CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

CITY OF ANGELS
CITY COUNCIL AGENDA
December 7, 2021

THIS MEETING WILL BE HELD IN ACCORDANCE WITH EXECUTIVE ORDER N-29-20, ISSUED BY CALIFORNIA GOVERNOR GAVIN NEWSOM ON MARCH 17, 2020, THE RALPH M. BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTION 54950, ET SEQ.), AND THE FEDERAL AMERICANS WITH DISABILITIES ACT.

THIS MEETING WILL BE HELD AT ANGELS FIRE HOUSE, 1404 VALLECITO ROAD AND WILL BE OPEN TO THE PUBLIC WITH LIMITED SEATING. IF YOU ATTEND IN PERSON YOU WILL BE REQUIRED TO WEAR A MASK, REGARDLESS OF VACCINATION STATUS. ALL MEMBERS OF THE PUBLIC MAY ALSO PARTICIPATE IN THE MEETING VIA VIDEO CONFERENCING AT https://meet.google.com/bfn-ezik-fue OR VIA TELECONFERENCE BY CALLING +1 630-634-5291 (PIN: 858 431 338#) AND WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.

Mayor	Alvin Broglio	**Vice Mayor**	Jennifer Davis-Herndon
Council Members	Gretel Tiscornia, Isabel Moncada, Caroline Schirato		

City Administrator Melissa Eads **City Attorney** Doug White

5:00 p.m. CLOSED SESSION

1. **ROLL CALL**
2. **PUBLIC COMMENT**
   The public may address the Council on any item of public interest not otherwise on the agenda that is within the jurisdiction of the City. No action may be taken. Matters to be addressed may be referred to City Staff or placed on a subsequent meeting Agenda. Speakers are limited to five minutes per person.
3. **ADJOURN TO CLOSED SESSION**
   A. THREAT TO PUBLIC SERVICES OR FACILITIES (Gov. Code Section 54957)
      Consultation with: Douglas L. White, City Attorney
   B. Conference with Labor Negotiators (Gov't Code Section 54957.6)
      Agency Designated Representative: Melissa Eads, City Administrator and Douglas L. White, Attorney
      Employee Organization: City of Angels Firefighters Association, City of Angels Employee's Association (Exempt)
   C. Conference with Legal Counsel – Initiation of Litigation (Gov. Code Section 54956.9 (d)(4))

6:00 p.m. REGULAR MEETING

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **REPORT OUT OF CLOSED SESSION**
   A. THREAT TO PUBLIC SERVICES OR FACILITIES (Gov. Code Section 54957)
      Consultation with: Douglas L. White, City Attorney
   B. Conference with Labor Negotiators (Gov't Code Section 54957.6)
      Agency Designated Representative: Melissa Eads, City Administrator and Douglas L. White, Attorney
      Employee Organization: City of Angels Firefighters Association, City of Angels Employee's Association (Exempt)
   C. Conference with Legal Counsel – Initiation of Litigation (Gov. Code Section 54956.9 (d)(4))

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

4. **APPROVAL OF THE AGENDA**

5. **PUBLIC COMMENT**

The public may address the Council on any item of public interest not otherwise on the agenda that is within the jurisdiction of the City. No action may be taken. Matters to be addressed may be referred to City Staff or placed on a subsequent meeting Agenda. Speakers are limited to five minutes per person.

6. **CONSENT AGENDA**

A. Approval of Funds Transfer for Purchase of Mobile Mapping System, Scott Ellis Police Chief

B. Authorize City Engineer to Issue Notice of Completion and Release Retention for Wastewater Treatment Plant Biosolids Handling Area improvements Project and Authorizing the City Administrator to use Project Contingency for Field Inspection and Construction Oversight Costs, Dave Richards, City Engineer

C. Adopt Resolution No. 21-53 Authorizing City Administrator to Submit a Financial Assistance Application to the State Water Resources Control Board for the Planning, Design, and Construction of City of Angels Water Treatment Plant Improvements Project, Dave Richards, City Engineer

D. Adopt Resolution No. 21-54 Affirming a Rural Exemption from the Requirements of Mandatory Organic Collection Services for the City of Angels, Melissa Eads, City Administrator

E. Approve Tasks Order Increasing Augustine Planning Associates, Inc (APA) Contract by $2,700 to Provide Project Oversight/City Coordination for the City's Community Development Block Grant (CDBG) for Generator/Kitchen Upgrades at Utica Park, Amy Augustine, Planning Director

F. Approve Task Order Increasing Augustine Planning Associates, Inc (APA) Contract by $24,310 to Provide Temporary Administrative Services Specialist Duties for 13± Weeks Until A Replacement is Hired and Trained, Amy Augustine, Planning Director

G. Request for approval to have the Calaveras Council of Governments (CCOG) Manage the Re-Procurement of the Engineering On-Call Contract, Rebecca Neilon, City Engineer

H. Approval of the SCI Amendment for the Proposition 218 Process (Billable to the LLD), Rebecca Neilon, City Engineer

I. Ratify Approval of Change Order for Gold Electric Acquisition and Installation Services Agreement for Installing a Propane Generator at Sierra Hope, Amy Augustine, Planning Director

7. **REGULAR AGENDA**

A. Hold a public hearing, on the Appeal of the City of Angels Planning Commission's 11/11/2021 Decision Approving a Condition Use Permit, on a 4-1 Vote, for Pool Safety Measures Pursuant to Angels Municipal Code Section 8.28.070 with Conditions, Amy Augustine, Planning Director:

I. Receive Staff Report
II. Open Public Hearing
III. Receive Public Comment
IV. Close Public Hearing

B. Approve Application Fee Waiver for Appeal of Conditional Use Permit 698 Easy Street (Middleton Swimming Pool), Amy Augustine, Planning Director

CITY OF ANGELS PO Box 667, 200 Monte Verda St. Suite B, Angels Camp, CA 95222 P: (209) 736-2181

8. **COUNCIL REPORTS**
9. **CALENDAR**
10. **CORRESPONDENTS**
    A. DAC Letter to the City Regarding Citygate
11. **ADJOURNMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator at City Hall 209-736-2181, melissaeads@angelscamp.gov. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II) Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection in the City Administrator's Office at 200 Monte Verda Street, Angels Camp, CA 95222 during normal business hours. The Agenda is also available on line at www.angelscamp.gov.

City of Angels Council Meeting

DECEMBER 7, 2021 **CONSENT AGENDA - A**

Approval of Funds Transfer for Purchase of Mobile Mapping System, Scott Ellis Police Chief

ANGELS CAMP
CALIFORNIA

CITY HALL

CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

DATE: December 7, 2021

TO: City Council

FROM: Chief Scott Ellis

RE: **TRANSFER IN OF FUNDS FOR PURCHASE OF MOBILE MAPPING SYSTEM**

RECOMMENDATION

Staff recommends City Council grant approval to transfer funds from the City's Capital Improvement Fund (050) and into the Police Departments Computer Software and Materials and Supplies budget lines.

BACKGROUND

Over the past two years the police department has been able to surplus two vehicles and a radar trailer. Because of these sales, $5,943.00 was added to Capital Improvement Fund (050).

DISCUSSION

The police department is requesting to transfer the above-mentioned funds into the departments budget. Specifically, we would like to place $4,120 into the Computer Software budget (010-6100-50078) for the purchase of mapping software to be added to our patrol vehicles. This is addition is the first of a two-part plan to upgrade our departmental technology. The second part will hopefully come soon and will add an AVL (Automated Vehicle Locator) system to each patrol vehicle. It should be acknowledged that part two cannot be realized without first upgrading to a mobile mapping system. These upgrades are a basic progression of technology for which the Angels Camp Police Department is currently lacking. This expenditure meets the requirements set forth in the creation of Fund 050. I am also requesting an additional $800.00 be placed into our IT Services line (010-6100-50085) in anticipation of the costs for our IT to implement the new software.

The police department would like to add the remainder of the funds ($1,023) to the departments Materials and Supplies line (010-6100-50153). If approved, these funds will be utilized to purchase materials and supplies to further the construction of the Angels Camp Police Department range facility. Although this expenditure may not meet the requirements set forth in the creation of Fund 050, utilization of these funds for range facility advancement would be extremely beneficial to the police department and get us closer to our goal of constructing a fully operational facility.

FINANCIAL IMPACT

None. These funds are available for use without negative impact on the current City budget.

ATTACHMENTS

Creation of Surplus Items/Capital Fund Account (City Council Staff Report Dated April 16, 2019)
Quotation for RIMS Software
RIMS Sole Source Letter

Sun Ridge Systems, Inc.

November 17, 2021

Scott Ellis
Chief of Police
Angels Camp Police Department
200 Monte Verda Street,
Angels Camp, CA 95222

Dear Chief Ellis,

Thank you for considering the purchase of Sun Ridge Systems, Inc., RIMS Mobile Mapping software, as part of our RIMS product suite. The purpose of this letter is to confirm that all RIMS products are purchased from Sun Ridge Systems, Inc. There is no other vendor or company permitted to market, sell or support any of our software products.

Please let me know if I may be of further assistance to you.

Sincerely,

Tamera Melrose
Client Services Manager
Sun Ridge Systems, Inc.

R I M S

Sun Ridge Systems, Inc.

To: Chief Scott Ellis, Angels Camp Police Department

From: Tamera Melrose

Subject: Quotation for RIMS Software

Date: November 17, 2021

The following is a quotation for RIMS software based upon your recent request.

Item	**Price**
RIMS Mobile Mapping Software **(See Mapping note)**	$2,800
Installation Completed via Remote Access and Phone	$900
First Year Support and Updates	$420
TOTAL	**$4,120**

Mapping: Our mapping products (In-Station and Mobile) require either an ESRI ArcView and/or a Google map source. Because you are purchasing Mobile only Mapping software, your agency will utilize a Google map source. If AVL functionality in either mapping product is desired for Mobile RIMS, the agency must use GPS enabled devices.

This quotation is valid for 90 days and may change thereafter. If you have any questions, please call me at 800-474-2565. Thank you for your continued interest in RIMS.

ANGELS CAMP
CALIFORNIA

FIRE DEPARTMENT

CITY OF ANGELS PO Box 667, 1404 Vallecito Road, Angels Camp, CA 95222 P: (209) 736-4081 F: (209) 736-2861

Date: April 16, 2019

To: City Council

From: Nathan Pry - Fire Marshal/Deputy Fire Chief

RE: DECLARATION OF SURPLUS EQUIPMENT AND AUTHORIZE SALE OR TRANSFER OF EQUIPMENT

RECOMMENDATION

Staff recommends the sale or transfer of equipment designated as surplus by department heads to create a capital improvement fund for Police, Fire and Public Works departments.

BACKGROUND

The department heads of Police, Fire and Public Works have created a list of equipment that is no longer of service to them. Some of equipment is damaged and would cost more to repair than is feasible or the equipment that was purchased in the past is no longer vital to the current mission. Collectively the department heads would like to surplus this equipment and have it listed on a government surplus auction site for 14 days. If an item is not sold on the site after 14 days, the department heads would like the option to either relist the item for an additional 7-14 days or to relinquish the item in another fashion in the best interest of the City. Revenue generated by the sale would go to establishing a capital improvement fund for each department. These funds could then be utilized to purchase new capital equipment needs in the future with the approval of the City Council.

Police: 1. 2009 Dodge charger vin#2b3ka43t09h641906 was purchased with grant funds for the SRO position 10 years ago. The vehicle has over 100K miles and concerns of the health of the motor have surfaced.
2. Radar trailer vin#4aga411s4wc027803 was purchased roughly 20 years ago and hasn't been utilized or in service for 10 years. Trailer requires servicing, updating, and additional equipment to be utilized which is not feasible for the City.

Fire: 1. 2000 Chevrolet 1500 2wd vin#1gcec14t4xz118209 was purchased originally from the W/WW department in 2000. Item was declared surplus by the W/WW department in 2006 due to transmission problems. The Fire department took ownership of the vehicle from W/WW and repaired it by installing a new crate transmission. Department has utilized it as a utility vehicle and back up staff car since. It no longer serves the purpose of our mission.
2. 2002 Dodge Van vin#284jb25y42k121136 was purchased in 2002 by the Fire Department. The Department at that time was completely volunteer. Volunteers would utilize the van to respond to medical emergencies. The Van no longer serves the purpose of our mission.

Public Works: 1. 2001 Dodge 2500 pickup vin#3b6xc26281m536277 was purchased by the public works department in 2001. Pickup is in need of mechanical repairs that are not feasible to the City.
2. 1997 Ford F250 pickup vin#25h5vma45421 was purchased by the public works department in 1997. Pickup is in need of mechanical repairs that are not feasible to the City.
3. 1200-1500 pounds of old brass water meters. Meters are not longer working and have been replaced.

CITY OF ANGELS PO Box 667, 1404 Vallecito Road, Angels Camp, CA 95222 P: (209) 736-4081 F: (209) 736-2861

FINANCIAL IMPACT

Potential Revenue:

Police- Dodge Charger $4,000.00
Radar trailer $500

Fire- Chevrolet pickup $2,000.00
Dodge Van $6,000.00

Public Works- Dodge pickup $3,000.00
Ford pickup $2,000.00
Scrap metal $2,000.00

City of Angels Council Meeting

DECEMBER 7, 2021 **CONSENT AGENDA - B**

Authorize City Engineer to Issue Notice of Completion and Release Retention for Wastewater Treatment Plant Biosolids Handling Area improvements Project and Authorizing the City Administrator to use Project Contingency for Field Inspection and Construction Oversight Costs, Dave Richards, City Engineer

ANGELS CAMP
CALIFORNIA

CITY HALL

CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

DATE: **December 2, 2021**

TO: **City Council**

FROM: **Melissa Eads, City Administrator**

RE: **AUTHORIZE CITY ENGINEER TO ISSUE NOTICE OF COMPLETION AND TO RELEASE RETENTION FOR WASTEWATER TREATMENT PLANT BIOSOLIDS HANDLING AREA IMPROVEMENTS PROJECT AND AUTHORIZING THE CITY ADMINISTRATOR TO USE PROJECT CONTINGENCY FOR FIELD INSPECTION AND CONSTRUCTION OVERSIGHT COSTS**

RECOMMENDATION:

It is recommended that the City Council consider the following pertaining to the Wastewater Treatment Plant Biosolids Handling Area Improvements Project:

1) Authorize the City Engineer to issue a Notice of Completion to Engineering & Environmental Construction Inc. for the Wastewater Treatment Plant Biosolids Handling Area Improvement Project;
2) Authorize the City Engineer to release the contract retention in the amount of $7,289.90; and,
3) Authorize the City Administrator to use project contingency for field inspection/testing and construction oversight costs in the amount of $9,793.90.

BACKGROUND:

Residuals from the wastewater treatment process are aerobically digested and mechanically-dewatered prior to further supplemental drying and stockpiling onsite. Periodically, when there is no longer space available for supplemental drying and stockpiling, residuals are hauled offsite through a contract with a biosolids handling company to a permitted site for reuse or disposal. The effectiveness of the supplemental drying and stockpiling process is limited currently by the amount of covered residuals storage and the paved area suitable for spreading/windrowing of dewatered residuals. With additional covered storage and paved area for handling residuals, seasonal weather impacts could be mitigated and increased drying of biosolids would be achieved. By reducing the water content of biosolids, hauling cost would be reduced and a schedule for removing biosolids from the site more favorable to the City could be implemented.

On June 1, 2021, the City Council authorized the City Administrator to execute a construction contract with Engineering & Environmental Construction, Inc. (EECI) in the amount of $145,798.00. A contingency amount of $15,000 was also authorized for the City Administrator to approve supplemental work. Following receipt of signed construction contract and bonds, Notice to Proceed was issued to EECI on July 22, 2021. Construction activities at the City wastewater treatment plant site by EECI commenced on September 27, 2021, with work continuing until substantial completion on November 8, 2021. Construction completion was delayed approximately two weeks due to COVID-19 related supply and labor shortages. Four no cost field change orders were issued relating to changed field conditions that did not impact the overall project goals and functionality. Final construction cost was $145,798.00 – equal to the construction contract

agreement (zero percent change orders). Field inspection costs (soil sampling, laboratory analyses, compaction testing) and construction oversight costs of $9,793.90 were incurred by City consultants.

FISCAL IMPACT:

The Biosolids Handling Area Improvements Project is an approved Water and Wastewater Capital Improvements Project. Funding from sewer operations of $160,798.00 including contingency was approved for the project. Final project costs including construction, field inspections, and consultant oversight was $155,591.90 resulting in an un-used balance of $5,206.10.

FUTURE IMPROVEMENTS

In conjunction with future programmed equalization basin improvements, the following enhancements at the biosolids handling area should be considered in the FY22/23 budget:

1) K-rail purchase and installation around the perimeter of the paved biosolids pad.
2) Enhanced slope erosion control provisions.
3) Additional underground storm drains to improve flexibility in routing storm drainage around the equalization basin.

City of Angels Council Meeting

DECEMBER 7, 2021 **CONSENT AGENDA - C**

Adopt Resolution No. 21-53 Authorizing City Administrator to Submit a Financial Assistance Application to the State Water Resources Control Board for the Planning, Design, and Construction of City of Angels Water Treatment Plant Improvements Project, Dave Richards, City Engineer

ANGELS CAMP
CALIFORNIA

CITY HALL

CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

DATE: **December 7, 2021**

TO: **City Council**

FROM: **Melissa Eads, City Administrator**

RE: **AUTHORIZE CITY ADMINISTRATOR TO SUBMIT A FINANCIAL ASSISTANCE APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD FOR THE CITY OF ANGELS WATER TREATMENT PLANT IMPROVEMENTS PROJECT**

RECOMMENDATION:

It is recommended that the City Council consider the following pertaining to the Water Treatment Plant Improvements Project:

1) Authorize the City Administrator to submit a financial assistance application to the State Water Resources Control Board for the Water Treatment Plant Improvements Project.

BACKGROUND:

The 2013 Water Master Plan (Master Plan) for the City of Angels included a review of the operation of the City water treatment plant (WTP) under existing and future demand conditions. Improvements were identified in the Master Plan to enhance facility efficiency, resilience, and regulatory compliance at the WTP. Recommended improvements included the construction of facilities to reclaim backwash water from the filtration process and to eliminate non-permitted releases of backwash water/sedimentation basin residuals to Cherokee Creek. Improvements also included the construction of residuals handling/dewatering systems and re-routing of raw water from UWPA to Cherokee Creek equivalent to historic releases of backwash water. A preliminary engineering report for the WTP Improvements Project has been prepared and CEQA documents have been certified previously by the City Council for the recommended improvements. The Water Treatment Plant Improvements Project is an approved Water and Wastewater Capital Improvement Project. Financial assistance from the State Water Resources Control Board is desired to augment City funding for planning, design, and construction of this high-priority project at the WTP.

FISCAL IMPACT:

The Water Treatment Plant Improvements Project is an approved Water and Wastewater Capital Improvements Project with funding programmed from water operations and capital facilities impact fees. Procurement of financial assistance from the State Water Resources Control Board for the Project will reduce the immediate burden on City funding sources, provide a mechanism for on-going disbursement of payments to contractors, and improve management of future cash flow requirements.

RESOLUTION NO: 21-53

RESOLUTION AUTHORIZING CITY ADMINISTRATOR TO SUBMIT A FINANCIAL ASSISTANCE APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF THE CITY OF ANGELS WATER TREATMENT PLANT IMPROVEMENTS PROJECT

WHEREAS, the City of Angels Water Treatment Plant Improvements Project (Project) proposes to construct backwash handling improvements to enhance facility efficiency, reliability, and regulatory compliance; and

WHEREAS, the Project is an approved water and wastewater Capital Improvements Project and the City has set aside $4,050,000 for the Project; and

WHEREAS, environmental documents for the Project are complete and certified by the City Council.

NOW, THEREFORE, IT IS HEREBY RESOLVED, ORDERED, AND FOUND by the City Council of the City of Angels, State of California as follows:

1) The City Administrator (the "Authorized Representative") or designee is hereby authorized and directed to sign and file, for and on behalf of the Entity, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design,and construction of the Project;
2) This Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto; and
3) The Authorized Representative, or his/her designee, is designated to represent the City of Angels in carrying out the City of Angels' responsibilities under the financing agreement, including certifying disbursement requests on behalf of the City of Angels and compliance with applicable state and federal laws.

PASSED AND ADOPTED by the City Council of the City of Angels, State of California held this 7th day of December 2021, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Alvin Broglio, Mayor

RESOLUTION NO: 21-53

RESOLUTION AUTHORIZING CITY ADMINISTRATOR TO SUBMIT A FINANCIAL ASSISTANCE APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF THE CITY OF ANGELS WATER TREATMENT PLANT IMPROVEMENTS PROJECT

WHEREAS, the City of Angels Water Treatment Plant Improvements Project (Project) proposes to construct backwash handling improvements to enhance facility efficiency, reliability, and regulatory compliance; and

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2) This Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto; and
3) The Authorized Representative, or his/her designee, is designated to represent the City of Angels in carrying out the City of Angels' responsibilities under the financing agreement, including certifying disbursement requests on behalf of the City of Angels and compliance with applicable state and federal laws.

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the City Council of the City of Angels, State of California held on December 7, 2021.

_____

Rose Beristianos, City Clerk

(Seal)

City of Angels Council Meeting

DECEMBER 7, 2021 **CONSENT AGENDA - D**

Adopt Resolution No. 21-54 Affirming a Rural Exemption from the Requirements of Mandatory Organic Collection Services for the City of Angels, Melissa Eads, City Administrator

ANGELS CAMP
CALIFORNIA

CITY HALL

CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

MEETING DATE: DECEMBER 7, 2021

TO: CITY COUNCIL

FROM: DOUGLAS L. WHITE, CITY ATTORNEY

RE: RESOLUTION NO. 21-54 AFFIRMING A RURAL EXEMPTION FROM THE REQUIREMENTS OF MANDATORY ORGANIC COLLECTION SERVICES

RECOMMENDATION:
Staff recommends the City Council adopt a Resolution affirming a rural exemption from requirements of mandatory organic collection services.

DISCUSSION:
In September 2016, the State of California (the "State") adopted Senate Bill 1383 ("SB 1383") that aims to reduce emissions of short-lived climate pollutants. SB 1383 establishes aggressive targets for reduction in the level of the statewide disposal of organic waste. Under SB 1383, the State aims for a 50-percent reduction in the level of statewide disposal of organic waste from the 2014 level by 2020. By 2025, the State aims for a 75-percent reduction in the level of the statewide disposal of organic waste from the 2014 level.

To meet the goals of SB 1383, SB 1383 requires the City of Angels Camp (the "City") to provide organic waste collection services to all residents and businesses. SB 1383 requirements go into place on January 1, 2022.

SB 1383, however, does provide that a rural jurisdiction may apply for an exemption from complying with the organic waste collection requirements. To qualify, the following must be met:

- The jurisdiction must meet the definition of a "rural jurisdiction" as defined in Public Resources Code, section 42649.8. Public Resources Code, section 42649.8, defines a rural jurisdiction as a jurisdiction that is located entirely within one or more rural counties. Public Resources Code, section 42649.8, defines a "rural county" as a county that has a total population of less than 70,000 persons.

- The jurisdiction's governing body must adopt a resolution that includes a finding regarding the purpose of and need for the exemption.

The City qualifies for an exemption from SB 1383 organic waste collection requirements as a rural jurisdiction. The City is located in Calaveras County. Calaveras County has a population of 45,036 persons, which is less than 70,000 persons, as of the California Department of Finance's most current population

estimate. City staff recommends that the City Council adopt a resolution for an exemption for SB 1383 organic waste collection requirements. The City does not have the existing infrastructure, composting or anaerobic facilities, with the capacity to economically handle all the organic waste produced within the City. Further, with the amounts of organic waste generated in the City, it is not currently economically feasible to build sustainable processing facilities necessary to handle all the organic waste produced within the City.

The resolution will affirm the City's desire for an exemption from the organic waste collection services requirements of SB 1383 as a rural jurisdiction (the "Resolution"). As required, the Resolution includes a finding as to the purpose of and need for the exemption. If approved by CalRecycle, the exemption will be valid until December 31, 2026. If the exemption expires in 2026, the City may qualify for a subsequent low population waiver (jurisdictions with a total population of less than 7,500 and reported disposal of less than 5,000 tons of solid waste in 2014). After adoption, the Resolution will be submitted to CalRecycle.

FISCAL IMPACT

None.

ENVIRONMENTAL

Seeking an exemption from SB 1383's organic waste collection requirements is not a "project" under the California Environmental Quality Control Act. (Pub. Resources Code, § 21065.)

OPTIONS

1. Adopt the Resolution;

2. Continue the item for later consideration of the City Council with direction to City staff. Since SB 1383's organic waste collection requirements take effect on January 1, 2022, the City Council should adopt the Resolution as soon as possible; or

3. Reject the Resolution. This option is not recommended since the City does not have the facilities to comply with SB 1383's organic waste collection requirements.

Mayor Alvin Broglio • Vice Mayor Jennifer Davis-Herndon Council Members Isabel Moncada, Gretel Tisconia, Caroline Schirato • City Administrator Melissa Eads • City Attorney Douglas L. White, White Brenner LLP

RESOLUTION NO. 21-54

A RESOLUTION OF THE CITY OF ANGELS CAMP CITY COUNCIL AFFIRMING A RURAL EXEMPTION FROM THE REQUIREMENTS OF MANDATORY ORGANIC COLLECTION SERVICES

WHEREAS, the City of Angels Camp (the "City") is committed to meeting its solid waste diversion requirements through program implementation of its Source Reduction and Recycling Element of its Integrated Waste Management Plan; and

WHEREAS, the City is committed to meeting its mandatory commercial recycling requirements, pursuant to Public Resources Code section 42649.3, through solid waste recycling program implementation as directed by the Department of Resources Recycling and Recovery (CalRecycle); and

WHEREAS, Senate Bill (SB) 1383 (Lara, 2016) was signed into law and establishes methane emissions reduction goals of 50 percent in the level of the statewide landfill disposal of organic waste from the 2014 level by 2020 and 75 percent by 2025, and increase edible food recovery by 20 percent by 2025; and

WHEREAS, the Department of Resources Recycling and Recovery (CalRecycle) developed regulations in Chapter 12 of Division 7 of Title 14, Short-lived Climate Pollutants, in the California Code of Regulations to implement the goals of SB 1383; and

WHEREAS, Article 3 of Chapter 12 of Division 7 of Title 14 (commencing with Section 18984), Organic Waste Collection Services, in the California Code of Regulations requires jurisdictions implement an organic waste diversion program that provides organic waste collection services to all businesses and residences; and

WHEREAS, California Code of Regulations, title 14, section 18984.12, subdivision (c), allows the governing body of a rural jurisdiction to adopt a resolution exempting the jurisdiction from the requirements of Article 3 of Chapter 12 of Division 7 of Title 14 of the California Code of Regulations based upon findings as to the purpose of and need for the exemption; and

WHEREAS, Public Resources Code section 42649.8 defines a rural jurisdiction as a jurisdiction that is located entirely within one or more rural counties, or a regional agency comprised of jurisdictions that are located within one or more rural counties. A rural county means a county that has a total population of less than 70,000 persons; and

WHEREAS, the City is located within Calaveras County; and

WHEREAS, Calaveras County has a population of 45,036 persons, which is less than 70,000 persons, as of the California Department of Finance's most current population estimate; and

WHEREAS, there are 19 counties in California with populations of less than 70,000 persons, which collectively represent only 2.0% of the statewide waste stream; and

WHEREAS, organic waste generators within rural jurisdictions that meet the definition of "Rural Jurisdiction" in Public Resources Code section 42649.8 that are exempted pursuant to California Code of Regulations, title 14, section 18984.12, subdivision (c) are not required to comply with the organic waste collection requirements specified in Article 3 of Chapter 12 of Division 7 of Title 14 of the California Code of Regulations; and

WHEREAS, the City does not have the existing infrastructure, composting or anaerobic facilities, with the capacity to economically handle all the organic waste produced within the City; and

WHEREAS, with the amounts of organic waste generated in the City, it is not currently economically feasible to build sustainable processing facilities necessary to handle all the organic waste produced within the City; and

WHEREAS, the City is committed to continuing to pursue economically feasible alternatives for organics management; and

WHEREAS, the City is committed to encouraging businesses and residences to reduce and recycle organics materials; and

WHEREAS, on December 31, 2026, this exemption shall become inoperative, unless subsequent legislation or department regulations or approvals extend the rural exemptions beyond that date, at which time the City may qualify for the low population waiver (jurisdictions with a total population of less than 7,500 and reported disposal of less than 5,000 tons of solid waste in 2014).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANGELS CAMP DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Pursuant California Code of Regulations, title 14, section 18984.12, subdivision (c), the City Council of the City of Angels Camp hereby chooses to exempt the City from the requirements of Article 3 of Chapter 12 of Division 7 of Title 14 of the California Code of Regulations (commencing with Section 18984), Organic Waste Collection Services.

Section 2. The City Council reserves the right to rescind this Resolution at any time prior to the sunset date of December 31, 2026

Section 3. The City Clerk, or his or her designee, is hereby instructed to submit this Resolution to the Department of Resources Recycling and Recovery pursuant to California Code of Regulations, title 14, section 18984.12, subdivision (c)(1).

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF ANGELS CAMP ON THIS 7TH DAY OF DECEMBER, 2021 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

_____
Alvin Broglio, Mayor

ATTEST:

_____
Rose Beristianos, City Clerk

City of Angels Council Meeting

DECEMBER 7, 2021 **CONSENT AGENDA - E**

Approve Tasks Order Increasing Augustine Planning Associates, Inc (APA) Contract by $2,700 to Provide Project Oversight/City Coordination for the City's Community Development Block Grant (CDBG) for Generator/Kitchen Upgrades at Utica Park, Amy Augustine, Planning Director

ANGELS CAMP CALIFORNIA

PLANNING DEPARTMENT

CITY OF ANGELS PO Box 667, 200 B Monte Verda Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048

DATE: December 7, 2021

TO: City Council

FROM: Amy Augustine, AICP – City Planner

RE: Task Order for Augustine Planning Associates, Inc. for Project Oversight/City Coordination Community Development Block Grant for Generator/Kitchen Upgrades at Utica Park

RECOMMENDATION

Approve the attached task order increasing Augustine Planning Associates, Inc. (APA) contract by $2,700 to provide Project Oversight/City Coordination for the City's Community Development Block Grant (CDBG) for Generator/Kitchen Upgrades at Utica Park.

BACKGROUND/DISCUSSION

The City of Angels received funding through CDBG-CV2/3 to purchase a refrigeration system and a generator for the Utica Park community kitchen. Destination Angels Camp is the project subrecipient. However, the state required that the City oversee and implement the project rather than DAC, as necessary to meet all federal regulations and requirements.

Because the CDBG budget provides $2,992 for City participation, the task must be assigned to someone working on behalf of the City. Because APA recently completed the City's procurement process in accordance with federal regulations in acquiring generators pursuant to the City's PSPS Office of Emergency Services (OES) grant, APA has agreed to assist and coordinate on behalf of the City. Adams/Ashby will provide accounting, invoicing, reporting and labor compliance services under the grant.

The overall project budget is as follows:

Task	Total	Allocation
Activity	40,291.00	Purchase and installation
General Admin	6,492.00	$2,992 City $3,500 Adams-Ashby
Labor compliance	3,158.00	Adams-Ashby
Total	49,941.00	

The $40,291.00 project budget provides:

Commercial refrigeration	$7,291.00
Generator	$25,000.00
Cookware/serveware	$5,000.00
Safety equipment/signage	$3,000.00
Total	$40,291.00

FISCAL IMPACT

None. The CDBG budget provides $2,992 for this activity. The proposed task order amount is within that budget.

City of Angels

TASK ORDER – PROJECT OVERSIGHT/CITY COORDINATION COMMUNITY DEVELOPMENT BLOCK GRANT FOR GENERATOR/KITCHEN UPGRADES AT UTICA PARK

AUGUSTING PLANNING ASSOCIATES, INC.

This amendment is made and entered into this 7th day of December 2021, by and between the City of Angels, a municipal corporation of the State of California (hereinafter "CITY") and Augustine Planning Associates, Inc. (hereinafter "CONSULTANT").

RECITALS

WHEREAS, the CITY entered into an agreement with the CONSULTANT to provide professional City Planning Services on July 1, 2018; and

WHEREAS, the CITY further desires CONSULTANT to temporarily provide Project Oversight/City Coordination Community Development Block Grant for Generator/Kitchen Upgrades at Utica Park;

NOW, THEREFORE, be it mutually agreed that the Professional Services Agreement between CITY and CONSULTANT is hereby amended as set forth herein. All terms and conditions of the cited Agreement shall remain in full force and effect, except as specifically modified by prior approved task orders, and the following:

1. COST SCHEDULES: an additional amount of $2,700 is allocated to the City Planner for providing Project Oversight/City Coordination Community Development Block Grant for Generator/Kitchen Upgrades at Utica Park including, but not limited to: assisting in identifying potential bidders, preparing the RFP, selecting a contractor, contracting, and coordinating installation/improvements at the park with affected City departments. The initial contract remains with a not to exceed of $90,000, excepting therefrom previously executed task orders, and except as amended herein.

IN WITNESS THEREOF, this Task Order for Administrative Services Specialist is made effective as of the date CONSULTANT assumed the duties of Administrative Services Specialist on December 7, 2021.

CITY OF ANGELS CAMP	AUGUSTINE PLANNING ASSOCIATES, INC
BY: _____	
Melissa Eads, City Administrator	Amy Augustine, AICP

City of Angels Council Meeting

DECEMBER 7, 2021 **CONSENT AGENDA - F**

Approve Task Order Increasing Augustine Planning Associates, Inc (APA) Contract by $24,310 to Provide Temporary Administrative Services Specialist Duties for 13± Weeks Until A Replacement is Hired and Trained, Amy Augustine, Planning Director

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ANGELS CAMP
CALIFORNIA

PLANNING DEPARTMENT

CITY OF ANGELS PO Box 667, 200 B Monte Verda Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048

DATE: December 7, 2021

TO: City Council

FROM: Amy Augustine, AICP – City Planner

RE: Task Order for Augustine Planning Associates, Inc. for Administrative Services Specialist Duties

RECOMMENDATION

Approve the attached task order increasing Augustine Planning Associates, Inc. (APA) contract by $24,310 to provide temporary Administrative Services Specialist Duties for 13± weeks until a replacement is hired and trained.

BACKGROUND/DISCUSSION

The City's Administrative Services Specialist position became vacant in mid-October. Prior to her departure, Ms. Preston trained APA to continue most of her duties, except her duties as Deputy City Clerk and providing payroll support. In addition to providing continuity ensuring that building and planning activities continued relatively uninterrupted, the transition has provided a valuable cross-training opportunity and increased understanding of the position's demands.

Since Ms. Preston's departure, APA has performed the following Administrative Services Specialist duties: issuing building permits, opening new planning project files, scheduling building inspections, coding payments for deposits and invoices for payment, preparing monthly building reports to the state, filing, updating/tracking/coordinating billing and filing for the City of Angels SR 49 Sidewalks, Murphys Grade Road sidewalks, Angels Creek Trail, Striping/Signage, CalOES Generator Grant, SB2 Grant, LEAP Grant, Per Capita Grant and all planning and surveying projects; coordinating Main Street banner installation and removal/decorations with Caltrans and Public Works, preparing the Planning Commission Agenda, minutes, distribution, and adjoining landowner notification and mailouts, answering public front counter questions, and other duties as assigned.

APA has been in-house two days per week and as needed to cover these duties. Front desk staff has assisted in scheduling inspections and coding bills and deposits allowing APA also to continue City Planning duties. Therefore, total hours spent on Administrative Services Specialist Duties by APA have averaged 22 hours/week. APA has completed 7± weeks as the Administrative Services Specialist to date, and anticipates 6± more weeks to allow for transitioning and training.

Because of these added hours, APA's City Planner contract total will exceed its $90,000 budget limit (excluding existing task orders) without approval of a new task order.

The City concluded interviews the week of November 29th for a new Administrative Services Specialist and hopes to have someone filling these duties soon. APA will provide training for that position over the coming months. The attached task order is expected to address APA's role in transitioning the Administrative Services Specialist position from one employee to the next.

CITY OF ANGELS PO Box 667, 200 B Monte Verda Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048

FISCAL IMPACT

No net increase or decrease is expected.

It is anticipated that total time spent by the City Planner as the Administrative Services Specialist will be 13± weeks at an average of 22 hours weekly for a total cost of approximately $24,310.00. APA costs for performing the Administrative Services Specialist Duties are invoiced at $85/hour (fully burdened). The fully burdened FY 21/22 budget for the Administrative Services Special position is $97,638.93. 13 weeks represents approximately 1/4th the total budget for this position, (approximately equivalent to $24,409.73—slightly more than the amount requested pursuant to this task order). Therefore, while this task order will reduce the City's FY 21/22 budget for this position by $24,310.00; it is equivalent to the fully burdened cost for this position for approximately the same period of time and is not anticipated to alter the City's overall budget for this position.

City of Angels

TASK ORDER – ADMINISTRATIVE SERVICES SPECIALIST

AUGUSTING PLANNING ASSOCIATES, INC.

This amendment is made and entered into this 7th day of December 2021, by and between the City of Angels, a municipal corporation of the State of California (hereinafter "CITY") and Augustine Planning Associates, Inc. (hereinafter "CONSULTANT").

RECITALS

WHEREAS, the CITY entered into an agreement with the CONSULTANT to provide professional City Planning Services on July 1, 2018; and

WHEREAS, the CITY further desires CONSULTANT to temporarily provide Administrative Services Specialist duties,

NOW, THEREFORE, be it mutually agreed that the Professional Services Agreement between CITY and CONSULTANT is hereby amended as set forth herein. All terms and conditions of the cited Agreement shall remain in full force and effect, except as specifically modified by prior approved task orders, and the following:

1. COST SCHEDULES: an additional amount of $24,310 is allocated to the City Planner for temporarily performing Administrative Services Specialist duties for up to 13 weeks. The cost of said services will not exceed $24,310 and will be tracked separately as a task order, charged at CONSULTANT'S hourly rate of $85/hour and be distributed across accounts as established in the City Budget for the Administrative Services Specialist position. The initial contract remains with a not to exceed of $90,000, excepting therefrom previously executed task orders, and except as amended herein.

IN WITNESS THEREOF, this Task Order for Administrative Services Specialist is made effective as of the date CONSULTANT assumed the duties of Administrative Services Specialist on October 22, 2021.

CITY OF ANGELS CAMP	AUGUSTINE PLANNING ASSOCIATES, INC
BY: _____	
Melissa Eads, City Administrator	Amy Augustine, AICP

City of Angels Council Meeting

DECEMBER 7, 2021 **CONSENT AGENDA - G**

Request for approval to have the Calaveras Council of Governments (CCOG) Manage the Re-Procurement of the Engineering On-Call Contract, Rebecca Neilon, City Engineer

ANGELS CAMP CALIFORNIA

ENGINEERING DEPARTMENT

CITY OF ANGELS **PO Box 667,** 200 B Monte Verde Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048

DATE: December 2, 2021

TO: City Council

FROM: Rebecca Neilon, Engineering Department

RE: Request to allow the Calaveras Council of Governments to take the lead on Procurement for the City Engineering On-Call Contract

RECOMMENDATION:

Authorize the Calaveras Council of Governments to take the lead in procurement of the On-Call City Engineering Team.

BACKGROUND:

Caltrans, which oversees consultant contracts, has developed guidelines for agencies to manage on-call consultants. A primary rule for On-Call contracts is that they have a documented end date. One-year extensions are permitted to complete active work. Ultimately On-Call contracts need to be re-procured every three years.

DISCUSSION:

The current On-Call City Engineering contract was approved on March 6th 2019 and initially expired on June 30th 2021. This contract was extended for one year to June 30th, 2022. To maintain consistency with current Caltrans Guidelines, the On-Call City Engineering contract needs to be re-procured and in place beginning July 2022.

With limited staff at the City of Angels Camp and the need to eliminate conflicts of interest, we advise having the Calaveras Council of Governments (CCOG) take the lead on the procurement of the On-Call City Engineer Contract for 2022/23 and 2023/24. The CCOG initiated this for the City in 2019 and is willing to do it again in 2022.

FISCAL IMPACT:

None

ATTACHMENTS:

1. **N/A**

City of Angels Council Meeting

DECEMBER 7, 2021 **CONSENT AGENDA - H**

Approval of the SCI Amendment for the Proposition 218 Process (Billable to the LLD), Rebecca Neilon, City Engineer

ANGELS CAMP
CALIFORNIA

ENGINEERING DEPARTMENT

CITY OF ANGELS **PO Box 667,** 200 B Monte Verde Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048

DATE: December 2, 2021

TO: City Council

FROM: Rebecca Neilon, Engineering Department

RE: Request for Formal Authorization for SCI Consulting Group to undertake the Proposition 218 hearing and Engineers Report for Greenhorn Creek

RECOMMENDATION:

Approve the proposal from SCI to conduct the Proposition 218 hearing with updated Engineers Report for the Greenhorn Creek Landscaping and Lighting District.

BACKGROUND:

One June 15, 2021 the City Council discussed and approved allowing the Landscape and Lighting District (LLD) to move forward with a Proposition 218 hearing in the first half of 2022. This staff report contains the scope of work and cost estimate for SCI Consulting Group to conduct that work. Formal council approval of this amendment to SCI's contract is needed for SCI to begin work.

DISCUSSION:

SCI has prepared the Annual Engineers report for the LLD since 2014. They have also been participating in the community outreach events this summer and fall where City Staff are assisting the community with understanding the LLD and working towards a clearer scope of work and corresponding assessment. SCI understands the current community concerns and what is needed for a successful proposition 2018 balloting.

FISCAL IMPACT:

LLD Funds: $45,500

ATTACHMENTS:

1. **SCI Proposal**

SCIConsultingGroup
Public Finance Consulting Services

Submitted via electronically
melissaeads@angelscamp.gov

September 10, 2021

Melissa Eads
City Administrator
City of Angels Camp
584 S. Main Street
Angels Camp, CA 95222

Re: Proposal for Assessment Engineering, Proposition 218 Balloting, and Other Professional Consulting Services for Greenhorn Creek

Dear Melissa:

SCIConsultingGroup ("SCI") is pleased to submit, for your review, this proposal to provide the City of Angles Camp ("City") with assessment engineering, Proposition 218 balloting services and community outreach to form a new assessment to support improved maintenance for Greenhorn Creek. We understand that the current assessment (Landscaping and Lighting District No.1) does not adequately fund maintenance to the desired services levels, and the City is considering proposing a new assessment to Greenhorn Creek property owners to fund improved services.

By way of introduction, SCI is a California Chapter S Corporation formed in 1985 uniquely focused on revenue enhancement services for public agencies, including planning, designing, justifying and successfully establishing new districts, zones, and associated revenues for their service and capital improvement needs, and managing special assessment levies.

SCI provides year-round special tax and assessment administration services and planning services for clients throughout California. Our firm currently administers over 400 assessment and special tax districts, comprising over 1,000 political zones and approximately 13,000,000 parcels. Additionally, SCI's planning projects have included hundreds of development impact studies, facility and financing plans, demographic studies, cost of service and fee justification studies, and other planning and real estate studies.

We also offer extensive expertise with the important legal and procedural issues involving public opinion surveys and feasibility analyses, regularly scheduled and special elections, benefit assessments, special taxes and fees, and other revenue mechanisms. The principals at SCI are acknowledged experts on all these topics, and were involved with the cleanup legislation for Proposition 218.

Our success rate with assessment measures stands alone. We have assisted public agencies in the creation of hundreds of development-driven assessment districts and zones. For agency-wide assessment measures which include a survey, SCI has a success rate of over 90%, with over 130 successful post-Proposition 218 assessment ballot measures. In fact, SCI has formed more successful agency-wide post-Proposition 218 assessments than all other assessment engineering firms in California, combined.

We respectfully offer the following strengths, which differentiate our firm from others, for your consideration:

COMPREHENSIVE KNOWLEDGE OF GREENHORN CREEK SCI was engaged by the City in 2014 to update and improve defensibility of the existing engineering and Engineer's Report for Landscaping and Lighting District No.1. Since this update did not increase the approved rate, a balloting was not required for this work. However, the updated Engineer's Report was subject to considerable political and legal scrutiny and was ultimately confirmed by the courts.

SCI has continued to provide comprehensive annual administration services in support Landscaping and Lighting District No.1 each year since 2013 and is currently under contract to continue to provide these services.

SUCCESSFUL IMPLEMENTATION OF REVENUE MECHANISMS FOR LANDSCAPING AND LIGHTING SCI has successfully implemented benefit assessments for landscaping and lighting services for the Cities of Folsom, Hayward, Moorpark, Palmdale, Placentia, San Diego, Vacaville, Vallejo, and for Ventura County and the Cosumnes Community Services District, and many other public agencies. Our expertise in successful ballot measures is unmatched.

PROPOSITION 218 BENEFIT ASSESSMENT EXPERTISE Through the process of designing and establishing numerous new post Proposition 218 benefit assessments and working on these projects with many of the leading Proposition 218 specialized attorneys in the State, we have gained unparalleled legal and Proposition 218 compliance expertise.

CONTINUITY OF STAFF AND FIRM SCI has been providing assessment engineering and levy administration services to public agencies for over 30 years. We are exclusively focused on these highly specialized services. Our staff and firm have unmatched continuity. In addition, SCI has retained the same service area focus for over 30 years of service.

UNSURPASSED GROWTH AND FINANCIAL STABILITY As a testament to our capabilities over the years, we have enjoyed significant organizational growth, adding over 30 public agencies to our client list that previously used other firms for their assessment engineering and administration needs.

UNMATCHED RESPONSIVENESS AND CUSTOMER SERVICE We invite you to call our toll-free taxpayer inquiry line at (800) 273-5167 and compare our level of service and responsiveness with any other firm. We answer calls directly with knowledgeable levy administration staff, including available representatives who are fluent in Spanish. We also provide the highest level of service and responsiveness for all our clients, including responding to all our clients within the same day.

OUR CLIENTS ARE OUR BEST REFERENCES We sincerely encourage you to speak with any of our clients, not only the listed references. They will attest to the comprehensive nature of our services, our level of client responsiveness and our levy administration abilities.

We look forward to this opportunity to assist the City with this important project and stand ready to proceed. If you have any questions or require additional information, please do not hesitate to contact me. I can be reached at (707) 430-4300 or via email at john.bliss@sci-cg.com.

Sincerely,

John W. Bliss, P.E., President

SCOPE OF WORK

Our proposal is segmented into the following three tasks. The first task includes assessment engineering and preparation of the engineer's report. In the second task we will conduct the assessment ballot proceeding which includes the design of the notice and ballot, mailing and tabulation. The third task, which typically extends for the entire duration of the project is community outreach. Upon award of the project, SCI will coordinate a kick-off meeting to discuss project goals and priorities, as well as deadlines and timeline for the project.

1.) Assessment Engineering and Engineer's Report

SCI will commence with assessment engineering for a new assessment for the Greenhorn Creek area and preparation of the engineer's report. Upon completion, the report will be reviewed with City staff and, if necessary, will be revised to reflect any relevant comments or issues identified. SCI will also finalize the assessment levies, assessment roll, assessment diagrams, and other information for preliminary approval by the City. SCI will also draft resolutions, notices and other materials and documents required or recommended for the proposed assessments. Such documents will be finalized in conjunction with City's legal counsel. At the culmination of the assessment engineering services, SCI will present the findings, proposed assessment levies and the preliminary engineer's report to the City.

2.) Proposition 218 Balloting Services

Services under this task would include designing, printing, addressing, and mailing of the notice and assessment ballots to all property owners within the proposed new assessment district.

The design of the official notice, assessment ballot, supporting informational items, and mailers is one of the most important elements of a successful ballot outcome. SCI will utilize its unmatched expertise to design a notice and ballot and informational items that clearly and concisely explain the reason for the flood control assessment and that meet all legal requirements.

Upon completion of drafting the notice and ballot, the City and its legal counsel will review and can provide comments and edits. Feedback and comments will be incorporated before the documents are finalized. After the notice and ballot are finalized, SCI will oversee the printing and addressing of the ballots. Once the notices and ballots are printed and addressed, they will be mailed, pursuant to the California Constitution and the Government Code, to all property owners in the proposed district with a proposed assessment.

Throughout the balloting, SCI will also field and respond to property owner inquiries, and will issue replacement ballots as needed. SCI will also prepare resolutions, documents and information for the public hearing and will assist the City and its legal counsel in responding to property owner testimony at the public hearing, as needed.

For ballot tabulation and certification of the results, SCI recommends the City Clerk be designated as the official tabulator. SCI would provide technical and procedural assistance

to the City Clerk to ensure the highest level of transparency, independent oversight and accountability. If the ballot measure is successful, SCI will submit the levy roll and all necessary supporting documents to the County to include the assessments on the annual property tax bills.

3.) Community Outreach

Clear, concise and appropriate educational outreach is one of the most important elements for a successful ballot outcome. If the community is adequately informed about the issues, and the messaging and approach are based upon extensive experience with other successful property owner and voter ballot measures, the City's proposed assessments will have good prospects for a successful outcome. SCI's unparalleled track record of success is, in large part, due to our extensive expertise in this area.

SCI would offer to assist the City with outreach efforts to ensure the property owners are adequately informed about the assessment ballot proceedings and the proposed services and improvements in their area prior to the mailing of ballots. We would assist with public informational and educational outreach strategies and property owner informational services by providing the following:

- Outreach training/orientation session with City staff.
- Creation of the basic tools the City would use throughout the ballot proceeding:
    - Community meeting
    - Informational handout
    - FAQ document
    - Talking points document
    - Property owner contact list with individual proposed assessments and other pertinent individual information

PROJECT TEAM

If selected, Kyle Tankard would serve as the project manager and John Bliss would serve as the senior assessment engineer of record. Neither have work commitments interfering with their responsiveness and ability to successfully complete the project within a reasonable timeframe.

As Senior Assessment Engineer and President of the firm, John has served as the responsible assessment engineer for over 300 Engineer's Reports for new or increased assessments comprising more post-Proposition 218 new assessment engineering than any other assessment engineer in the State. As a professional engineer with 17 years of experience in this field, John has become a recognized expert assessment engineer and Proposition 218 compliance specialist. He has also worked with most of the leading Proposition 218 specialized attorneys in the State, which has further expanded his professional and technical expertise.

FEE SCHEDULE

In consideration for the work accomplished, as outlined in this proposal, SCI will be compensated as detailed below. These costs and related City costs maybe be financed or refunded by the assessment levies.

Assessment Engineering, Balloting and Outreach Services	Fees
Assessment Engineering and Engineer's Report	$ 32,000
Proposition 218 Balloting Services	$ 5,000
Community Outreach	$ 7,500

The scope of services for includes up to two meetings with the City. Any additional meetings, if required, will be billed at the rate of $1,050 per consultant per meeting.

Incidental costs incurred by SCI for the purchase of property data, maps, travel and other out-of-pocket expenses will be reimbursed at actual cost with the total not to exceed $1,000 without prior authorization from the City.

ADDITIONAL INFORMATION

Employment Policies

SCI does not and shall not discriminate against any employee in the work place or against any applicant for such employment or against any other person because of race, religion, sex, color, national origin, handicap, or age or any other arbitrary basis. SCI Consulting Group insures compliance with all civil rights laws and other related statutes.

Conflict of Interest Statements

SCI has no known past, ongoing or potential conflicts of interest for working with the City, performing the Scope of Work or any other service for this Project.

Insurance

SCI carries professional Errors and Omissions insurance in the amount of $2 million per occurrence and $2 million aggregate. SCI also carries general liability insurance in the amount of $2 million per occurrence and $4 million aggregate.

Independent Contractor

If selected, SCI shall perform all services as an independent contractor.

Additional Scope of Work

In the event the City elects to request optional, additive scope of work, SCI will work with the City to negotiate compensation for these additional tasks and execute an Addendum to the agreement for these additional services.

Responsibilities of City

SCI will make every effort to minimize the workload on the City, but may need assistance, iteratively, with project overview and history, scheduling and budgeting.

Coordination with City

SCI will coordinate services with City staff through frequent and concise communications including face-to-face meetings, telephone calls and e-mail.

City of Angels Council Meeting

DECEMBER 7, 2021 **CONSENT AGENDA - I**

Ratify Approval of Change Order for Gold Electric Acquisition and Installation Services Agreement for Installing a Propane Generator at Sierra Hope, Amy Augustine, Planning Director

ANGELS CAMP CALIFORNIA

PLANNING DEPARTMENT

CITY OF ANGELS PO Box 667, 200 B Monte Verda Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048

DATE: December 7, 2021

TO: City Council

FROM: Amy Augustine, AICP – City Planner

RE: RATIFY APPROVAL OF CHANGE ORDER FOR GOLD ELECTRIC ACQUISITION AND INSTALLATION SERVICES AGREEMENT FOR INSTALLTING A PROPANE GENERATOR AT SIERRA HOPE

RECOMMENDATION

Ratify approval of the above-captioned Change Order for GOLD ELECTRIC ACQUISITION AND INSTALLATION SERVICES AGREEMENT FOR INSTALLTING A PROPANE GENERATOR AT SIERRA HOPE

BACKGROUND/DISCUSSION

On September 21, 2021, the City Council approved Resolution No. 21-34 hiring Gold Electric to perform acquisition and installation services for a propane generator at Sierra Hope in conjunction with the City's CAL OES Community Power Resiliency (CPR) Program Allocation to Cities. Resolution 21-34 also authorized the City Administrator to approve change orders in an amount up to $19,613 under that program.

The total Gold Electric contract amount was: $42,306. In addition to that amount, the City was to provide in-kind services from public works staff to assist in trenching and installing the generator. Due to staffing shortages in public works, that department requested that Gold Electric provide those services. Gold Electric submitted a change order for $5,574 to provide trenching, pad preparation, and address drainage issues. The change order was approved to avoid project delays and meet grant deadlines.

FISCAL IMPACT

None. Monies for this project City's is provided by the CAL OES Community Power Resiliency (CPR) Program Allocation to Cities. The subject change order totals $5,574 leaving a $14,039 balance for any future change orders to complete any of the three generators funded by the CALOES Grant (e.g., City Hall Generator, Water Treatment Plant Generator and Sierra Hope Generator).

City of Angels Camp
CONTRACT CHANGE ORDER

Change Order No: **1**	PROJECT: **Gold Electric Acquisition and Installation Services Agreement for Installing a Propane Generator at Sierra Hope**	Original contract approved: **Resolution #: 21-34 September 21, 2021**

To: **Gold Electric**

You are directed to make the following changes from the plans and specifications or do the following described work not included in the plans and specifications for this contract. NOTE: This change order is not effective until approved by the City Administrator.

Description of work to be done, estimate of quantifies, and prices to be paid. Unless otherwise states, rates for equipment rental cover only such time as equipment is actually used and no allowance will be made for idle time. The last percentage shown is the net accumulated increase or decrease from the original quantity in the original estimate.

Prepare ground for and pour pad for generator, complete all trenching and post-trenching repair work to connect generator, install all necessary drainage improvements and as described in the attached scope of work.

Extra Work at Agreed Lump Sum: **$5,574.00** Estimated Cost ☒ Increase ☐ Decrease

By reason of this order, the time of completion will be adjusted as follows: Zero (0) Working Days

Submitted By:		
	Amy Augustine, AICP City Planner	Date: 11/16/2021
Approval Recommended By:		
	Amy Augustine, AICP City Planner	Date: 11/16/2021
City Administrator Approval By:		
	Melissa Eads City Administrator	Date:

We, the undersigned contractor, have given careful consideration to the change proposed and agree, if this proposal is approved, that we will provide all equipment, furnish the materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as fully payment the prices shown above. NOTE: If you, the contractor, do not sign acceptance of this order, your attention is directed to the requirements of the specification as to proceeding with the ordered work and filing a written protest within the time therein specified.

Contractor Acceptance By:		
	Jim Heryford Gold Electric	Date:

P.O. Box 1008
Murphys, CA 95247

Phone: (209) 728-3371
Fax: (209) 728-3420

To: Amy Augustine
Project: Sierra Hope Food Bank 48KW Generator / Additional Work
Date: 11/10/2021
From: Gary Tarplee ~ Gold Electric, Inc.

Per your request, Gold Electric, Inc. submits the following Scope of Work and Proposal regarding the above-referenced project:

Scope of Work: Per hour phone conversation, Gold Electric will perform all necessary excavation, saw cutting, forming and placing of concrete slab to accommodate the generator at the above referenced project.
Some of the existing asphalt will need to be demoed to accomplish this work. Our intention is to repair this asphalt with concrete or cold mix asphalt. No hot mix asphalt has been allowed for in this proposal. This area that this will affect is relatively small and we feel the best repair is with concrete. This solution is acceptable by UPA.

EXCLUSIONS

- Permits, bonds and utility fees.
- Patch and paving of asphalt.

ADDITIONAL COSTS: $5,574.00

We appreciate the opportunity of offering our scope and proposal for your consideration. Should there be any questions, please feel free to contact us at your earliest convenience.
Gold Electric is registered with the Department of Industrial Relations under SB 854. Our registration number is 1000002798
Sincerely,

Gold Electric, Inc.

By: _____

Gary Tarplee

City of Angels Council Meeting

DECEMBER 7, 2021 **REGULAR AGENDA - A**

Hold a public hearing, on the Appeal of the City of Angels Planning Commission's 11/11/2021 Decision Approving a Condition Use Permit, on a 4-1 Vote, for Pool Safety Measures Pursuant to Angels Municipal Code Section 8.28.070 with Conditions, Amy Augustine, Planning Director

ANGELS CAMP CALIFORNIA

PLANNING DEPARTMENT

CITY OF ANGELS PO Box 667, 200 B Monte Verda Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048

DATE: December 7, 2021

TO: City Council

FROM: Amy Augustine, AICP – City Planner

RE: Appeal of the City of Angels Planning Commission's 11-11-21 decision approving a Conditional Use permit, on a 4-1 vote, for pool safety measures pursuant to Angels Municipal Code Section 8.28.070 with conditions:

1. Requiring retrofitting a portion of an existing three-foot fence to increase the fence height to five feet along that portion of the existing fence facing the nearest neighbor.

2. Allowing all remaining portions of the three-foot fence to remain unaltered.

3. Allowing three-foot tall access gates to remain unaltered (Approved building permit as proposed by applicant requires gates with latches 60" above ground height).

The applicant is appealing the Planning Commission's decision. In lieu of retrofitting any portion of the fence or gates (i.e., retaining them as three-foot high), the applicant is providing a pool buoy alarm and a two door alarms pursuant to state law. A four-foot wire fence surrounds a portion of the parcel (not extending around the pool).

RECOMMENDATIONS

The City Council may uphold the Planning Commission decision; or approve the Applicant's request to make no changes to the existing pool fencing, gates, and alarms; or amend, add, or eliminate any project conditions imposed by the Planning Commission it deems necessary. Staff is providing the following options for Council consideration. **Staff and the Planning Commission recommend Option A based on public health and safety.** Council may select one of the following, none of the following, a combination of the following or another alternative devised by the Council.

A. Uphold the Planning Commission decision, deny the applicant's appeal, retaining a condition to retrofit a portion of the existing three-foot fence to make it a five-foot fence as described herein **(Resolution 21-52A). – See pages 40-41**

B. Uphold the applicant's appeal and approve the Conditional Use Permit per the Applicant's request to retain all three-foot fencing with no retrofitting along a portion of the fence, retain three-foot gates, and provide three alarms with changes. Staff recommends that the Council consider requiring the applicant to sign an agreement to project conditions that includes the City's standard indemnification provision included on all City projects and retain all proposed alarms and barriers throughout the life of the project. **(Resolution 21-52B) – See pages 42-44**

C. Because an appeal reopens all aspects of the Conditional Use Permit, the Council also has the option to remove, modify or add any conditions. The Planning Commission did not require five-foot fencing entirely surrounding the pool and did not require altering existing gates to comply with the building permit as submitted by the applicant and approved by the City (i.e., latching 60" above ground). The Council may consider including these or other conditions or modify other Planning Commission Conditions. **(Resolution 21-52B). Pages 42-44 – with modifications as directed by Council.**

PROJECT DESCRIPTION

APPLICANT/ LANDOWNER:	Nick Middleton
LOCATION:	698 Easy Street
ASSESSOR's PARCEL NUMBER:	057-022-047
GENERAL PLAN/ ZONING:	Single-Family Residential

DESCRIPTION:
Conditional Use permit pursuant to Angels Municipal Code Section 8.28.070, to allow an installed 3-foot metal fence (**Figure 3**), instead of a 5-foot fence required by City Code, surrounding a newly completed residential swimming pool. In lieu of a 5-foot fence, the applicant is proposing a pool buoy alarm and a door alarm pursuant to state law (**Attachment A**). A four-foot wire fence surrounds a portion of the parcel (not extending around the pool—See **Figures 3,4** and **5**).

Figure 1: Project Location

Figure 2: Existing Fencing and Site Layout

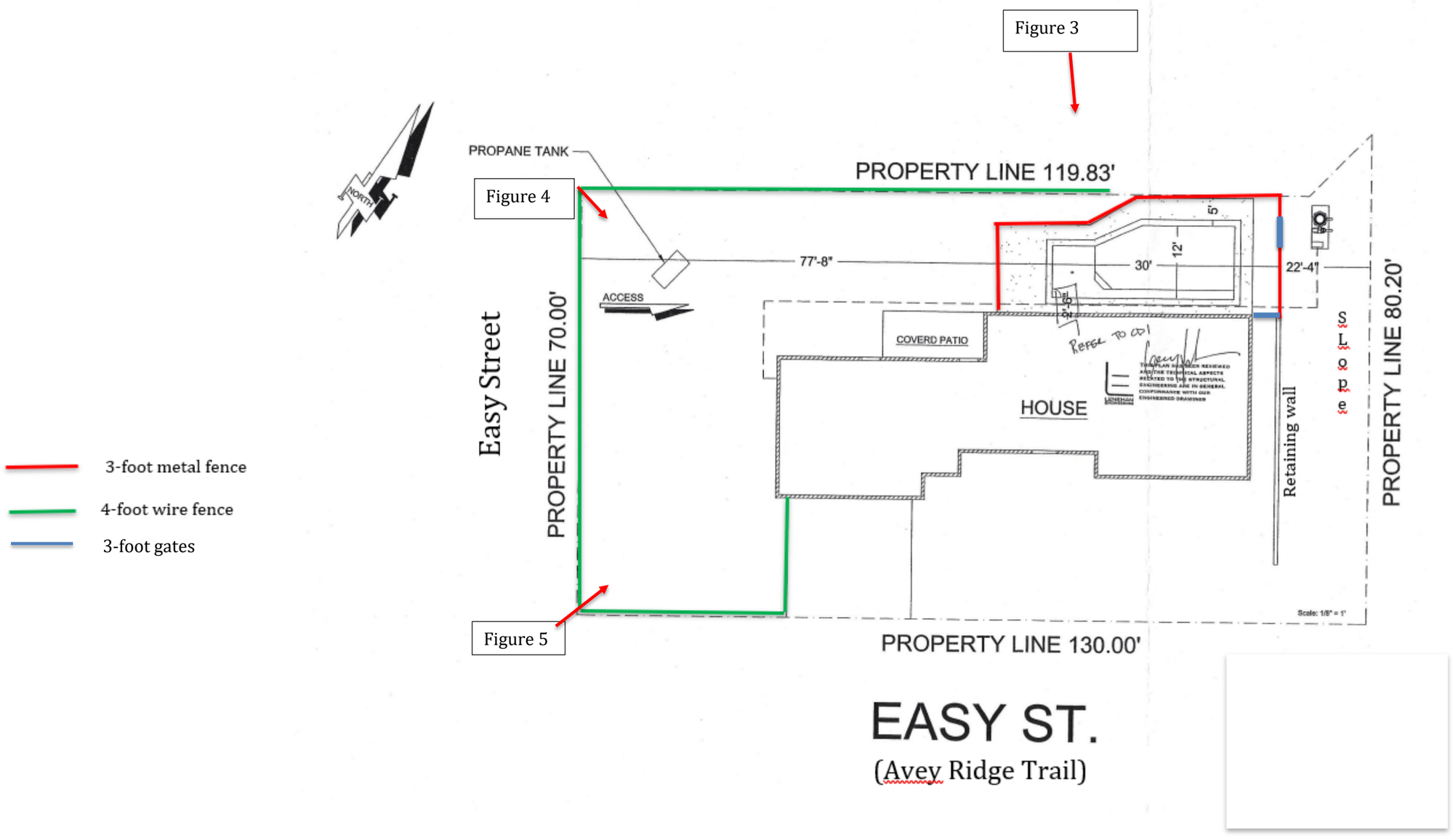


Figure 3: View looking south from neighboring property towards 3' existing metal fence

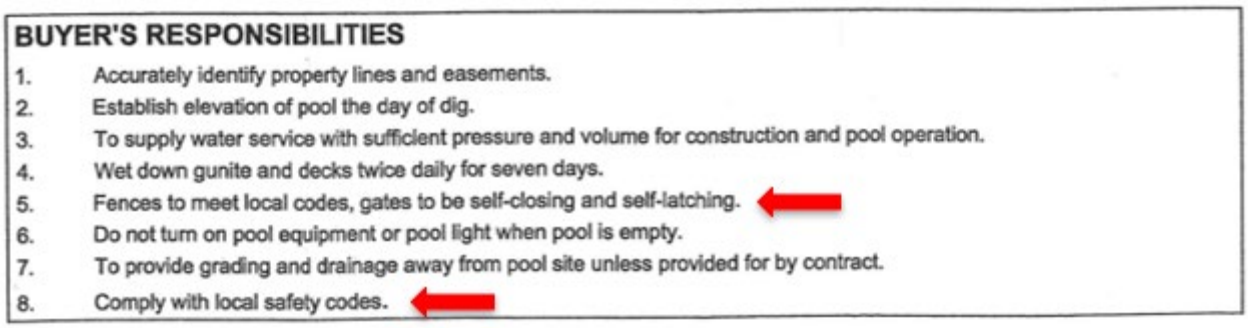
Figure 4: Existing Four-foot post/wire fence viewed from north property line looking south

Figure 5: Existing 4-foot post/wire fence

Background

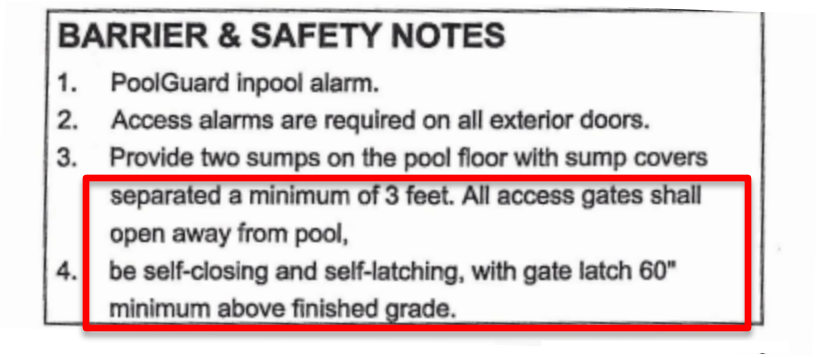
In conjunction with a Building Permit for a new pool, the City received a request to allow two alarms and a three-foot fence from the applicant. The use of two alarms (since increased to three), as proposed by the applicant, complies with state law; however, City Code further requires a permanent five-foot fence rather than a three-foot fence. The applicant currently has a three-foot metal fence surrounding the pool (**Figure 3**). A portion of the home's perimeter is surrounded by a 4-foot post and wire fence (**Figures 4** and **5**).

The applicant's approved building permit includes the following:



BUYER'S RESPONSIBILITIES

1. Accurately identify property lines and easements.
2. Establish elevation of pool the day of dig.
3. To supply water service with sufficient pressure and volume for construction and pool operation.
4. Wet down gunite and decks twice daily for seven days.
5. Fences to meet local codes, gates to be self-closing and self-latching.
6. Do not turn on pool equipment or pool light when pool is empty.
7. To provide grading and drainage away from pool site unless provided for by contract.
8. Comply with local safety codes.



BARRIER & SAFETY NOTES

1. PoolGuard inpool alarm.
2. Access alarms are required on all exterior doors.
3. Provide two sumps on the pool floor with sump covers separated a minimum of 3 feet. All access gates shall open away from pool,
4. be self-closing and self-latching, with gate latch 60" minimum above finished grade.

The applicant indicates that the approved building plans do not propose a five foot fence under the "Buyer's Responsibilities". This analysis does not debate this. The approved building plan's "Barrier and Safety Notes "state that access gate latches will be *60" minimum above finished grade*. Existing gate latches are approximately three-feet above minimum finished grade and do not comply with the approved plans as submitted by the applicant.

Draft minutes of the 11/11/21 Planning Commission Meeting for this item are included in **ATTACHMENT C** and summarize each Commissioner's views. In short, four commissioners indicated that they could not make the following finding to approve the applicant's proposal citing concerns for child safety; need to follow the code, the ability for young children to climb over a three-foot fence—especially if they see siblings doing it; that alarms only work when someone is home to hear them, but a five-foot fence is more likely to prevent a child from entering the site regardless of whether anyone was home. One commissioner felt the three-foot fence in combination with the alarms was adequate for the finding that:

> *Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood.*

Four commissioners opted instead to approve a compromise wherein only a portion of the fence would be retrofitted to a height of five feet, but would still improve the fence safety based on the circumstances of the particular case.

State laws

Swimming pools in California are regulated pursuant California Health and Safety Code 115920-115929 – Swimming Pool Safety Act, effective January 1, 2018. Per the Act, homeowners may forego pool fencing and pool covers in favor of alarms only, or an alarm and a latch for a single-family residence. While local jurisdictions may adopt an ordinance specifying which one (or two) of the safety features shall be installed, local agencies cannot require that more than two of the safety features identified in state law, but may specify that one of the two identified state safety features be a fence.

The listed options for pool safety under the act require residential swimming pools to have installed **any two** of the following seven safety features.

1-2. An "Enclosure" (fence, wall, or another barrier that isolates a swimming pool from access to the home) 60" in height with any access gates being self-closing Removable mesh fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.

3. An approved safety pool cover.

4. Exit alarms on the private single-family home's doors that provide direct access to the swimming pool or spa.

5. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on the private single-family home's doors providing direct access to the swimming pool or spa;

6. An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water

7. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

City Code prior to November 5, 2021.

At the time of the application for a building permit for a swimming pool at the project site, the City's 1974 Swimming Pool Ordinance 8.28.020 required:

> "a fence, wall or other structure, not less than sixty inches in height, which completely surrounds the body of water."

In effect, the 1974 City Code coupled with existing state law, required a swimming pool fence entirely surrounding the pool and separating the pool from access to the home (**Figure 6**). Further, any deviations from this requirement would have required a variance and a finding that not providing a five-foot fence entirely surrounding a swimming pool and separating it from access to the home was:

a. safe

b. necessary to avoid Extraordinary circumstances apply to the property that do not apply generally to other properties in the same vicinity and zoning district and over which the owner has no control;

c. necessary to preserve a property right of the applicant's that is allowed to other owners of property in the same vicinity and zoning district;

d. the minimum necessary to alleviate the hardship

The preceding findings would be nearly impossible to make. In response, the City revised its 1974 Swimming pool ordinance. That revision, pursuant to Ordinance 513, became effective on November 5, 2021.

City Code Per Ordinance 513:

a. The City retained the 5-foot fencing requirement. A review of pool fencing requirements in other California jurisdictions found that Angels Camp is not alone in requiring fencing surrounding private swimming pools. Of those jurisdictions reviewed, urbanized areas (e.g., cities) appear more likely to require fencing around swimming pools than less urban areas (e.g., rural counties). The reasoning being the likelihood of children wandering into a pool and drowning would be much higher in a more densely populated and small-lot urban area that would be the case in a more rural area with widely dispersed properties on larger acreages.

b. The City retained the 5-foot fencing requirement, but reduced the extent of that requirement. The City clarified that the City's fencing requirement allowed perimeter fencing (of five feet tall) in lieu of fencing that that separated the pool from the home's access (provided at least two state safety methods are employed to protect household residents). The primary purpose for this clarification was to allow the homeowner to determine for themselves how best to ensure the safety of children within their own home using the state's *minimum* standards.

c. The City retained the 5-foot fencing requirement to separate pools from neighboring properties. In this manner, the City maintains its ability to require fencing as a safety measure protecting children on neighboring properties. Or, more specifically, to make the finding required for issuance of most permits citywide that:

> ***Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use…***

d. Finally, the City eliminated the requirement for a variance in favor of allowing for a conditional use permit to increase flexibility for modifying fencing requirements to better address individual properties, topography, while evaluating potential effects on neighboring land uses.

To illustrate these changes using the subject property, Figure 6 shows City fencing requirements prior to adoption of Ordinance 513. **Figure 7** shows City fencing allowable alternative requirements after adoption of Ordinance 513.

Figure 6: Project Pool Fencing Requirements Prior to Ordinance 513 (November 5, 2021)

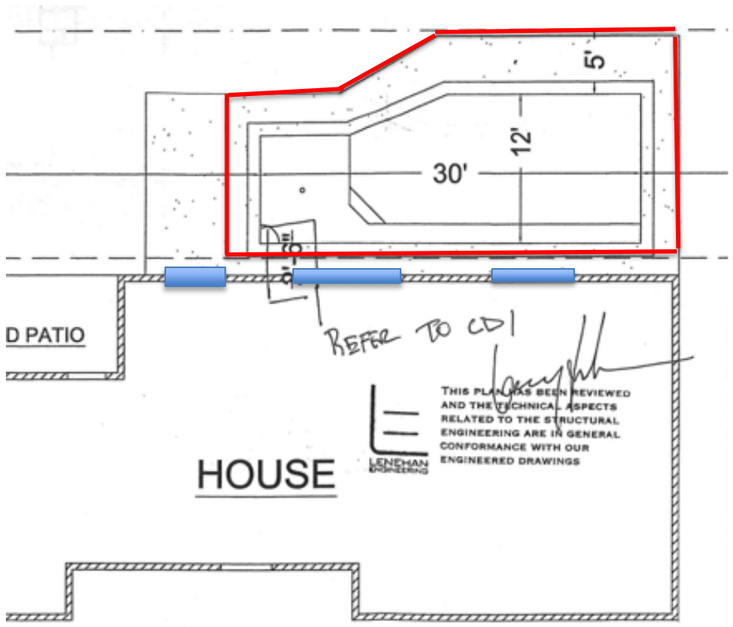
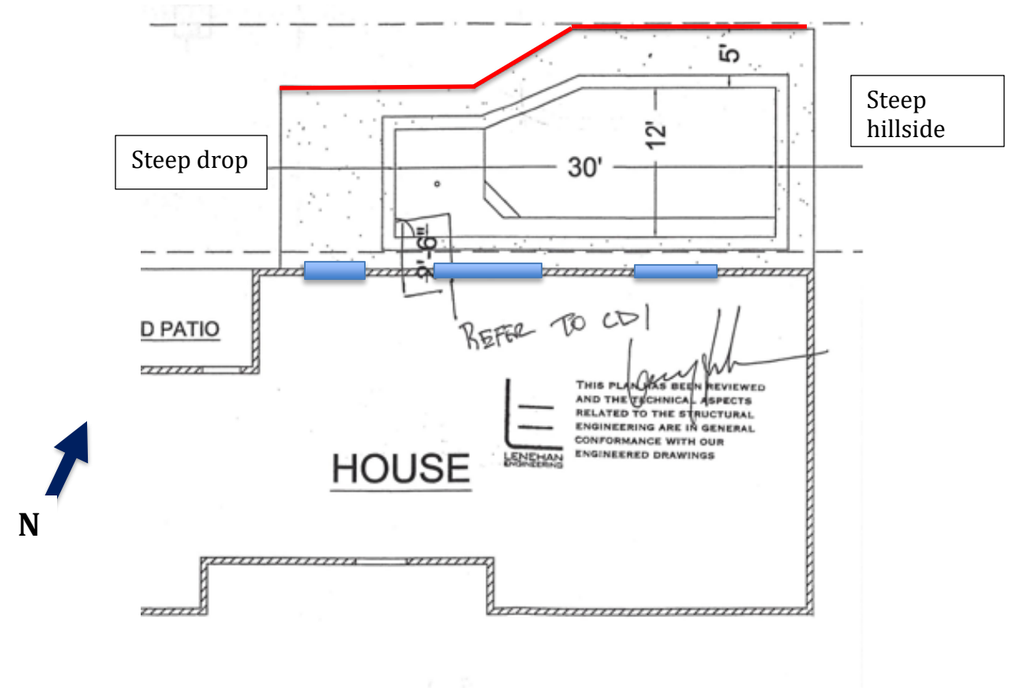


Figure 7: Project Pool Fencing Allowable with Ordinance 513 /Use Permit



5-foot fence (with all gates having latches 60" minimum above ground level)

Doors or windows (approximate only)

ANALYSIS:

Pursuant to the Angels Camp Municipal Code (AMC), Section 8.28.070, the Planning Commission (or the City Council, upon appeal) may, subject to acquisition of a conditional use permit:

A. Fencing, wall, gates, latches. Make modifications in individual cases, upon a showing of good cause, with respect to the height, nature or location of the fence, wall, gates or latches, or the necessity therefor, provided the degree of protection provided for in this chapter is not reduced and the provisions of California Health and Safety Code "The Swimming Pool Safety Act" Sections 115920 et seq. are met.

B. Fencing Alternatives. Approve alternatives to fencing. Any alternatives approved by the Planning Commission shall, at a minimum, include those pool safety features as required by the California Health and Safety Code "The Swimming Pool Safety Act" Sections 115920 et seq. Approved alternatives may require more, but shall not require fewer, safety features than mandated by state law, The use of alarms only, because they may easily be removed subsequent to final inspection, is discouraged.

C. Prior to issuance of a Conditional Use Permit, the applicant shall supply written verification from the owner's Homeowner's Insurance provider that identified safety alternatives are accepted by the insurer. This verification may be required prior to processing an application for a conditional use permit.

The applicant has declined to provide written verification of Homeowner's Insurance acceptance of a three-foot fence and three alarms to date.

Pursuant to 17.78.010 of the AMC, the purpose of a Conditional Use Permit is to allow public review and City discretion in the control of certain uses which may be necessary but which may cause public concern, affect property values or disturb the character of a neighborhood if they are not carefully located and controlled. The use permit process is necessary to carry out review and exercise control over this category of potentially harmful or inappropriate uses. Use permits may be approved or denied by the planning commission. They are usually conditional when they are approved. They may be revocable or valid for a term period. Guarantees to ensure compliance with terms and conditions may be required.

Pursuant to 17.78.030 of the AMC, the following findings are required for issuance of a conditional use permit:

Finding A. The proposed use is consistent with the City of Angels Municipal Code; and
Finding B. The proposed use is consistent with the City of Angels General Plan

The site is zoned Single-Family Residential (R-1). R-1 zoning is consistent with the Single-Family Residential (SFR) General Plan land use designation pursuant to General Plan 2020 Table I-5. Therefore, the site's zoning is consistent with the general plan. Pursuant to Chapter 17.18.020(K), a swimming pool is an allowable use in the R-1 zoning district as an accessory structure. Therefore, the proposed swimming pool is consistent with the zoning district.

Based on the preceding, Findings A and B may be made.

Finding C. The proposed use will not overburden existing municipal facilities.
The site is served with City water, sewer, police, and fire services. Adequate services are available to serve the proposed pool without overburdening on any of these municipal services. Therefore, finding C may be made.

Finding D. The size and terrain of the parcel are suitable for the proposed use.
Surrounding land uses are illustrated in **Figure 1**. The subject parcel slopes steeply uphill along the northeastern boundary and restricted locating the pool further to the northeast (See **Figure 7**). The parcel continues a downward slope to Easy Street which bounds the site to the southwest and restricting locating the pool further to the southwest (See **Figure 7**).

The pool was originally proposed with a zero-foot setback on the northern parcel boundary. However, per originally submitted plans, the pool had to be relocated to allow for a five-foot setback from the property line pursuant to AMC Section 8.28.025. This results in the edge of the concrete surrounding the pool to be approximately 2'6" from the side of the house.

As indicated in the preceding, the pool was designed to address challenging topography and designed to accommodate the site's size and topographic restrictions. Therefore, Finding D can be made.

Finding E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood.

A single-family residence is located directly north of the site over relatively gentle terrain. Additional small-lot residences are located along Easy Street, Easy Circle, Gardner Lane south/southwest of the project site (**Figure 8**).

Adjoining landowners within 300 feet were notified of the proposed project. One response from a resident located on Gardner Lane was received in support of the Applicant's proposal citing no objections to the fence (reduced height). No other responses were received by the City.

Figure 8: Surrounding neighborhood, Responding Neighbor ★

Advisory agencies were consulted. The Building Department's response is attached (**Attachment B**) and summarized as follows:

The Building Department strongly opposes approving the project "as is" without increasing the accessible portion of the fence to a height of 5 feet. Reasons cited include:

- I would never want to answer to grieving parents about why this pool was allowed without an appropriate barrier …
- In my 34 years' experience working in 7 different jurisdictions, I know of no cities that do not currently have a provision to protect neighbors from a pool.
- The provisions of the state code are specific for five-foot fence and gate height, self-closing gates, absence of footholds, gaps in fencing, etc. These are minimum requirements based on studies and the International Swimming Pool Code to prevent children from climbing fences. Additionally, many drownings occur as young children follow their elder friends and siblings. Fence requirements are intended to deter even young children.

- Codes and ordinances are in place to ensure safety. Pools have inherent danger. Many children die or are severely brain damaged by drowning every year.

- The floating pool alarm and door alarms provided are compliant with the state code for protecting the pool from the home's occupants, even though there is some controversy over these. Both measures depend on batteries, which eventually fail. Additionally, experience tells us that door alarms are usually disconnected after the pool receives its final inspection. It is very inconvenient and bothersome to have a loud alarm whenever you open your door. The floating alarm also requires diligence to reset it after every time the pool is used.

- Pool owners often choose to depend on their own diligence, rather than the alarms, usually knowing that everyone in the house is a capable swimmer. Obviously, this has no protection for neighbors.

Finding E cannot be made for the Applicant's proposal. While a letter of support for the fence was received, this analysis must consider all potential residences in the neighborhood not just now, but over the life of the pool.

Further, good cause has not been provided to show that the proposed three-foot height of the three-foot fence, given the, nature and location of the fence provides a degree of protection that does not reduce safety as required per AMC Section 8.28.070(A). The ease with which pool alarms and door alarms may be disconnected is insufficient to find that the 3-foot fencing provides a level of safety consistent with the amended city code and the basis for that code which states:

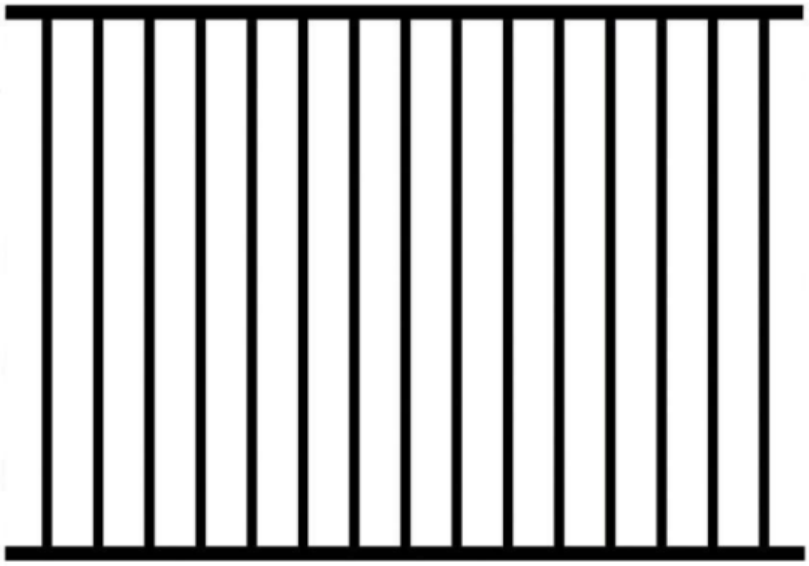
> *AMC 8.28.010: It is found, declared, and determined that public and/or private swimming pools shall be fenced as a precautionary measure to prevent a severe hazard to the health, safety, and welfare of the inhabitants of the City of Angels, particularly small children, unless alternatives are approved in accordance with Section 8.28.070.*

Based on all the preceding, staff finds that failure to increase the fence height to five feet along that portion of the project site where topography does not otherwise deter entry **would be detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use. Should the Planning Commission (or City Council, upon appeal) opt to approve the Conditional Use Permit in accordance with the Applicant's proposal, the Commission (or City Council, upon appeal) must make a supportable finding to the contrary.**

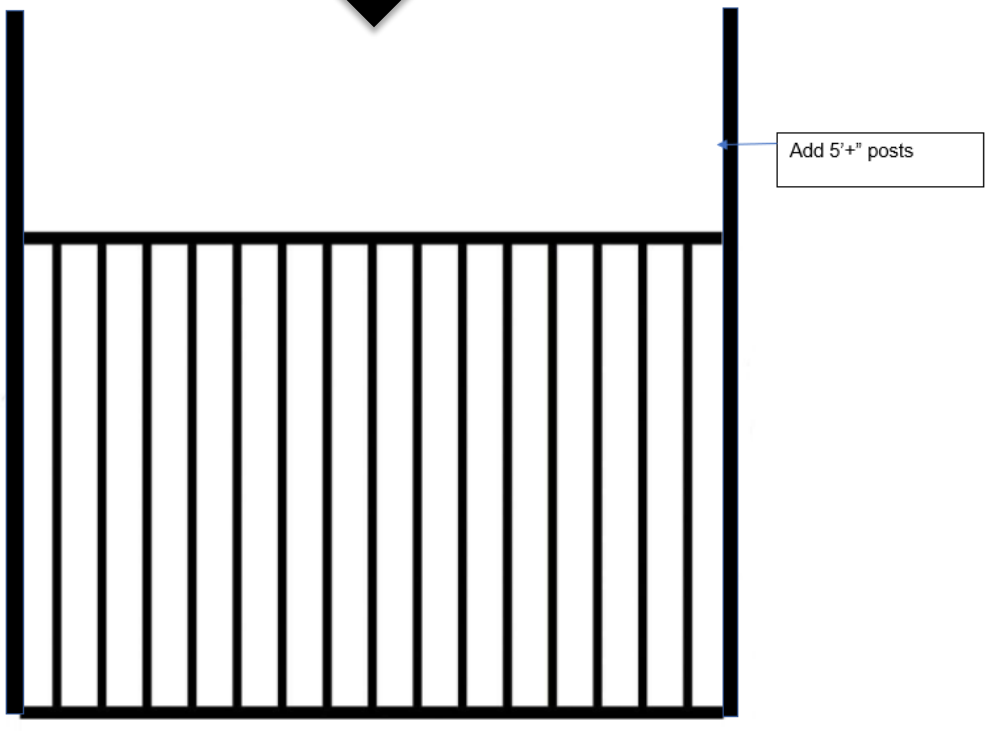
Instead, Staff finds that alternatives do exist to retrofit the existing three-foot fence over a portion of the site to increase the height to five feet sufficient to allow for a finding that the degree of protection does not reduce safety per the City Code subject to the attached conditions.

Given the pool's location close to the northern property line, the existing three-foot pool fence is located approximately on the northern parcel boundary. Therefore, simply installing a new five-foot fence outside of the existing three-foot fence may be infeasible. Requiring a five-foot fence to replace the existing three-foot fence could affect existing cement work. Therefore, staff is recommending retrofitting the existing three-foot fence using one of the following designs (Option A, Option B) and incorporating anti-climb metal mesh meeting state pool safety specifications and subject to the attached conditions in Resolution 21-27(B).

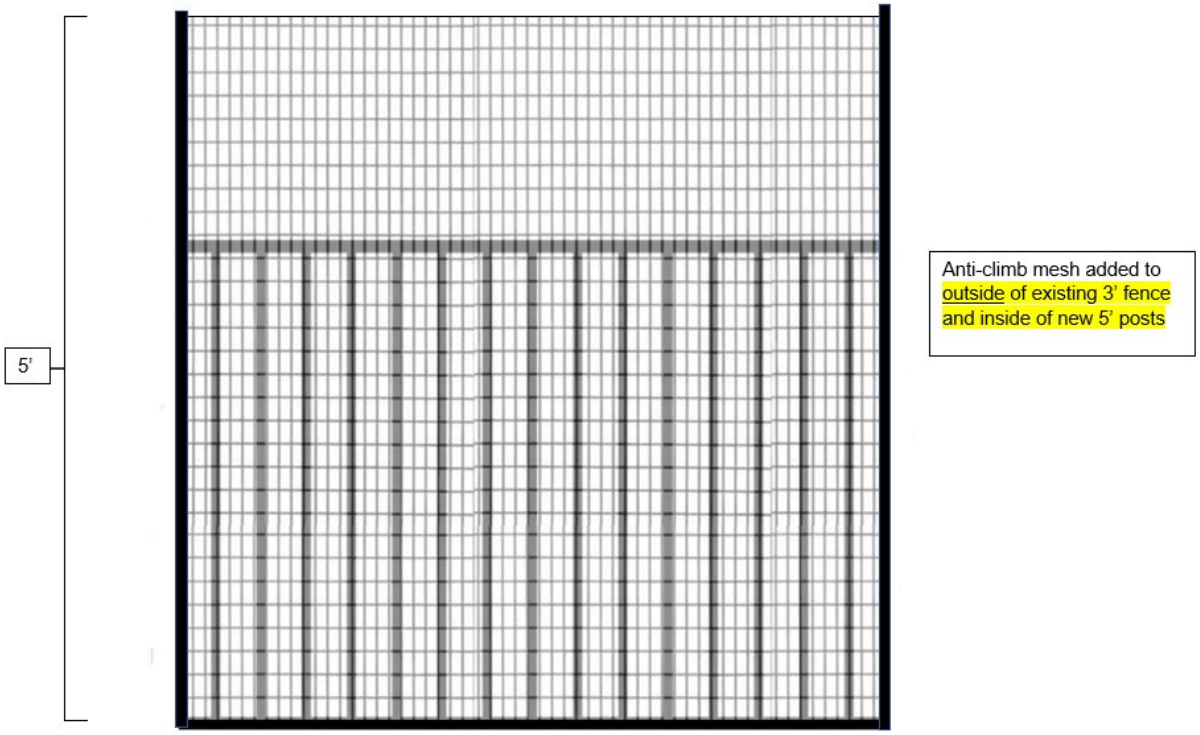
Approximate design of existing 3-foot fence



Add 5-foot posts “outside 3-foot”

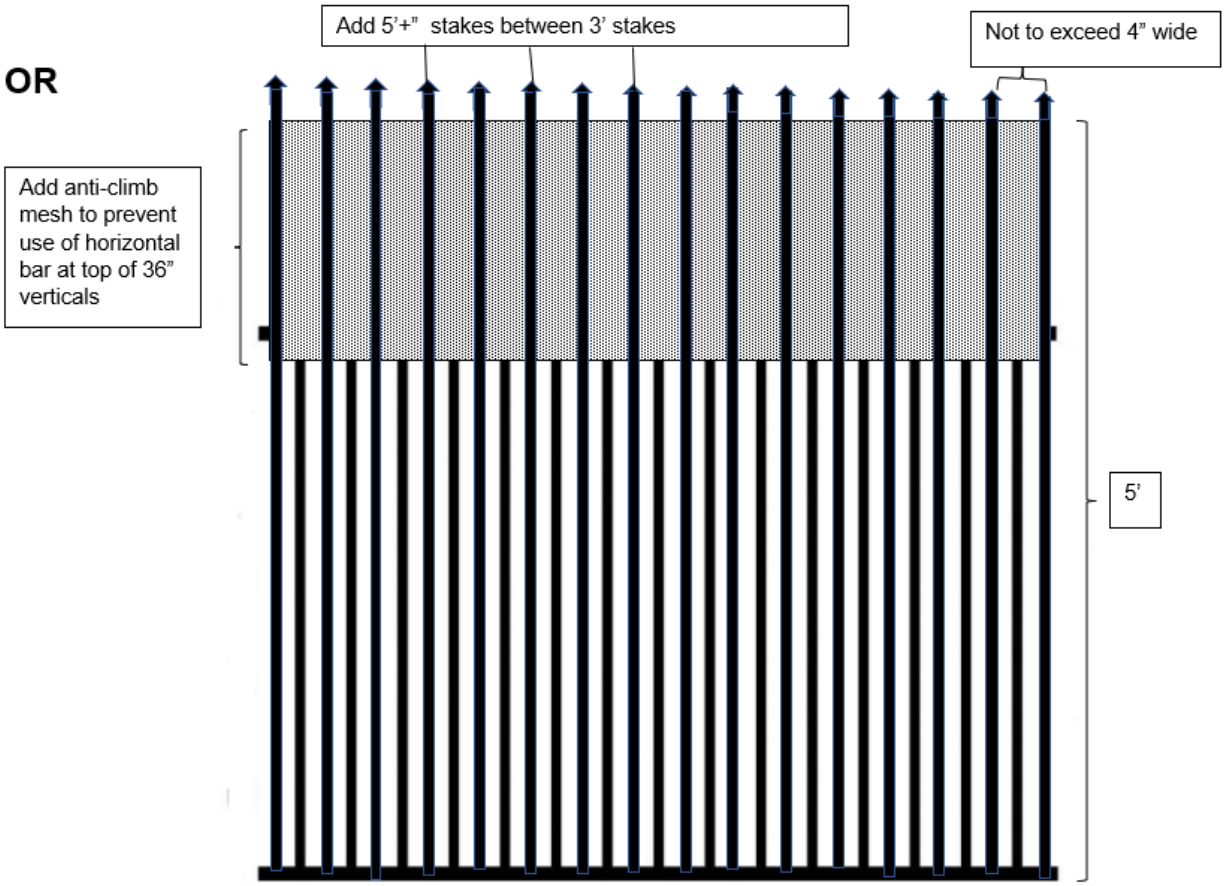


Add anti-climb mesh <u>outside</u> existing 3’ fence posts and inside new 5’ posts (sandwich)



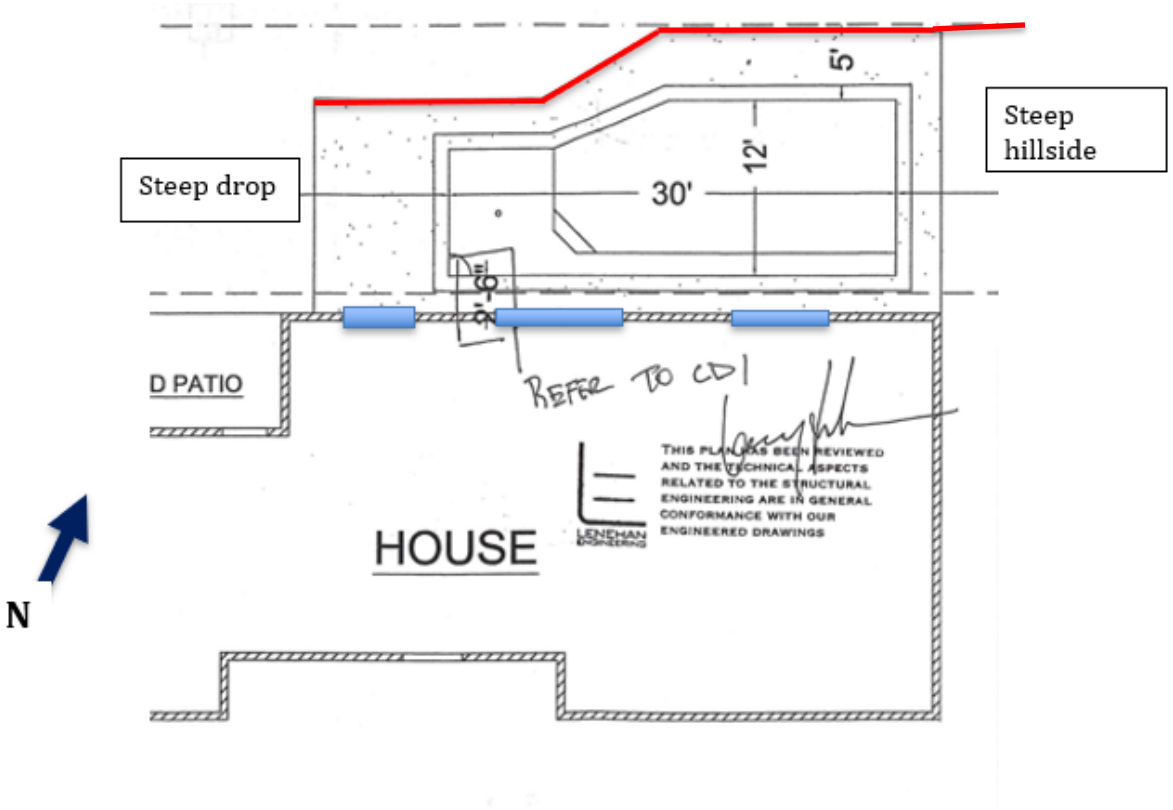
OPTION A

OR


Add 5'+" stakes between 3' stakes
Not to exceed 4" wide
Add anti-climb mesh to prevent use of horizontal bar at top of 36" verticals
5'

OPTION B

Fence retrofitting shall occur in the following location (shown in **red**) as necessary to prevent climbing next to relatively even ground surface:



Proper installation of the preceding in the location shown and subject to the attached conditions would allow for Finding E to be made.

ENVIRONMENTAL FINDINGS:

Pursuant to the state guidelines for implementing the California Environmental Quality Act (CEQA), the proposed project is categorically exempt from CEQA pursuant to Section 15303, Class 3, New construction of small structures which allows for construction of accessory structures, including swimming pools and fences.

The Project does not involve any of the exceptions to this categorical exemption as established in Section 15300.2(a-f) of the guidelines (i.e., is not in a particularly sensitive environment, does not contribute cumulatively to a significant impact, will not result in any potentially significant impact, will not impact a scenic highway, does not involve a hazardous waste site, and will not create a substantial adverse change to the significance of a historical resource).

ATTACHMENTS:

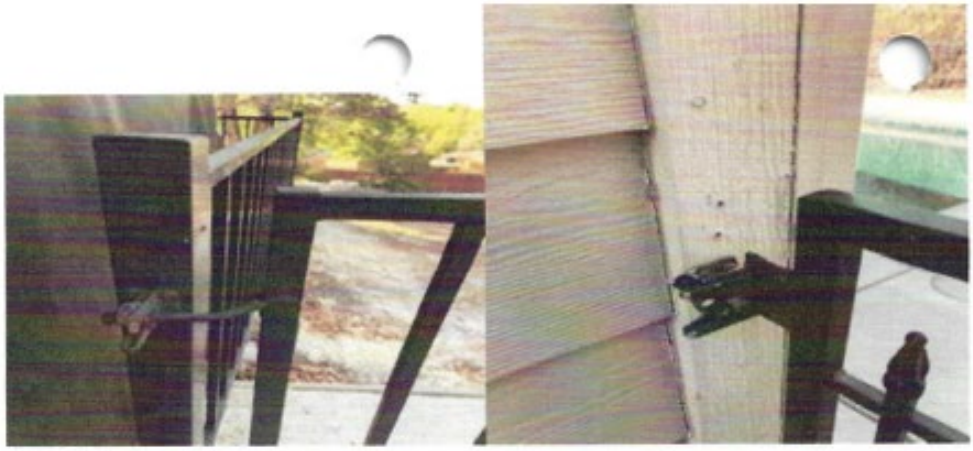
A. Applicant's Proposal
B. Building Department Response
C. Draft Planning Commission Meeting Minutes 11/11/21

D. City Council Resolution 21-52A Upholding Planning Commission Resolution 21-23 (B) and Conditions of Project Approval – **Pages 40-41**
E. City Council Resolution Upholding Applicant's Appeal with conditions 21-52(B) **Pages 42-44**

Attachment A
Applicant Proposal

I am applying for the Conditional Use Permit so I can get a final inspection/approval on my new pool construction with the use of my two fences that are already in place (see attached pictures) in conjunction with two of seven safety features (see attached pictures) that is required by the state of California pool safety codes. I have a 4ft perimeter fence on the front of my property and inside that 4ft fence I have a 3ft fence which surrounds my pool with self latching gates. Also, my property is sloped so at some points my fence height is over 4 ft. On my approved plans submitted to the City of Angels the building inspector noted that my fences aren't compliant so to move on I had to install door alarms not only on my doors facing the pool but also my front door which I have done. I also have a pool buoy alarm that will sound when there is any movement in the water. An additional safety feature that I had to install was safety glazing on the inside and outside of all windows facing the pool which will prevent someone falling through and/or shattering my windows.

Property/Pool fence & Self Latching Gates:



Pool Buoy Alarm:

Door Alarms:

Attachment B
Building Department Response

October 20, 2021

Amy Augustine, City Planner
City of Angels
200 Monte Verda St.
Angels Camp, CA 95222

Ms. Augustine:

I strongly recommend denial of the applicant's request for a Conditional Use Permit for an exemption from the requirements for a fence on the swimming Pool at 698 Easy Street (Project #21-37). Instead, alternatives for retrofitting the existing fence should be identified to ensure public safety.

BACKGROUND
There are two separate requirements for Swimming Pools:

- One is a state code which requires two of seven specific choices for drowning prevention methods. This code is intended to protect children and others in a house from easily accessing the pool on their property. This property complies with this provision.
- The other is a local code which requires barriers from preventing children and others from neighboring properties from accessing the pool. This property does not comply with this provision.

In some rural locations, counties may choose not to include local requirements for pools to be separated from neighbors. If houses are separated from other properties by a long distance, then protection of neighbors from pools may be deemed to be non-essential. In my 34 years' experience working in 7 different jurisdictions, I know of no cities that do not currently have a provision to protect neighbors from a pool.

The provisions of the state code are specific for five-foot fence and gate height, self-closing gates, absence of footholds, gaps in fencing, etc. These are minimum requirements based on studies and the International Swimming Pool Code to prevent children from climbing fences. Additionally, many drownings occur as young children follow their elder friends and siblings. Fence requirements are intended to deter even young children.

Under current state law, the court now also considers current hazards on the property and what measures the property owner took — or reasonably could have taken — to address them. They may also consider whether he or she put up a fence or other deterrents to any hazards and whether he or she adequately warned visitors of potential dangers.

SPECIFICS TO THIS PROJECT
The approved plans for this project show that a fence is required and is the responsibility of the homeowner.

During the inspections, the requirement for the fence has been written on several occasions and discussed in many conversations with both the owner and the contractor. There has been adequate time for the fence to be built. I see from the photos that the pool has been filled illegally, without proper city approval.

I write corrections for many issues based upon codes designed to protect people in often unusual and rare circumstances. This is not the case for pool fence requirements. A proper pool barrier will protect people every day.

I would never want to answer to grieving parents about why this pool was allowed without an appropriate barrier because of inconvenience or relatively inexpensive cost to the contractor or owner.

COMMON SENSE
Pools are fun, attractive, and entertaining. In fact, these would often be considered attractive nuisances in many local ordinances. Children are often drawn toward the prospect of swimming in a pool on hot days.

As a child, I trespassed upon neighbors' property, and in fact, I trespassed to use other's people's spas and pools. As a homeowner and pool owner, I had others trespass to use my backyard pool, even with appropriate fences!

SUMMARY
Codes and ordinances are in place to ensure safety. Pools have inherent danger. Many children die or are severely brain damaged by drowning every year.

The floating pool alarm and door alarms provided are compliant with the state code for protecting the pool from the home's occupants, even though there is some controversy over these. Both measures depend on batteries, which eventually fail. Additionally, experience tells us that door alarms are usually disconnected after the pool receives its final inspection. It is very inconvenient and bothersome to have a loud alarm whenever you open your door. The floating alarm also requires diligence to reset it after every time the pool is used.

Pool owners often choose to depend on their own diligence, rather than the alarms, usually knowing that everyone in the house is a capable swimmer. Obviously, this has no protection for neighbors.

This pool is not adequately separated from the public. In my opinion, an approval of a missing a proper barrier would be unconscionable.

For these reasons, I recommend denial of the request for any exemption in lieu of an appropriate fence and urge you to seek alternatives to at least retrofit the existing fence.

Thomas L. Trimberger, PE, CBO
City of Angels Building Inspector

Attachment C
Draft Planning Commission Meeting Minutes
11/11/21

DRAFT

CITY OF ANGELS
PLANNING COMMISSION
MINUTES

Regular Meeting of Thursday November 11, 2021
Zoom Meeting
Angels Camp, California

CALL TO ORDER
Chair Broeder called the meeting to order at 6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Commissioners Present**:** Chair Broeder, Vice-Chair Gordon, Commissioner Moncada, Commissioner Linton, and Commissioner Klerk

Commissioners Absent: None

Staff Present: City Planner Amy Augustine

AGENDA APPROVAL
The commission requested the addition of Item 5: Letter of appreciation to former Planning Commission Secretary Jennifer Preston under Commission Business.

Approval of Regular Agenda for November 11, 2021, as amended.

MOTION BY COMMISSIONER GORDON, DULY SECONDED BY COMMISSIONER MONCADA, AND CARRIED 5-0 TO APPROVE THE REGULAR MEETING AGENDA FOR NOVEMBER 11, 2021, AS AMENDED.

MINUTES APPROVAL

Meeting minutes for October 14, 2021.

MOTION BY COMMISSIONER KLERK, DULY SECONDED BY COMMISSIONER GORDON, AND CARRIED 5-0 TO APPROVE THE MINUTES OF THE OCTOBER 14, 2021, MEETING.

PUBLIC COMMENTS

OPENED AT 6:03 P.M.
CLOSED AT 6:04 P.M.

PUBLIC HEARING

1. **Resolution 21-23 Conditional Use Permit pursuant to Angels Municipal Code Section 8.28.070, to allow an installed 3-foot metal fence, instead of a 5-foot fence required by City Code, surrounding a newly completed residential swimming pool. Applicant: Nick Middleton, 698 Easy Street. Assessor's Parcel Number: 057-022-047**

Planner Amy Augustine presented the staff report and PowerPoint presentation for Resolution 21-23 to the City of Angels Planning Commission. Staff noted that the Planning Commission had two options:

D. Approve the Conditional Use Permit per the Applicant's request to retain a three-foot fence and two alarms and provide no further changes (Resolution 21-23A)

E. Approve the Conditional Use Permit per Staff Recommendation with a condition to retrofit a portion of the existing three-foot fence to make it a five-foot fence as described and illustrated in the staff report (Resolution 21-23B).

Staff summarized the process to date and provided a graphic illustrating the difference between the swimming pool fencing requirements before and after the recent code amendments pursuant to Ordinance 513 amending Angels Municipal Code Sections 8.28.010 and 8.28.020 relative to pool fencing and safety measures.

Recommendation**:** Planner Amy Augustine recommended that the planning commission adopt Resolution 21-23B to retrofit the three-foot fencing making it five feet given the necessity to make the finding that:

Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood.

Staff noted that, should the Planning Commission opt for Resolution 21-23A (retaining the 3-foot fence with no change), they should provide information supporting a finding that the 3-foot fence would not be detrimental to the health, safety, or welfare of persons in the neighborhood. .

Commissioner Klerk asked for clarification regarding what the building plans submitted for the pool indicated versus what was built. Staff provided excerpts from the building permit identifying "compliance with local codes" and gate latches at least 60" above the ground.

Chair Broeder opened the public hearing at 6:16 p.m.

Speaker: Nick Middleton stated that the pool meets all state codes and included three alarms. He stated he felt the pool was safe and reported that no neighbors had objected to the allowing the 3-foot fencing to remain as is and that a few had told him they felt it was okay.

Chair Broeder closed the public hearing at 6:19 p.m.

Discussion: Commissioner Klerk clarified that Option A required the Commission to provide supporting language for a finding of not detrimental to public health, safety or welfare and that Option B was staff's recommendation.

Chair Broeder stated he felt Option B was preferred, that he felt a three-foot fence was not as safe as a five-foot fence. He stated he'd hate to have something happen and know that the Commission did not do what was necessary to make it safe.

Commissioner Klerk stated he supported Option A, that the building plans did not seem clear and if a five-foot fence was required, it should have been spelled out. The alarms and buoy are sufficient to provide for a safe pool.

Commissioner Linton expressed that failure to require the five-foot fence earlier in the process was unfortunate, but could not argue that a three-foot fence was safe. He stated he would support the retrofit so he could sleep at night.

Commissioner Gordon stated he was concerned that alarms don't work if you are not home, that a five foot fence is better than three feet and that a toddler, or more likely a teen, would climb over anything.

Commissioner Moncada stated he'd checked with three places and most knew about the pool requirements and wished it had been shown clearly on the plans. We cannot change the code, then make an exception. Stick to the code. If the inspector was responsible, he should have corrected the builder's plans.

MOTION BY COMMISSIONER GORDON, DULY SECONDED BY COMMISSIONER LINTON TO APPROVE RESOLUTION 21-23B (Staff Recommendation). AYES: CHAIR BROEDER, COMMISSIONERS GORDON, LINTON, AND MONCADA NOES: COMMISSIONER KLERK. THE MOTION CARRIED 4-1 TO APPROVE RESOLUTION 21-23B (STAFF RECOMMENDATION).

Staff announced that any decision made by the Planning Commission could be appealed to the City Council within 10 days (with day one starting the next day) at a cost of $626.67. The appellant may request that the City Council refund the fee.

Attachment D
Planning Commission Approved Resolution
and
Conditions of Approval

CITY OF ANGELS
PLANNING COMMISSION
(Approved 11-11-21)

Resolution No. 21-23B

RESOLUTION PASSED AND ADOPTED BY THE CITY OF ANGELS PLANNING COMMISSION FOR
CONDITIONAL USE PERMIT MIDDLETON POOL FENCE
698 Easy Street
APN: 057-022-047

WHEREAS, the City received an application for a Conditional Use Permit to reduce the required fence height for the Middleton Pool Fence at the above location; and

WHEREAS, the City of Angels Municipal Code requires that consideration of such development requires a Conditional Use Permit; and

WHEREAS, the City of Angels Municipal Code establishes that a Conditional Use Permit requires review by the City of Angels Planning Commission, and

WHEREAS, it has been determined that the Project complies with the applicable sections of the City of Angels Municipal Code and is consistent with the City of Angels General Plan; and

WHEREAS, the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the state guidelines for the implementation of CEQA Section 15303, Class 3 (New construction of small structures); and

WHEREAS, at a duly noticed public hearing the Planning Commission heard and considered public input on the proposed project;

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Angels hereby approves the Conditional Use Permit based on the following findings A through F and subject to the attached conditions:

A. The proposed use is consistent with the City of Angels Municipal Code; and

B. The proposed use is consistent with the City of Angels General Plan; and

C. The proposed use will not overburden existing municipal facilities; and

D. The size and terrain of the parcel are suitable for the proposed use; and

E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood; and

F. The proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the state guidelines for the implementation of CEQA Section 15303, Class 3 (New construction of small structures)

The foregoing resolution was introduced and moved for adoption November 11, 2021, by

Commissioner Gordon and duly seconded by Commissioner Linton.

PASSED AND ADOPTED THIS 11th day of November, by the following vote:

AYES: Broeder, Gordon, Moncada, Linton

NOES: Klerk

ABSTAIN: None

ABSENT: None

_____
John Broeder, Chairman

ATTEST:

Amy Augustine, AICP – City Planner
City of Angels

CONDITIONS OF PROJECT APPROVAL
(Planning Commission Approved 11/11/21)
CONDITIONAL USE PERMIT MIDDLETON POOL FENCE

1. To the fullest extent permitted by law, Applicant shall defend, indemnify, and hold harmless City and its agents, elected and appointed officials, officers, employees, consultants, and volunteers (collectively, "City's Agents") from any and all liability arising out of a claim, action, or proceeding against City, or City's Agents, to attack, set aside, void, or annul an approval concerning the project, any applicable Permit, or subsequent City approvals. Applicant's duty to indemnify and hold harmless shall not extend to any claim, action, or proceeding arising from the gross negligence or willful misconduct of City or City's Agents.

   Upon receiving notice of a claim, action, or proceeding, Applicant shall assume the defense of the claim, action, or proceeding through the prompt payment of all attorneys' fees and costs, incurred in good faith and in the exercise of reasonable discretion, of City's counsel in defending such an action. City shall have the absolute and sole authority to control the litigation and make litigation decisions, including, but not limited to, selecting counsel to defend City and settlement or other disposition of the matter. The modification of a proposal by the applicant or the imposition of conditions by the City shall not alter the effectiveness of this indemnity obligation.

Prior to Commencing Pool Use:

2. The existing three-foot metal fence shall be retrofitted to extend to a height of five feet. It will incorporate metal anti-climb mesh as shown in **Resolution Attachment A**.

   Specifically, anti-climb mesh shall have:
   - Maximum vertical clearance from the ground to the bottom of the fence shall be 2".
   - Gaps or voids, if any, shall not allow passage of a sphere equal to or greater than 4" in diameter.
   - An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.

   The fence will be retrofitted in the location shown in **Resolution Attachment A**. Minor deviations may be approved by the Community Development Department so long as the same or greater level of safety is achieved.

3. A Final Building Permit shall be secured.

Throughout the life of the Project:

4. Significant changes to the above conditions shall require an amendment to this Conditional Use Permit.

5. Owners/occupants are responsible for maintaining all required enclosures and safety elements throughout the life of the project.

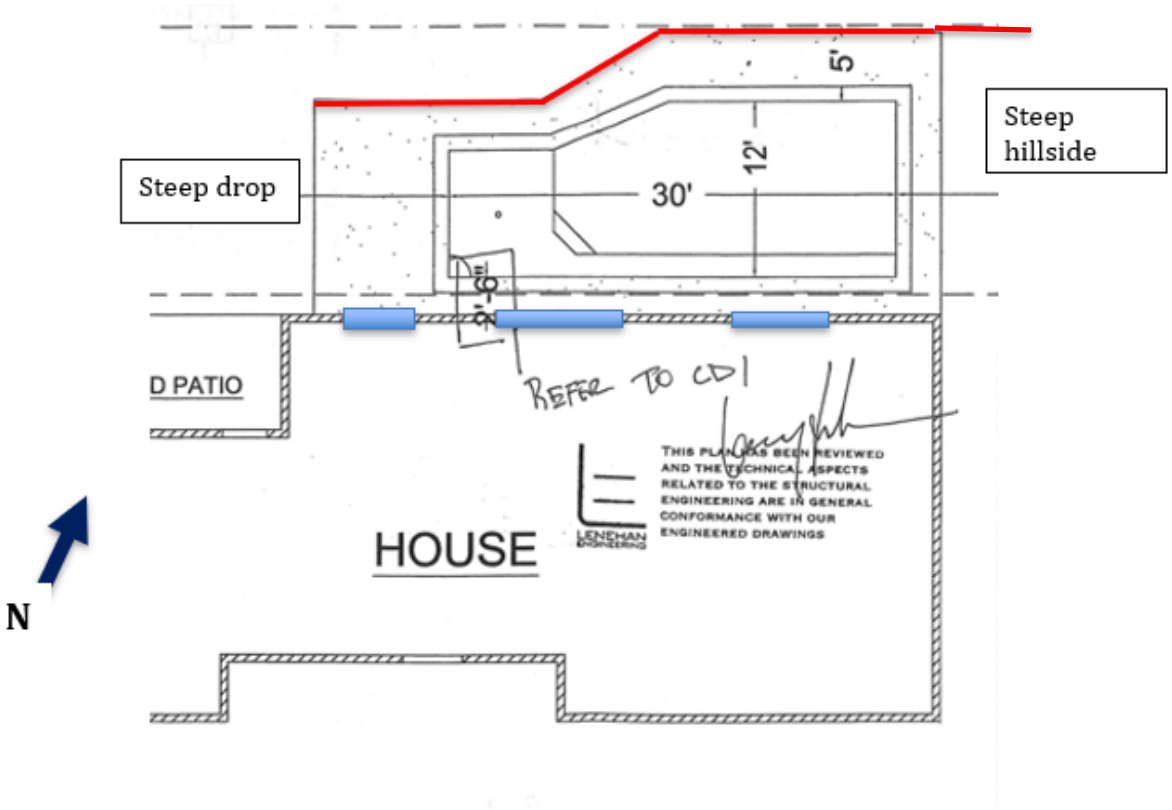
6. The Project shall comply with all provisions of the Project Description and this land use entitlement as approved November 11, 2021, by the City of Angels Planning Commission.

I, we, _____and _____agree to the above conditions.

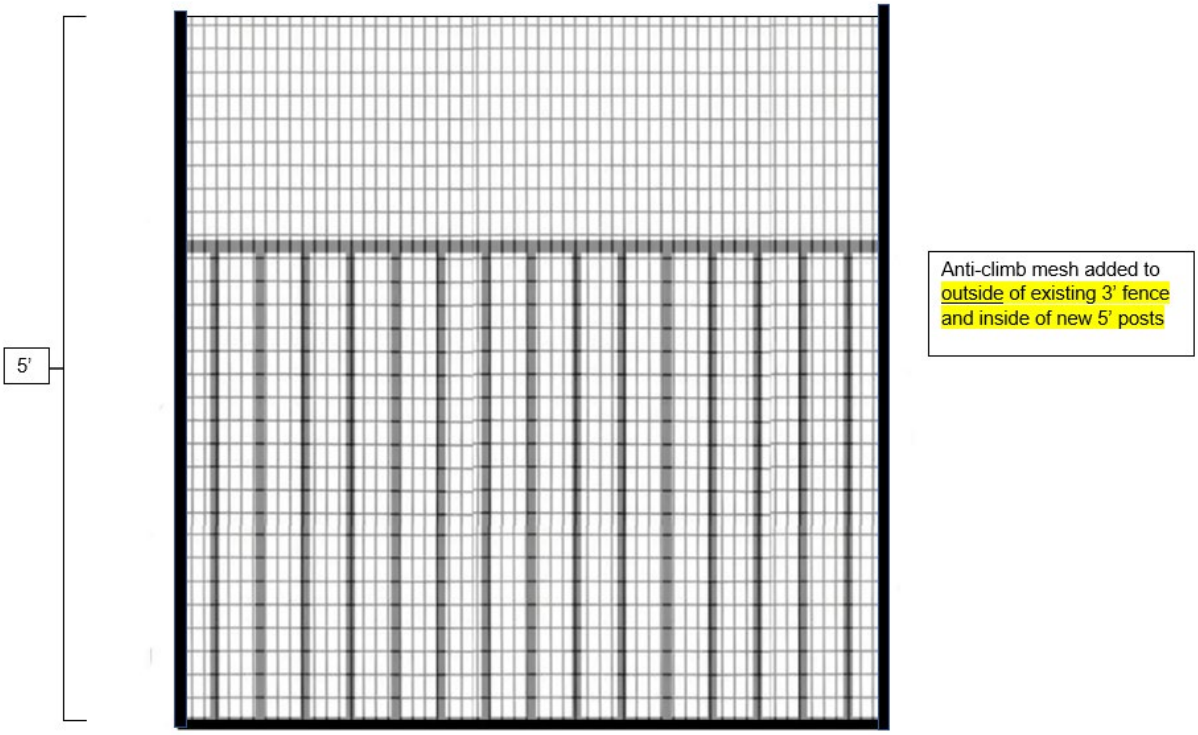
Signed: _____ Date: _____

ATTACHMENT A to Resolution 21-23B

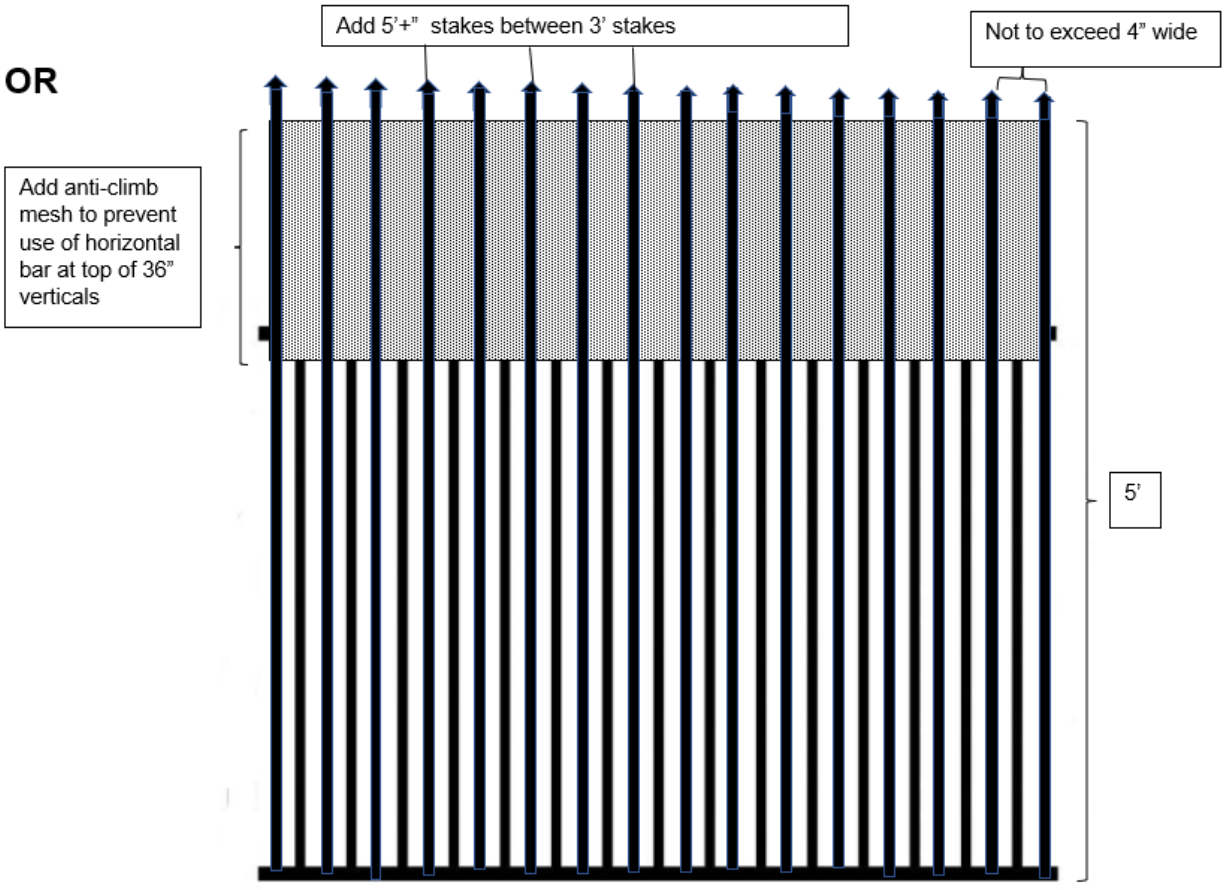
LOCATION OF FENCE TO BE RETROFITTED TO FIVE FEET (SHOWN IN RED)



OPTION A: Five foot fence. Add anti-climb mesh outside existing 3' fence posts and inside new 5' posts (sandwich). Horizontal bar on 3' fence shall not be accessible from outside the fence.



OPTION B: Five foot fence.



CITY OF ANGELS
CITY COUNCIL RESOLUTION 21-52A
Upholding the 11/11/21 Decision of Planning Commission Per Resolution 21-23B

RESOLUTION PASSED AND ADOPTED BY THE CITY OF ANGELS CITY COUNCIL FOR
CONDITIONAL USE PERMIT MIDDLETON POOL FENCE
698 Easy Street
APN: 057-022-047

WHEREAS, the City received an application for a Conditional Use Permit to reduce the required fence height for the Middleton Pool Fence at the above location; and

WHEREAS, the City of Angels Municipal Code requires that consideration of such development requires a Conditional Use Permit; and

WHEREAS, the City of Angels Municipal Code establishes that a Conditional Use Permit requires review by the City of Angels Planning Commission, and

WHEREAS, it has been determined that the Project complies with the applicable sections of the City of Angels Municipal Code and is consistent with the City of Angels General Plan; and

WHEREAS, the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the state guidelines for the implementation of CEQA Section 15303, Class 3 (New construction of small structures); and

WHEREAS, at a duly noticed public hearing the Planning Commission heard and considered public input on the proposed project and required retrofitting a portion of the fence to increase the heigh to 5 feet; and

WHEREAS, the applicant appealed the Planning Commission decision; and

WHEREAS, at a duly noticed public hearing the City Council heard and considered public input on the appeal of the Planning Commission's decision;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Angels hereby upholds the findings and conditions of the City of Angels Planning Commission decision of 11/11/21 and the Conditional Use Permit based on the following findings A through F and subject to the conditions as approved by the Planning Commission Resolution 21-23B:

A. The proposed use is consistent with the City of Angels Municipal Code; and

B. The proposed use is consistent with the City of Angels General Plan; and

C. The proposed use will not overburden existing municipal facilities; and

D. The size and terrain of the parcel are suitable for the proposed use; and

E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood; and

F. The proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the state guidelines for the implementation of CEQA Section 15303, Class 3 (New construction of small structures)

PASSED AND ADOPTED this 7th day of December 2021 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

_____

Alvin Broglio, Mayor

ATTEST:

_____

Rose Beristianos, City Clerk

CITY OF ANGELS
CITY COUNCIL RESOLUTION 21-52B
Reversing the Planning Commission's 11/11/21 Decision and Upholding the Applicant's Appeal

RESOLUTION PASSED AND ADOPTED BY THE CITY OF ANGELS CITY COUNCIL FOR
CONDITIONAL USE PERMIT MIDDLETON POOL FENCE
698 Easy Street
APN: 057-022-047

WHEREAS, the City received an application for a Conditional Use Permit to reduce the required fence height for the Middleton Pool Fence at the above location; and

WHEREAS, the City of Angels Municipal Code requires that consideration of such development requires a Conditional Use Permit; and

WHEREAS, the City of Angels Municipal Code establishes that a Conditional Use Permit requires review by the City of Angels Planning Commission, and

WHEREAS, it has been determined that the Project complies with the applicable sections of the City of Angels Municipal Code and is consistent with the City of Angels General Plan; and

WHEREAS, the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the state guidelines for the implementation of CEQA Section 15303, Class 3 (New construction of small structures); and

WHEREAS, at a duly noticed public hearing the Planning Commission heard and considered public input on the proposed project and required retrofitting a portion of the fence to increase the heigh to 5 feet; and

WHEREAS, the applicant appealed the Planning Commission decision; and

WHEREAS, at a duly noticed public hearing the City Council heard and considered public input on the appeal of the Planning Commission's decision;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Angels hereby approves the Conditional Use Permit based on the following findings A through F and subject to the attached conditions:

A. The proposed use is consistent with the City of Angels Municipal Code; and

B. The proposed use is consistent with the City of Angels General Plan; and

C. The proposed use will not overburden existing municipal facilities; and

D. The size and terrain of the parcel are suitable for the proposed use; and

E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety, or general welfare of persons in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood; and

F. The proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the state guidelines for the implementation of CEQA Section 15303, Class 3 (New construction of small structures)

PASSED AND ADOPTED this 7th day of December 2021 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

_____

Alvin Broglio, Mayor

ATTEST:

_____

Rose Beristianos, City Clerk

CITY COUNCIL
CONDITIONS OF PROJECT APPROVAL
Resolution 21-52B
CONDITIONAL USE PERMIT MIDDLETON POOL FENCE

1. To the fullest extent permitted by law, Applicant shall defend, indemnify, and hold harmless City and its agents, elected and appointed officials, officers, employees, consultants, and volunteers (collectively, "City's Agents") from any and all liability arising out of a claim, action, or proceeding against City, or City's Agents, to attack, set aside, void, or annul an approval concerning the project, any applicable Permit, or subsequent City approvals. Applicant's duty to indemnify and hold harmless shall not extend to any claim, action, or proceeding arising from the gross negligence or willful misconduct of City or City's Agents.

   Upon receiving notice of a claim, action, or proceeding, Applicant shall assume the defense of the claim, action, or proceeding through the prompt payment of all attorneys' fees and costs, incurred in good faith and in the exercise of reasonable discretion, of City's counsel in defending such an action. City shall have the absolute and sole authority to control the litigation and make litigation decisions, including, but not limited to, selecting counsel to defend City and settlement or other disposition of the matter. The modification of a proposal by the applicant or the imposition of conditions by the City shall not alter the effectiveness of this indemnity obligation.

Prior to Commencing Pool Use:

2. A Final Building Permit shall be secured.

Throughout the life of the Project:

3. Significant changes to the above conditions shall require an amendment to this Conditional Use Permit.

4. Owners/occupants are responsible for maintaining all required enclosures and safety elements throughout the life of the project.

5. The Project shall comply with all provisions of the Project Description and these land use entitlements as approved December 7, 2021, by the City of Angels City Council.

I, we, _____and _____agree to the above conditions.

Signed: _____ Date: _____

City of Angels Council Meeting

DECEMBER 7, 2021 **REGULAR AGENDA - B**

Approve Application Fee Waiver for Appeal of Conditional Use Permit 698 Easy Street (Middleton Swimming Pool), Amy Augustine, Planning Director

ANGELS CAMP
CALIFORNIA

PLANNING DEPARTMENT

CITY OF ANGELS **PO Box 667,** 200 B Monte Verda Street, Angels Camp, CA 95222 P: (209) 736-1346 F: (209) 736-9048

DATE: December 7, 2021

TO: City Council

FROM: Amy Augustine, AICP City Planner

RE: APPLICATION FEE WAIVER FOR APPEAL OF CONDITIONAL USE PERMIT 698 EASY STREET (MIDDLETON SWIMMING POOL)

RECOMMENDATION
The City Council may do one or none of the following, or an alternative:

1. Waive the full $626.67 appeal fee
2. Waive $275.67 of the fee and require the appellant to pay the $351 cost of the legal notice for the appeal.
3. Require the appellant to pay the full $626.67 appeal fee prior to the City finalizing the building permit.

BACKGROUND
On October 5, 2021, the City Council adopted Ordinance 513 amending Angels Municipal Code Section 8.28.070 to require a conditional use permit instead of a variance when a landowner proposes an alternative to a five-foot permanent fence surrounding a swimming pool. At that time, Council recommended that staff waive the application fee for a conditional use permit at 698 Easy Street. Council waived the $2036.67 fee for the use permit application at that time.

On November 11, 2021, the Planning Commission issued a Conditional Use Permit pursuant to the new ordinance for 698 Easy Street. The applicant appealed the conditions. The cost of the appeal is $626.67. The applicant is requesting the City Council waive the full appeal fee.

FISCAL IMPACT
The application fee is $626.67. Staff has expended this amount in processing the application and providing legal noticing in the newspaper.

ATTACHMENTS:
None.

City of Angels Council Meeting

DECEMBER 7, 2021 **COORRESPONDENTS**

DAC LETTER TO THE CITY REGARDING CITYGATE

DESTINATION ANGELS CAMP CALIFORNIA

300 S. Main Street • P.O. Box 984 • Angels Camp, CA 95222 • 209-736-0088 • DestinationAngelsCamp.com

November 18, 2021

Mayor & Members of City Council
City of Angels
P.O Box 667
Angels Camp, CA 95222

COPY

Honorable Mayor & City Council:

Our DAC Board was disappointed to learn about the City Council vote for the 6 month postponement of the budgeted Strategic Planning and Reevaluation of the City Financial and Organizational Assessment by Citygate & Associates earlier this month

We understand there are questions and concerns related to the timing and the scope for the next phase of this study. Four out the five City Council members are new to this process, the Covid pandemic has created much unrest and the direction of the economy is uncertain. Our business community is looking to the City Council for its leadership to ensure the City's financial viability and long term strategic planning for a vibrant and healthy business community. Professional studies like this also serve as a tool and a guide to help drive economic development and retain and attract business.

Because of these concerns, the DAC Board would like to know if the City Council would be open to the prospect of retaining Citygate & Associates to review and report back to the City Council and the community on the status of the 2018 Organizational Review & Budget Stabilization Study. We believe this would allow for an objective review using real data, numbers and legitimate information. This research would help guide the City and the business community into the next phase to help develop a Strategic Plan and reevaluate the City's Financial and Organizational Assessment.

The timing is critical. We would propose that this item be placed on the December 7, 2021 City Council agenda for review and discussion of this request. Meanwhile, direct staff to find out what such a review might cost and the timeframe needed. If approved, we would ask that Citygate & Associates be engaged in December so the work can begin and a report shared with the City Council and the business community. We also believe this can be a tool used as the City develops the 2021/2022 budget.

We would appreciate a response to our request so that our Board Members may attend the City Council meeting and participate in the discussion. Please feel free to contact me if you have any questions. We value our public-private partnership and thank you for considering this request.

On Behalf of the Board of Directors,

Tim Oskey, Board Chair
Edward Jones

Board Members:
Vice Chair Dave Vacarezza, Cal Waste
Secretary Laurie Giannini, Secretary
Treasurer Mark Wilson, Signal Service

Mike Fullaway, Calaveras Lumber
Scott, Behiel, Entrepreneur
Jeff Johnson, Angels Sewer & Drain
Jonathan Tal, Angels Camp RV Resort
Jesse Reyna-Gibbs, Century 21 Sierra Properties
Darren Diebold, Diebold Funeral Holdings, Angels & San Andreas Memorial Chapels
John Alexander, MACT Health Organization
Mark Degenhardt, CMG - Communications Management Group
Gary Gordon, Planning Commission Appointee
Greet Tiscornia, City Council Appointee