

CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, August 21, 2012

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

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

5:00 p.m. CALL TO ORDER

ADJOURN TO CLOSED SESSION

- A. PURSUANT TO CALIFORNIA CODE SECTION 54957: Performance Evaluation – City Administrator
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) (1) of Government Code Section 54956.9 (one potential case)

6:00 p.m. REGULAR MEETING

ACTION TAKEN IN CLOSED SESSION – August 7, 2012

CONFERENCE WITH LABOR NEGOTIATORS: pursuant to California Code Section 54957.6
Exempt Employees, Non-Exempt Employees, Police and Fire Employees City Negotiator: Michael McHatten, City Administrator
Action: Instructions given to negotiator

ACTION TAKEN IN CLOSED SESSION – August 21, 2012

- A. PURSUANT TO CALIFORNIA CODE SECTION 54957: Performance Evaluation – City Administrator
Action: No action taken
- B. 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: No action taken

APPROVAL OF AGENDA

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

STAFF UPDATES

Mary Kelly – City Clerk

Informed Council that Caltrans has officially approved the closure of Highway 49 for the Centennial Celebration on September 29th.

Michael McHatten – City Administrator

- Reported there would be an amendment to the budget based on the outcome of tonight's actions with the LLD Engineer's report approval.

- Stated that staff has initiated an RFP for an actuarial study as it relates to contributions towards retiree health benefits.

Council Member Lynch applauded staff's safety training and commended Steve Flaigg for his efforts.

Council Member Lynch said he was pleased of the hiring of the Educational Coordinator for the Museum.

COUNCIL UPDATES

Roger Neuman

- Attended several DAC meetings

Jack Lynch

- Attended Museum Commission – reminded everyone of the new exhibits at the Museum coming in September.

- Toured the water plant

Elaine Morris

- Attended CSEDD.

PUBLIC COMMENTS

There were no comments from the public in attendance.

CONSENT AGENDA

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

- Approve Minutes of Regular meeting July 17, 2012
- Approve Minutes of Regular meeting August 7, 2012
- Approval of check register

REGULAR AGENDA

1. EMERGENCY OPERATIONS PLAN

MOTION by Council Member Raggio, seconded by Council Member Lynch and carried 5-0 **APPROVING THE CITY OF ANGELS EMERGENCY OPERATIONS PLAN**

2. PUBLIC HEARING: MASTER FEE SCHEDULE

The City Administrator gave a brief description of the Master Fee Schedule. He explained that the fees listed in the schedule are the current fees charged. After internal review, it was decided to remove the fee adjustments that were included in the draft Master Fee Schedule provided to Council at an earlier meeting.

Public Hearing Open: 6:25 p.m.

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

Public Hearing Closed: 6:26 p.m.

The hearing was closed and brought back to the Council for discussion.

Council Member Lynch requested there be a footnote on the Master Fee Schedule referencing that development connection fees for sewer and water are under legal review.

MOTION by Council Member Neuman, seconded by Council Member Behiel and carried 5-0 **ADOPTING RESOLUTION NO. 12-13. A RESOLUTION ESTABLISHING A MASTER FEE SCHEDULE WITH THE CONDITION THAT A FOOTNOTE BE ADDED STATING:**

Connection fees for sewer and water originally adopted by developer agreements are under legal review by the City's legal counsel.;

3. **PUBLIC HEARING – ADOPTION OF FINAL ENGINEER'S REPORT FOR THE CITY OF ANGELS LANDSCAPING AND LIGHTING DISTRICT NO. 1 FOR FISCAL YEAR 2012-2013**

The City Administrator reviewed the Engineer's Report and noted several revisions made to the previous draft report. He pointed out that the assessments can be deferred to September 7th.

Public Hearing Opened: 6:35 p.m.

Steve Difu – 576 Sasa

Comments from Mr. Difu on Engineer's Report:

- Page 11 – Line Item previously named “Auditor’s Fee” has been removed and the contingency line item now includes the Auditor’s Fee. Why is the “Auditor’s Fee” not included in the line item that refers to “Internal Audit”.
- Why is there now a “Deferred Landscape Maintenance” line item? Previously there was only a “Land Maintenance” line item.
Mr. McHatten explained that staff chose to split Landscape Maintenance into two (2) line items - Landscape Maintenance and Deferred Landscape Maintenance - until there is a new maintenance contract.
- On June 1, 2000 the City passed a resolution to increase assessments from \$164.00 to \$300.00. In the resolution, it says to make reference to the 2000 Engineer's Report for explanation of the increase. In that resolution and Engineer's Report there is no mention of the increase directed at roads – ever. At no time can Mr. Difu find any documentation that the \$300.00 increase was for the roads.

Jim Pisula – Greenhorn Creek resident

Stated that he was totally confused with what was going on regarding the assessments. The assessment amount was for the overall landscaping. Nothing has been mentioned specifically for roads. He hoped this would get resolved soon.

Bob Menary – LLD Committee Member

Comments from Mr. Menary on Engineer's Report:

- Page 8 states that the City “land use” attorney is reviewing the situation as it relates to wetlands. The LLD Committee has no knowledge of the attorney being hired yet.
- Page 11 – The LLD committee recommends the wetlands line item be added back into the budget (\$5,000).
Mr. McHatten stated that staff does not recommend putting this item back into the budget until the Land Use Attorney can review the issue.

Craig Turco – Greenhorn Creek Resident

Comments from Mr. Turco on Engineer's Report:

- Page 3, paragraph 3 – Delete Angel Oaks Drive and replace with Greenhorn Creek Road.
- Page 6 – Where did “Sidewalks, Drainage Facilities, Features and Monuments” come from? This is the first time this language has been in an Engineer's Report.
Mr. McHatten said this was put in at his direction. Since past reports reflected roadway signs and street signs, staff wanted to make sure the report separated entryway features from roadway signs so that it was clear what was part of the District and what was not. The entry features are part of the LLD's responsibility.
Mr. Turco said there has never been mention of entryway monument in previous Engineer's Reports. He asked where in any LLD documents entryway monuments are mentioned. That

expense has never been in the budget before. Roadway signs have been a line item but there has been a clever sleight of hand in changing the wording on this line item. Mr. Turco asked for justification or some documentation where it shows that there are monument signs in the LLD.

Mr. McHatten said staff was only trying to provide some clarity to the Report of what the LLD was responsible for.

Council Member Lynch asked if this issue has been discussed in the LLD Committee meetings. Council Member Neuman said that power to the monument has been discussed and Mr. Turco agreed that the LLD has been paying for the power to the monument since its inception. He said to remember that you have to be able to confer a special benefit. He stated that residents of Greenhorn Creek know how to get to their homes and they don't need any kind of signage to find their homes. He asked what confers a special benefit to the District versus the public that comes into the Golf Course, WorldMark or anywhere else.

Council Member Lynch said it is appropriate to know who is responsible for the entryway monument. It appears there is dry rot in the first entryway sign on the right. He said he thinks the point Mr. Turco is making is who is responsible for repairing this sign before it falls down. The budget is reflecting that the LLD is responsible for the entryway. Mr. Lynch said the repair should be discussed in the LLD Committee. Mr. Turco pointed out that the LLD Committee cannot arbitrarily dictate what to pay. There has to be justification and parameters to spend money. Mr. Lynch said if there is an existing monument and it has dry rot and falls down, the budget is reflecting \$1300 to replace. Is the LLD Committee recommending this not be repaired? Mr. Turco stated that he is not a member of the LLD Committee. He is simply stating that monuments are not in the current LLD agreement for Greenhorn Creek as conferred as a special benefit. "Sidewalks, Drainage Facilities, Features and Monuments" is a new line item. The previous line item was "Road Signs Maintenance" and monies were budgeted to update the signs in Greenhorn Creek. That line item has gone away and the budget now says the monies be used for the monument. How can you do that? Where is the justification?

- Mr. Turco asked for justification for the "Community Outreach" line item in the budget. What is this for? Mr. McHatten said this line item is for notification and flyers if notices are needed for the LLD.
- Mr. Turco suggested taking 75% of the reserve monies and paying down the assessment and use the remaining 25% for assessment claims.

Paul Backowski – Chair, LLD

Mr. Backowski stated that the new line item regarding signs and monuments has not been discussed in the LLD committee. Also repairing the monument has not been discussed.

Gary Croletto – Greenhorn Creek Resident

Mr. Croletto asked if the Council had any comments on his 3-pages of comments to the first Engineer's Report from August. There were no comments from the Council.

Comments from Mr. Croletto on Current Engineer's Report:

- Page 6 - Suggested that there be a definition of entryway features.
- Page 6 – Lighting paragraph has been changed from: *Includes cost of power plus maintenance service for street light poles, lamps, glassware (34 total street lights) plus cost of power for miscellaneous monument signs* TO *Includes cost of power plus maintenance service for street light poles, lamps, glassware (34 total street lights) and miscellaneous monument signs.*

The LLD is not responsible for maintenance to the monument signs – only the power to them. Mr. Croletto pointed out that at the bottom of page 6 under ‘a’ the Project Entry defines the entryway area.

- Referring to the Amended Assessment Diagram, Mr. Croletto pointed out the shaded triangle at the top of the diagram. This is where the monument signs are and it states: “landscaped area maintained by District (outside of District Limits) portion of street right-of-way dedicated to the City of Angels.” Thus, the property belongs to the City.
- Page 12 – There is a 2009/2010 line item for “Entry Features and Monuments”. He asked where that figure came from. There has never been a line item for Entry Features and Monuments until now.
- Page 13 – 3rd paragraph from bottom states : “.....reserves for costs to be incurred in future years, including repairs and replacement of improvements which may become damaged or wear out.” Mr. Croletto said that normally reserves are called out for each line item.
- Page 48 – Assessment Number 902 lot number is listed as 41123 and should be changed to 8-2.

Steve Difu – 576 Sasa

Mr. Difu echoed Mr. Backowski’s statement that there was never any discussion in the LLD regarding the monument signs.

Asked the City Attorney what the outcome of the assessment would be if the City cannot find any documentation that the assessment was for a specific purpose, i.e. roads.

Jim Pisula – Greenhorn Creek Resident

There is a mess in Greenhorn. Whether it’s LLD, GHC or the Resorts responsibility, he said he hoped the Council would move forward. This has been going on much too long, The lake and ponds are a disaster, totally overgrown.

Public Hearing Closed – 7:20 p.m.

City Administrator Michael McHatten commented on several items brought up:

- Page 3 – The naming of the road as Greenhorn Creek is accurate. Angels Oaks Drive will be removed and change made.
- The entry monument item discussed was done at his direction to the engineer but also was his interpretation looking at past Engineer’s Reports. If it’s not accurate, it’s a minor item. Council has the ability to pull the \$1,300 line item from the assessment. He explained that the line item “Roadway Signs” was changed to “Entry Features and Monuments” to clarify what his interpretation was and what he believed it should be. He repeated that if this is not accurate, Council may pull this item from the report and direct the Engineer to adjust the assessment accordingly.

Council Member Lynch commented that when Paul Backowski, as Chair of the LLD, said that the monument sign had not been discussed for repairs, he would be persuaded to delete the \$1,300 based on relying on the LLD Committee who looks at these things every month.

Mr. Lynch said he would like an explanation of the comments made by Mr. Difu in respect of what happened in the year 2000 when the assessment increased from 164.00 to 300.00. He said the Council needs some verification that this increase was for roads. Mr. McHatten said that he and the City Attorney will look into this issue if direction is given by the Council.

Council Member Lynch also asked that written comments presented to the Council be responded to. Council Member Raggio agreed with Mr. Lynch’s request. Council Member Neuman agreed to Mr. Lynch’s request. Council Member Behiel said that he was inclined to approve the resolution with some minor changes. Feels the budget is reasonable.

MOTION by Council Member Lynch TO CONTINUE THIS ITEM TO THE SEPTEMBER 4TH COUNCIL MEETING AT WHICH TIME THE ISSUE OF ENTRY FEATURES AND MONUMENTS AND THE REFERENCE TO THE ASSESSMENT INCREASE IN 2000 FOR ROADS IS TO BE DISCUSSED AND RESOLVED.

MOTION died due to lack of second.

MOTION: by Council Member Behiel, seconded by Council Member Neuman and carried 4-1 with Council Member Lynch voting 'NO' APPROVING RESOLUTION NO. 12-20. A RESOLUTION ADOPTING THE ENGINEERS REPORT, CONFIRMING THE DIAGRAM AND ANNUAL ASSESSMENT, AND PROVIDING FOR THE LEVY OF ASSESSMENTS AND FOR THE COLLECTION OF ASSESSMENTS FOR CITY OF ANGELS LANDSCAPING AND LIGHTING DISTRICT NO.1 FOR FISCAL YEAR 2012-2013 WITH THE FOLLOWING CHANGES:

1. Page 3 - Remove Angels Oaks Drive and replace with Greenhorn Creek Road (paragraphs 3 & 4)
2. Page 6 – Remove Features and Monuments in title “Sidewalks, Drainage Facilities, Features and Monuments” and remove any language referring to Features & Monuments in corresponding paragraph.
3. Page 6 – Change “Lighting” paragraph to read: Includes cost of power plus maintenance service for street light poles, lamps, glassware (34 total street lights) plus cost of power for miscellaneous monument signs.
4. Page 8 – Change City land use attorney is reviewing to: City land use attorney will be retained to review the situation.
5. Page 11 and 12 – Remove line item “Entry Features and Monuments \$1,300.00”
6. Page 12 – Match total revenue to adjust expenditures.
7. Page 48 – Change Lot No. on Assessment No. 902 from 41123 to 8-2.

Roll Call Vote: Mayor Morris {YES}, Vice Mayor Lynch {NO}, Council Member Raggio {YES}, Council Member Neuman {YES} and Council Member Behiel {YES}.

MOTION by Council Member Raggio, seconded by Council Member Lynch and carried 5-0 DIRECTING STAFF TO PROVIDE ANSWERS TO THE QUESTIONS RAISED BY THE PUBLIC

MEETING WAS ADJOURNED AT 7:55 P.M.

Elaine Morris
Mayor

ATTEST:

Mary Kelly
City Clerk