

CITY OF ANGELS
CITY COUNCIL
MINUTES
Tuesday, June 3, 2014

Council Members Present: Mayor Elaine Morris, Wes Kulm, Bert Sobon and Scott Kelly
Absent: Vice Mayor Jack Lynch
Staff Present: Michael McHatten, Derek Cole, Dave Myers, Julie McManus, Dave Hanham, Nathan Pry, Todd Fordahl and Mary Kelly

5:30 p.m. CALL TO ORDER

Chair Morris called the City Council meeting to order at 5:30 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 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
- B. 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

MOTION by Council Member Kulm, seconded by Council Member Kelly and carried 4-0 APPROVING THE AGENDA AS PRESENTED.

STAFF UPDATES

Consolidated Staff Report

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

Council Member Kulm asked if the City will be setting a good example by abating the weeds at the pump stations.

Council Member Kulm asked the City Engineer what the delay was on the Main street sidewalk. The Engineer said the delays were relating to utilities

Council Member Kelly asked what the sidewalk project completion date was. The Engineer they are fairly close, probably mid week the paving will begin.

COUNCIL UPDATES

Scott Kelly

- Attended UWPA as alternate and the special planning commission meeting.

Wes Kulm

- Attended the DAC executive committee meeting

Bert Sobon

- 2 IRWMA meetings, including a project workshop. Nine projects were pared down to 5 that will be sent to the Department of Water Resources for review. JPA process billing was approved – discussed how to get banking formalized and in place.
- Attended UWPA. Discussed lease facility and budget transfer funds to cover expenses from revenue losses. Discussed the UPUD and UWPA water purchase agreement, water balancing fund and FERC licensing fund.
- Attended a special IRWPA meeting to discuss the reservoir expansion project.

PUBLIC COMMENT

Public comment period was opened at 6:17 pm. There were no comments from the public in attendance.

CONSENT AGENDA

MOTION by Council Member Kulm, seconded by Council Member Sobon and carried 4-0 **ADOPTING THE CONSENT AGENDA ITEMS AS PRESENTED:**

- a. Approve Minutes of Regular meeting of May 20, 2014
- b. Appointment of three (3) Museum Commissioners

REGULAR AGENDA

1. APPROVE PRELIMINARY ENGINEER'S REPORT, DECLARING IT'S INTENTION TO CONTINUE ASSESSMENTS FOR FY 2014-2015 FOR THE LANDSCAPING AND LIGHTING DISTRICT NO. 1 – GREENHORN CREEK – AND NOTICE OF PUBLIC HEARING

MOTION by Council Member Sobon, seconded by Council Member Kulm and carried 4-0 ADOPTING RESOLUTION NO. 14-11. A RESOLUTION APPROVING THE PRELIMINARY ENGINEERS REPORT, DECLARING ITS INTENTION TO CONTINUE ASSESSMENTS FOR FY 2014-2014 FOR THE LANDSCAPING & LIGHTING DISTRICT NO. 1 -GREENHORN CREEK AND NOTICE PUBLIC HEARING

2. PUBLIC HEARING: ADOPT ORDINANCE NO. 462 AMENDING TITLE 17 (ZONING), APPROVING A ZONE ORDINANCE TEXT AMENDMENT FOR CHAPTER 17.63: LANDSCAPING AND ADDING CHAPTER 17.64: OAK TREE & HERITAGE TREE PRESERVATION

Planning Director David Hanham gave a presentation on the background of the Oak Tree & Heritage Tree ordinance.

Council Member Kulm asked how much an arborist cost. He suggested there be an incentive, maybe a percentage reimbursement to the resident for the arborist fee. He asked if a tree has to be replaced in 5 years, who is responsible for replacing. Council Member Sobon said it was a complex document to review. He felt it should be simplified with goals and objectives. He said it sounds reasonable but it is onerous and is it really necessary. Mr. Sobon agreed that something was needed to protect the trees but it should be something easier. He felt that for a city the size of Angels Camp the ordinance was too complex. Council Member Kelly asked if the County had a tree ordinance and how did it compare to ours. Mr. Hanham said the County ordinance is for oak woodlands and is on a much bigger scale than ours. Mr. Kelly said he agreed with Councilman Sobon. He felt the ordinance was in excess of what the City needs. The City Attorney said that it is complex but is what is out there. Mr. Sobon asked if they looked at smaller city's ordinances. Mr. Hanham said they did but the City wouldn't need to keep amending the ordinance if they used this one.

7:15 p.m. Public Hearing Opened

Tad Folendorf – 1090 Utica Lane

Mr. Folendorf said this ordinance is an over burden and a deterrent. The development agreement covers everything needed. He was not in support of this ordinance.

Scott Behiel – Greenhorn Creek resident and Planning Commissioner

Mr. Behiel reported he was the lone dissenting vote on the Planning Commission regarding this ordinance. He said one of the problems he had was property owners who chop trees down for firewood as their source of heat. He said they should be allowed to use 5% -10% of trees per year. He said there is no cap on development mitigation fees and the cost to mitigate is unfair and discourages development. He felt this was too big of a burden for developers.

Lance Ranke – 332 Catalpa

Mr. Ranke said the ordinance bothers him because it controls private property. Trees are cut down to build and with this ordinance you would have to pay to cut your trees down. Property owners do not have to be governed and a complicated document is not needed.

Tom Tryon – Angels Camp Resident

Mr. Tryon said he is against this ordinance. He stated there are environmental rules and regulations to live by. CEQA addresses oak tree mitigation. He felt the homeowners landscape/property rights are being taken away. He said that once passed, this ordinance would have no control and how would this be enforced. He said there is no shortage of oak trees in the City.

7:35p.m. Public Hearing Closed

The City Attorney addressed Mr. Tryon's comments stating it is an obligation to mitigate under CEQA. If an ordinance is in place the developer can mitigate guidelines and set standards. He said it is better to have an ordinance like this and it is a disadvantage not having something in place. Not having standards in place makes development more difficult. He said that are no state laws mandating CEQA requirements mitigating environmental impacts. Cities and counties are not regulated through CEQA. Council Member Sobon said it should be an individual property owner's right to trim or prune their trees. If a development comes in the focus should be on the planning department to regulate. The City Attorney stated that any undeveloped lot that can be subdivided are subject to this. He said he could draft additional exceptions to the ordinance if the Council desired. Council Member Kulm thanked the people in attendance for bringing their point of view. He said he has support with Mr. Behiel on the cap on development. He said you cannot impede development and you can't save every tree. He said he would be supporting the ordinance. He understands the time and effort staff has taken and suggested there be two amendments to the ordinance. 1) provisions for personal use for individual land owners 2) City to share a cost of hiring an arborist and 3)Waiver request for controlling cap on mitigation.

MOTION by Council Member Sobon, seconded by Council Member Kelly and carried 4-0
DIRECTING THE PLANNING COMMISSION REVIEW THE THREE AMENDMENT REQUESTS AND BRING BACK A REVISED ORDINANCE TO THE CITY COUNCIL

3. APPROVAL OF DESIGN WORKSHOP, FEHR & PEERS AND APPLIED DEVELOPMENT ECONOMICS (CONSULTANT TEAM) TO COMPLETE THE PARTNERSHIP PLANNING GRANT

MOTION by Council Member Kulm, seconded by Council Member Sobon and carried 4-0
APPROVING THE CONSULTANT TEAM OF DESIGN WORKSHOP, FEHR & PEERS AND APPLIED DEVELOPMENT ECONOMICS TO COMPLETE THE PREPARATION OF THE PARTNERSHIP PLANNING GRANT

4. PUBLIC HEARING: ADOPT ORDINANCE 461 ADDING CHAPER 17.36 BUSINESS ATTRACTION AND EXPANSION TO TITLE 17 (ZONING)

The Planning Director gave a brief history on the Business Attraction and Expansion Ordinance.

8:20 p.m. Public Hearing Opened

The Mayor asked if there were any members of the public in attendance who wished to speak on this item. There being none, the Public Hearing was closed.

8:21 p.m. Public Hearing Closed

MOTION by Council Member Kulm, seconded by Council Member Kelly and carried 4-0
ADOPTING ORDINANCE 461 ADDING CHAPER 17.36 BUSINESS ATTRACTION AND
EXPANSION TO TITLE 17 (ZONING) OF THE CITY OF ANGELS MUNICIPAL CODE

5. CONSIDERATION OF DIRECTING STAFF TO DEVELOP A FEASIBILITY ANALYSIS OF A DOG PARK AMENITY

The City Administrator provided details on developing a feasibility study for a dog park. A location would be needed and he pointed out that Utica Park would probably not be work but the City has two other parks, Tryon and Gateway that could be usable.

The Council were in agreement with the City Administrator and gave direction to move forward with a feasibility analysis for a dog park amenity.

6. JOINT FIRE SERVICE RESPONSES AND COST SHARING WITH THE ALTAVILLE-MELONES FIRE PROTECTION DISTRICT

The Council were agreement with giving direction to Deputy Chief Pry to explore all options and possibilities related to joint fire services response, cost sharing, equipment and personnel sharing with the Altaville-Melones Fire Protection District.

Calendar was reviewed by the City Clerk.

MEETING WAS ADJOURNED AT 8:30 P.M.

Elaine Morris
Mayor

ATTEST:

Mary Kelly
City Clerk