

CITY OF ANGELS
CITY COUNCIL
MINUTES
Tuesday, November 5, 2013

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

4:30 p.m. CALL TO ORDER

Chair Morris called the City Council meeting to order at 4:30 p.m. The City Council convened to closed session. Chair Morris reconvened to open session.

6:00 p.m. REGULAR MEETING – CALL TO ORDER

ACTION TAKEN IN CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9
Action: Direction given to Counsel
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9
Action: Direction given to Counsel
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING/PENDING LITIGATION** City of Angels Camp v. Marie A. Starr, Calaveras Sup. Ct. Case No. 11CV37944
Action: Direction given to Counsel
- D. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION**
Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9 Hadley v. City of Angels, USDC, Eastern District, Case No. 1:13-cv-00218-AWI-MJS
Action: Direction given to Counsel
- E. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION**
Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9 Difu, Croletto, Rosato and Turco v. City of Angels Camp, and City of Angels Camp Landscaping and Lighting District #1, Calaveras County Superior Court, Case No.13-cv-39523
Action: Direction given to Counsel
- F. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: 1246 Booster Way Agency negotiator: Michael McHatten, City Administrator.
Negotiating parties: Angels Camp Veterans Memorial District. Under negotiation: Price and terms.
Action: Direction given to staff

APPROVAL OF AGENDA

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

STAFF UPDATES

- The City Administrator had no additional items to add to the consolidated report included in the packet. Council Member Sobon asked the City Engineer if the water sampling kits supplied to homeowners were distributed to different location segments throughout the City. He was told that they were.
- Council Member Lynch asked the status of the CDBG grant applied for. The City Administrator stated \$100K was awarded for tourism.

- Council Member Lynch asked the City Engineer what level of lead was being used for homes being tested. The Engineer said the level of lead being used is .15 parts per billion. Mr. Lynch stated it must be per million and asked the Engineer to supply additional information.
- Council Member Raggio asked the status of the sidewalk project. The Planning Director explained they are awaiting a storm water/pollution control plan before work can start.
- Council Member Lynch reported that Tribal Resource Specialist for the MiWuk Tribe, Debbie Grimes, will be making a presentation at the museum on November 14th. He also reported the museum is now open year-round. Thursday through Monday from 10:00 am – 4:00 pm.

COUNCIL UPDATES

Stuart Raggio

- Attended UWPA. Negotiations are underway for a new general manager.
- Attended Gold Rush Day

Jack Lynch

- Attended Gold Rush Day
- Attended the Angels Camp Commemorative Meeting to critique Gold Rush Day
- UWPA has recovered \$32K from CALISO

Bert Sobon

- Attended Gold Rush Day and felt it was very successful.

Elaine Morris

- Attended Gold Rush Day and agreed with Council Member Sobon.

PUBLIC COMMENT

Public comment period was opened at 6:15 pm.

There were no comments from the public in attendance.

CONSENT AGENDA

MOTION by Council Member Raggio, seconded by Council Member Lynch and carried 4-0 **ADOPTING THE CONSENT AGENDA ITEM AS PRESENTED:**

- Approve Minutes of Regular meeting October 15, 2013.
- Adopt Resolution No. 13-35: Approve agreement between the City & the Department of Forestry & Fire Protection for CalFire Rural Assistance Grant

REGULAR AGENDA

- APPROVAL OF RESOLUTION ELECTING PUBLIC EMPLOYEES' MEDICAL & HOSPITAL CARE ACT (PEMHCA) – MINIMUM EMPLOYER CONTRIBUTION (MEC) – MOTION** by Council Member Sobon, seconded by Council Member Lynch and carried 4-0 **APPROVING RESOLUTION NO. 13-33. A RESOLUTION ELECTING THE CITY BE SUBJECT TO PUBLIC EMPLOYEES' MEDICAL & HOSPITAL CARE ACT AND FIXING THE EMPLOYER'S CONTRIBUTION TO THE AMOUNT PRESCRIBED BY GOVERNMENT CODE SECTION 22892(b).**
- HEALTH REIMBURSEMENT ACCOUNT**
MOTION by Council Member Sobon, seconded by Council Member Raggio and carried 4-0 **APPROVING RESOLUTION NO. 13-34. A RESOLUTION APPROVING THE ESTABLISHMENT OF A HEALTH REIMBURSEMENT ARRANGEMENT (HRA)**
- ANALYSIS OF CITY GUIDELINES ADOPTING OPEN & ORDERLY PUBLIC MEETINGS**
Derek Cole, City Attorney, provided an analysis of the City's guidelines of open and orderly public meetings that is posted on the City's website. He reported that overall the guidelines are accurate. He pointed out that guideline #3 allows 3 minutes for public comment and some agencies allow up to 5 minutes. Council Member Lynch felt 5 minutes was a reasonable time allotment for the public.

Council Member Sobon and Council Member Raggio agreed that the 3 minute time allotment was fine and Mr. Sobon pointed out that Council has the option to extend the time.

Mr. Cole said that he did have some issues with the wording of guideline #5. The guideline, in part, says “*a person addressing the Council shall not make repetitious, slanderous or irrelevant remarks*”.

Mr. Cole explained that the Council may not want to hear certain remarks but they cannot stop someone from saying things in their own words. Council Member Lynch stated that Council must listen to criticism and recognize the fact that the public has the right to criticize.

Mr. Cole said he also reviewed the City Council handbook and found it to be generally good but requires some updating.

It was agreed that the City Attorney will reword Guideline #5 and also make some minor revisions to the Council Handbook. He will bring both documents back at the same time for council review.

Calendar was reviewed by the City Clerk.

MEETING WAS ADJOURNED AT 6:50 P.M.

Elaine Morris
Mayor

ATTEST:

Mary Kelly
City Clerk