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CITY OF ANGELS  
CITY COUNCIL  
MINUTES

**Tuesday, June 19, 2012**

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

Staff Present: Michael McHatten, Richard Matranga, Todd Fordahl, Vanessa Apodaca, Dave Hanham, Melisa Ralston and Mary Kelly

**3:15 p.m. CALL TO ORDER**

**ADJOURN TO CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to subdivision (b) (1) of Government Code Section 54956.9 (one potential case)
- B. CONFERENCE WITH LABOR NEGOTIATORS: pursuant to California Code Section 54957.6 Fire MOU and Exempt Employee MOU. City Negotiator: Michael McHatten, City Administrator

**4:00 p.m. BUDGET WORKSHOP**

The City Administrator presented a PowerPoint outlining the proposed budget for FY 2012/2013.

**Direction: Budget workshop to be scheduled at 4:30 on July 3, 2012.**

**Direction: Public Hearing to be agendized for City Council meeting on July 3, 2012.**

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

**ACTION TAKEN IN CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to subdivision (b) (1) of Government Code Section 54956.9 (one potential case)  
Action: Direction given to City Attorney
- B. CONFERENCE WITH LABOR NEGOTIATORS: pursuant to California Code Section 54957.6 Fire MOU and Exempt Employee MOU. City Negotiator: Michael McHatten, City Administrator  
Action: Direction given to City negotiator.

**APPROVAL OF AGENDA**

The City Administrator pulled the following agenda items for continuation to July 3rd:

4. Consideration, review and possible adoption of FY 2012/2013 budget
5. Resolution adopting the Appropriations Limit for FY 2012/2013.
6. Resolution establishing a Master Fee Schedule
7. Resolution acknowledging the dissolution of the City of Angels' Redevelopment Agency.

MOTION by Council Member Neuman, seconded by Council Member Behiel and carried 5-0 APPROVING THE REMAINDER OF THE AGENDA AS PRESENTED.

**STAFF UPDATES**

**Vanessa Apodaca** – City Engineer

- Reported that the 2012 Street Improvement Project has been delayed 1 week.

DRAFT

- Council Member Lynch asked about the NPDES permit renewal. He asked what is specifically being asked for.

**Direction: City Administrator will give a copy of the report received to Council.**

**Michael McHatten** – City Administrator

- Referred to his report included in the packed.

## **COUNCIL UPDATES**

**Jack Lynch**

- Attended the ACCC meeting. Invitations for the July 4<sup>th</sup> event were mailed to council members.
- Attended LAFco and was elected vice-chair (one year term).

**Roger Neuman**

- Attended LLD
- Attended Destination Development meeting
- Attended LAFco

**Scott Behiel**

- Attended CCOG where they are still searching for a citizen to serve on the Council.

**Elaine Morris**

- Attended CCOG where the FY 2012/2013 OWP was approved.
- Attended CCEDD where the Final Comprehensive Economic Strategy was approved.
- Attended the Chamber of Commerce ribbon cutting for Bill Murphy Insurance.

## **PUBLIC COMMENTS**

**Tey Cross** – ACBA President and Chair of the ACCC

- Reminded the Council of the 4<sup>th</sup> of July event at Utica Park from 1:00 – 6:00.

## **CONSENT AGENDA**

**MOTION** by Council Member Raggio, seconded by Council Member Lynch and carried 5-0 ADOPTING THE CONSENT AGENDA AS PRESENTED:

- a. Approve Minutes of Regular meeting June 5, 2012
- b. Approval of check register

## **REGULAR MEETING**

### **1. 2012 GOLD CLIFF SEWER REPAIR PROJECT**

**MOTION** by Council Member Behiel, seconded by Council Member Lynch and carried 5-0 AUTHORIZING AWARD OF CONTRACT FOR THE 2012 GOLD CLIFF SEWER REPAIR PROJECT TO GROUNDWORKS CONSTRUCTION, INC. IN AMOUNT NOT TO EXCEED \$273,077.00 AND AUTHORIZE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT.

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### **2. PUBLIC HEARING: CONTINUED FROM MAY 15, 2012: ADOPT ORDINANCE NO. 456 AMENDING ZONING MAP**

Planning Director Dave Hanham gave a brief background on the zoning map ordinance progress to date. There are 63 parcels needing rezoning to comply with the General Plan. Of these, six parcel owners would like their parcels to remain zoned Suburban Commercial (SC). He explained there are three options Council can choose from to resolve this issue:

DRAFT

1. The City Council can approve the Planning Commission recommendation of rezoning 57 parcels and allow 6 parcels to keep their existing zoning. By choosing this option, the City Council would need to direct Staff to complete a General Plan Amendment. The General Plan Amendment would take a minimum of six months, and have a cost of approximately \$15,000 to \$25,000. The cost is based on having a consultant review the consistency of the General Plan as well as the Environmental Impact Report.
2. The City Council can approve rezoning all 63 parcels consistent with Staff recommendation. This option will bring the Zoning Map and General Plan Map into compliance.
3. The City Council could choose not to rezone any of the parcels. If the City Council chose this option, a number of consequences would be put on the developer. I have listed those consequences below:
  - a. The approval time of projects would lengthen due to the fact that the applicant would be required to do a rezone with their projects.
  - b. The application costs will be higher due to the rezone application that would be required.
  - c. It adds another entitlement process and set of findings to the developer project.

Director Hanham explained that staff is recommending Council choose Option #2.

6:40 p.m. Public Hearing Opened

**Kathy Gomes** – 217 No. Main

Explained that her parcel is currently zoned SC and she would like it to remain that way. She does not want any limitations on what she could build on her property in the future.

**Ed Hogue** – Parcel Owner

Spoke in favor of keeping his parcel zoned SC. He felt that there would be a lower investment value if the zoning was changed to residential.

6:50 p.m. Public Hearing Closed

Council Member Lynch stated that he is in favor of staff's recommendation to rezone all 63 parcels. The parcels don't fit into the SC zoning definition.

Council Member Behiel said he respects private property rights but feels the property owners are being given a second chance since rezoning these parcels was brought forward during the General Plan process. But, given that there needs to be a General Plan Amendment prepared for the Lee property, this could be included with that amendment. Council Member Raggio agreed with this.

Council Member Neuman stated that these 6 pieces of property are backing up to single family residences and the current zoning SC is not appropriate. He agreed with Council Member Lynch – all 63 parcels should be rezoned.

Mayor Morris said she agrees with Council Members Behiel and Raggio; include the 6 parcels in the amendment process with the Lee parcel(s).

**Motion** by Council Member Raggio, seconded by Council Member Morris APPROVING OPTION #1 WITH DIRECTION TO STAFF TO COMPLETE A GENERAL PLAN AMENDMENT INCLUDING THE SIX (6) PARCELS WITH OTHER REZONED PROPERTY AWAITING A G/P AMENDMENT.

DRAFT

Council Member Behiel asked how accurate the cost was for preparing a G/P amendment as quoted in Option #1. The City Administrator said that the Planning Director has years of experience and he trusts the figure quoted as being a close cost estimate.

Director Hanham said there would be additional costs associated with adding the 6 parcels to the amendment for the Lee's.

Council Member Raggio withdrew is previous motion.

MOTION by Council Member Behiel, seconded by Council Member Raggio and carried 3-2 with Council Members Lynch and Neuman voting 'NO' TO CONTINUE THIS ITEM TO THE JULY 3, 2012 MEETING, AND DIRECT STAFF TO SUPPLY ADDITIONAL COSTS ESTIMATE.

3. **PUBLIC HEARING: ADOPT ORDINANCE NO. 452 ADDING CONTROLLED DEBRIS BURNING TO THE HEALTH & SAFETY SECTION OF THE ANGELS CAMP MUNICIPAL CODE**

Fire Chief Greg Petersen supplied the Council with background information on this item.

7:30 p.m. Public Hearing opened

Mayor Morris asked if there were any comments from the public on this item. There being none, the Public Hearing was closed.

7:31 Public Hearing closed

MOTION by Council member Behiel, seconded by Council Member Raggio and carried 3-2 with Council Members Raggio and Lynch voting 'NO' ADOPTING ORDINANCE NO. 452. AN ORDINANCE ADDING CHAPTER 8.44 TO TITLE 8 (HEALTH & SAFETY) OF THE ANGELS CAMP MUNICIPAL CODE IMPOSING CONTROLLED DEBRIS BURNING WITH THE FOLLOWING MODIFICATION TO SECTION 8.44.050 'OBTAINING A BURNING PERMIT':

- Item 'A' to be moved to item 'B' and changed to read: *During fire season, prior .....*
- New item 'A' to read: *At the end of fire season the City shall publish, in a newspaper of general circulation, a burning permit for citizens of Angels Camp setting forth rules and regulations for open fires consistent with the City ordinance.*

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**MEETING WAS ADJOURNED AT 8:00 P.M.**

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Elaine Morris  
Mayor

ATTEST:

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Mary Kelly  
City Clerk