

CITY OF ANGELS CITY COUNCIL MINUTES

Tuesday, April 3, 2012

Council Members Present: Elaine Morris (Mayor), Jack Lynch (Vice Mayor), Stuart Raggio, Roger Neuman and Scott Behiel

Staff Present: Michael McHatten, Richard Matranga, Todd Fordahl, Dave Hanham and Mary Kelly

6:00 p.m. CALL TO ORDER

REGULAR AGENDA

APPROVAL OF AGENDA

City Administrator removed consent item 'd': Adopt Resolution No, 12-08 Approving Correction to Employer's contribution to PERS. Additional information is needed before this is brought to Council for approval.

MOTION by Council Member Lynch, seconded by Council Member Neuman and carried 5-0 APPROVING THE REMAINING AGENDA ITEMS.

STAFF UPDATES

Todd Fordahl – Police Chief

- AB109 will be on the Board of Supervisors' agenda April 10th. Council Member Lynch plans to attend.

Dave Hanham – Planning Director

- Sidewalk draft set of plans received.
- Planning Commission reviewed and approved the Master Plan & Trail. Will be coming to Council for approval at a future date.

Michael McHatten – City Administrator

- Referred to his consolidated report provided.

COUNCIL UPDATES

Stuart Raggio

- Will be attending special UPA meeting/budget workshop on Thursday.

Jack Lynch

- Attended Centennial meeting. An antique car rally on May 5th is the next event for the centennial.
- Thursday will be a symposium at the Museum – "Memories of Angels Camp".

Roger Neuman

- Reviewed the financial software system with Melisa. Any report anyone may need can be done with the new software.
- Attended CPPA meeting as alternate – presentation on generation of power to New Melones
- Attended Planning Commission meeting on Master Plan and Trail.

PUBLIC COMMENTS

Norena Westley – Calaveras Coin Shop

Voiced concerns of the ‘Cash for Gold’ business set up at the Best Western Hotel buying gold from citizens. She brought 33 ½ grams gold caret mix to them and was offered \$368.00. Her business would have offered \$803.00 for the exact same sale. The citizens and other business owners need to be protected.

Steve Fairchild – Angels Camp Resident

Agreed with Ms. Westley – said this was a con game.

CONSENT AGENDA

Council Member Behiel pulled item ‘a’ and Council Member Lynch pulled item ‘b’ from the consent agenda for discussion.

MOTION by Council Member Neuman, seconded by Council Member Behiel and carried 5-0 ADOPTING THE FOLLOWING CONSENT AGENDA ITEM:

c. Adopt Resolution No. 12-06 Approving Feeney Park Foundation Bike Rode through City

Consent Agenda Item ‘a’: Approve minutes of regular meeting March 20, 2012

The following corrections were made to the minutes:

- Page 3, last sentence:including questioning allowing a tenant to have a permit without the property owner’s permission.
- Page 2 – change ‘Wade’ to Lloyd
- Page 4 – change ‘died’ to failed.

MOTION by Council Member Lynch, seconded by Council Member Raggio and carried 5-0 ADOPTING CONSENT AGENDA ITEM ‘a’:

Consent Agenda Item ‘b’: Approval of check register

Council Member Lynch asked if tasks paid to sub-contractors could be handled by the City Engineer. The City Administrator explained that they could, but there is also a cost for support staff. These costs are built into the current budget and will be looked at during budget hearings.

MOTION by Council Member Behiel, seconded by Council Member Neuman and carried 5-0 ADOPTING CONSENT AGENDA ITEM ‘b’.

REGULAR MEETING

1. PUBLIC HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT

Terry Cox, Cox Consulting explained the criteria for funding projects through the CDBG. She requested anyone making a statement during the public hearing sign in at the podium and if there were any written comments they be sent to City Hall. Application for funding of the following projects was discussed:

- Food Bank Public Service \$400,000.
- Wayfinding Signs \$100,000.
- Administration \$37,500.

Jeannie Hayward from the Resource Connection explained the need for the Food Bank Service for the citizens of Angels.

6:45 PUBLIC HEARING OPENED

Romie Rollari, resident of Angels Camp indicated he has a business and no one has filled out a job application. If there are starving people they should get jobs.

There being no other public comment, the public hearing was closed.

6:46 PUBLIC HEARING CLOSED

- a. MOTION by Council Member Behiel, seconded by Council Member Raggio and carried 4-1 with Council Member Lynch voting 'NO' ADOPTING RESOLUTION NO. 12-07. A RESOLUTION APPROVING AN APPLICATION FOR CDBG FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE GENERAL ALLOCATION OF THE STATE CDBG PROGRAM.
- b. Ms Cox explained the request for increasing the funding for the façade improvements.

6:52 PUBLIC HEARING OPENED

Mayor Morris asked if there were any comments from the public regarding the façade funding increase. There being none, the public hearing was closed.

6:53 PUBLIC HEARING CLOSED

MOTION by Council Member Lynch, seconded by Council Member Neuman and carried 5-0 APPROVING AMENDING FAÇADE IMPROVEMENT GUIDELINES TO INCREASE THE MAXIMUM GRANT AMOUNT FROM \$30,000.00 TO \$35,000.00

2. CODE OF SAFE PRACTICES

Information only – no action by Council . Safety Officer Steve Flaigg provided Council with a copy of the Code of Safe Practices.

3. RECONSIDERATION OF ADOPTION OF ORDINANCE NO. 452

Mayor Morris explained this item was being brought back because it was felt that at the last meeting the Council and public were unaware of the violation of California Code. Although suggested changes to the ordinance were discussed, there were no motions made or votes taken.

The City Attorney explained that this is for consideration only. There would be no vote on the ordinance tonight. The Ordinance will need to be re-noticed and those procedures are to be followed.

MOTION by Mayor Morris, seconded by Council Member Lynch and carried 3-2 with Council Members Behiel and Raggio voting 'NO' APPROVING THE RECONSIDERATION OF ADOPTION OF ORDINANCE NO. 452. AN ORDINANCE ADDING CHAPTER 8.44 TO TITLE 8 (HEALTH & SAFETY) OF THE CITY OF ANGELS MUNICIPAL CODE IMPOSING CONTROLLED DEBRIS BURNING.

Council Member Lynch asked what the liability would be for the City if State Code is not complied with. The City Administrator explained that the City has adopted the state code. The state requires a permit system and if the City does not provide permits, there can be no burning (legally) in the City limits. The city cannot look the other way when resident's burn and illegal burning will need to be enforced at the local level. If there is a control burn that goes out of control, the City is in direct liability. The City Attorney explained the City can adopt regulations in their burning permit. Council Member Behiel stated that he has spoken with an attorney regarding liability and was told there is no more liability with or without a permit. He also questioned the burning clearance size. He stated that this ordinance does not fit in with this community. Council Member Raggio said this is the third time this ordinance has been to Council. Is there some way we can get around the permit. The residents he has spoken to just don't want it. It was suggested the Council provide recommended changes to ease restrictions in the ordinance. The following revisions were suggested:

1. Correct all typos in Ordinance.
2. Term of permit to be 5 years

3. Permit term to be placed on the permit and in the ordinance
4. Verbiage to be provided encouraging debris burning and stating permit is largely for educational purposes and won't unreasonably be withheld from a resident.

MOTION from Council Member Behiel, seconded by Council Member Lynch and carried 4-1 with Council Member Raggio voting 'NO' approving the above revisions to the Ordinance.

Staff was directed to work on reducing the combustible clearance size.
The City Attorney will research owner/tenant verbiage for permit approval.

MOTION by Council Member Morris, seconded by Council Member Lynch and carried 3-2 with Council Members Behiel and Raggio voting 'NO' **DIRECTING STAFF TO INCORPORATE THE REQUESTED CHANGES TO THE ORDINANCE AND BRING BACK A REVISED VERSION AT THE MAY 1ST MEETING.**

MEETING WAS ADJOURNED AT 8:00 P.M.

Elaine Morris
Mayor

ATTEST:

Mary Kelly
City Clerk