordahl, Kato, and Mary Kelly

**5:00 p.m. CALL TO ORDER**

Chair Morris called the City Council meeting to order at 5:00 p.m. The City Council convened to closed session. Chair Morris reconvened to open session.

**6:00 p.m. REGULAR MEETING**

**ACTION TAKEN IN CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION**

Initiation of litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9  
Council Action: No action taken

**B. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to California Code 54957.6**

Misc-Non Exempt MOU and Fire MOU. City Negotiator: Michael McHatten, City Administrator  
Council Action: Direction given to staff

**C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9 Difu, Croletto, Rosato and Turco v. City of Angels Camp, and City of Angels Camp Landscaping and Lighting District #1, Calaveras County Superior Court, Case No.13-cv-39523  
Council Action: Direction given to Counsel

**APPROVAL OF AGENDA**

Director of Administrative Services, Mary Kelly, explained that the Consolidated Report and State of the City presentation may be lengthy and suggested that public comment be taken before staff update for citizen convenience. The Council agreed to this request.

MOTION by Council Member Lynch, seconded by Council Member Sobon and carried 4-0 APPROVING THE AGENDA.

**CITY COUNCIL MEMBER SELECTION**

MOTION by Council Member Kulm, seconded by Council Member Lynch and carried 4-0 APPOINTING SCOTT KELLY TO THE COUNCIL SEAT VACATED BY STUART RAGGIO. TERM TO EXPIRE DECEMBER 31, 2014.

**OATH OF OFFICE**

The City Clerk administered the Oath of Office to Scott Kelly.  
Mr. Kelly took his seat on Council.

**PUBLIC COMMENT**

Public comment period was opened at 6:15 pm.

**Stuart Raggio** – 1011 Dogtown Road

Commended the City Council for appointing Scott Kelly to finish his term.

## **STAFF UPDATES**

### **Consolidated Staff Report**

The following questions/comments were raised on information received in the staff consolidated report:

Council Member Sobon asked the City Engineer, Dave Myers, if the segment between the Chevron Station and the Shell station would be sidewalked. Mr. Myers said that it would be.

Council Member Lynch reported it was good news that Caltrans has approved the designation of SR4 as business route. He also pointed out that water re-sampling has been done and the City passed EPA criteria. He asked Mr. Myers if there will be an update or report on the December Scada spill and the Scada system. This has been promised to Council and there has been no follow up.

**Action:** Staff to provide update to Council.

Council Member Lynch asked the Finance Officer, Julie McManus, when the 2012/2013 audit was coming before Council. Ms. McManus reported that she is waiting for the draft to come in and Council should have a copy before the next meeting. He asked if the issue has been resolved with the IRS regarding their claim the City owes them \$30K. She said she is working with the IRS and is hoping to get the entire \$30K or a portion waived. Council Member Lynch asked when a mid-year financial report will be provided for review. She said it would be provided at the April 15<sup>th</sup> meeting.

Council Member Kulm thanked the Planning Director for offering to co-chair the DAC Economic committee.

Council Member Lynch thanked Police Chief Fordahl for setting the tone for being of assistance to the public.

Council Member Lynch reported there will be two lectures at the Museum. On April 10<sup>th</sup> at 6:30 “Cowboys and their Ranches” and on April 17<sup>th</sup> at 6:30 “History of the Fair and Jumping Frog Jubilee”.

### **State of the City Report**

The City Administrator presented a PowerPoint of the 2013/2014 State of the City. The presentation focused on department updates, performance measures, highlights and goals. The report was devoted to Public Works, Engineering and Community Development Departments. Future report will review Finance, Administration and Museum.

## **COUNCIL UPDATES**

### **Bert Sobon**

- Attended Museum meeting and UWPA meeting on March 20<sup>th</sup>.
- Attended a UWPA meeting on March 25<sup>th</sup> – wording for water delivery issues was discussed.
- Attended the DAC Advisory luncheon on March 27<sup>th</sup>. Advisors and consultants for Fritz Grupe were in attendance.

### **Wes Kulm**

- Attended CCOG and saw a Caltrans presentation on SR4/49 being a part of the National Highway System.
- Attended the off-site meeting in Sacramento to check out tax credit housing projects.

### **Jack Lynch**

- Attended the UWPA, Museum meeting and ACCC meeting on March 20<sup>th</sup>. The discussion at the ACCC centered around the 4<sup>th</sup> of July event at Utica Park. The Farmer’s Market will be held at the park the same day.
- Attended DAC meeting and welcomed Brent Harrington and Charley Creighton as members of the Executive Committee. Reviewed financials and discussed CFY Development tour in Sacramento.
- Attended UWPA on March 25<sup>th</sup>. Approved General Manager replacement at the end of June.

## CONSENT AGENDA

MOTION by Council Member Lynch, seconded by Council Member Sobon and carried 3-2, with Council Members Kulm and Kelly abstaining APPROVING THE MINUTES OF MARCH 18, 2014.

MOTION by Council Member Lynch, seconded by Council Member Sobon and carried 5-0, APPROVING THE SELECTION OF AUGUSTINE PLANNING ASSOCIATES TO PROVIDE THE 2014-2019 CITY OF ANGELS HOUSING ELEMENT.

## REGULAR AGENDA

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### 1. ACTUARIAL REPORT ON GASB 45 RETIREE BENEFIT VALUATION

MOTION by Council Member Kulm, seconded by Council Member Sobon and carried 5-0 APPROVING THE BICKMORE ACTUARIAL VALUATION OF OTHER POST-EMPLOYMENT BENEFIT (OPEB) PROGRAMS AS OF JUNE 30, 2013

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### 2. PASTURE RENTAL/VEGETATION CONTROL FOR THE SPRAYFIELDS

The City Engineer presented a PowerPoint outlining the need for maintenance of the sprayfields and he explained staff's recommendation to authorize an agreement with Bushwacker Goats. He presented three proposals:

- Warner Proposal maintaining the sprayfields with cattle, \$2,800 annually - paid to the City
- Fischer proposal maintaining the sprayfields with cattle and goats, \$4,000 annually - paid to the City
- Bushwacker Goats maintaining the sprayfields with goats, \$20,400 annually - paid to Bushwacker Goats.

#### Stuart Raggio – 1011 Dogtown Road

Stated he was appalled by the backup provided. He said it was disrespectful to the proposers to categorize the presentations as “ragged” and felt the City owed Warner and Fischer apologies. He said he felt the City Engineer favored Bushwacker and the recommendation to graze goats and pay more than \$20K annually did not make good sense. He stated that this is a chance for the City to make revenue on the sprayfields using goats and cattle.

The City Administrator pointed out to Mr. Raggio that the reference to “ragged” was made to reflect the look of the sprayfields, not the presentations provided. He and Mr. Myers apologized for the misunderstanding.

#### Denette Bettencourt – Bushwacker Goats

She stated that the sprayfields look good now – with few weeds. But with the recent rain, there will be a growth of bull thistles. She said the employees cannot maintain the sprayfields because the City is short staffed and it's too expensive to hire an agency to maintain.

Council Member Sobon said he supports the Bushwacker proposal. Council Member Lynch said he supported Mr. Raggio's idea however he was surprised and disappointed that the income from the cows was so little. He said he was leaning towards the Bushwacker proposal.

Council Member Kelly pointed out that the vegetation control amount supplied in Mr. Myer's spreadsheet showed a cost of \$20-25K. He asked that since Mr. Fischer's proposal supplied both goats and cattle, wouldn't the cost for vegetation control be less?

Mayor Morris said she was leaning towards the Fischer proposal as both goats and cattle would be used to maintain the sprayfields. She pointed out that the Fischer proposal was for five years. If the City accepted the Bushwacker proposal and contracted for 5 years, the City would pay out more than \$100,000. but if they contracted with Mr. Fischer for 5 years, it would be revenue of \$20,000.

Council Member Lynch said that his interpretation of the Fischer proposal is for cattle only with the Bushwacker goats remaining on the property. He said this needs to be clarified before any decision is to be made. He asked that all the proposers clarify exactly what stock would be used on the sprayfields. The Council agreed and the item was continued to the April 15<sup>th</sup> meeting.

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Calendar was reviewed by the City Clerk.

**MEETING WAS ADJOURNED AT 8:30 P.M.**

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Elaine Morris  
Mayor

ATTEST:

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Mary Kelly  
City Clerk