

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
WESTMORLAND FOR January 20, 2010

The City Council of the City of Westmorland met in a regular meeting in City Hall on Wednesday, January 20, 2010 at 6:00 PM. Mayor Henry Graham called the meeting to order at 6:00 PM. Invocation was led by Joel Hamby.

*Present at time of roll call:* Council members Stanley Brummett, Freddie Beltran, Jr., Larry Ritchie, Thomas Landrum and Mayor Henry Graham. Also present were Joe Diaz, Sergio Cruz, Lucas Agatep, Fred Beltran, Chief of Police, Wayne Walker, Anne Graham, City Treasurer, Mitch Driskill, City Attorney and City Clerk Sally Traylor. Absent: None

Oral Communication - Public: 1). None

Hiring of Part-time Water/Sewer Plant Operator for vacation, weekend reads coverage – Lucas Agatep: Lucas came before council to discuss hiring a part-time person to help out until the full-time city employee can return to work. The current contract with Mr. Barras only covers weekend reads and was written for a year. It is not sure if Ramiro can cover during the week because he has another job. Currently Lucas has not contacted anyone to see if they can cover for him. Lucas would like to see a third person hired for his department although he can not keep a third person busy the whole time. The Mayor questioned what kind of certifications does someone need to have in Lucas' absence? At least a Water Operator 1 certification and in Sewer at least an Operator One certified or Operator-In-Training stated Lucas. The sewer certification is harder to get because they actually have to work a whole year on the job to get their certification. In the past the city contracted with Joe Cornejo for coverage when we had a staff shortage. Mayor Graham directed Mr. Hamby to contact Mr. Cornejo or other contract options and bring it back at the next meeting.

Lucas questioned if the coverage person would be paid to fix the plant if it broke down or just do the weekend reads? A revised standard agreement needs to be drafted but the attorney needs to meet with Lucas and Stan to work out the scope of duties/coverage first and Lucas needs to be available to make that happen. Tabled

Cleaning of Water Ponds – Council: The bids that came in were horrendous but a lot of it was because the bids were based on not knowing what was in the ponds, but the Mayor now believes city crews can handle it by bringing in the proper equipment placing it on-site and letting it dry to be hauled out at a later date once it dries. Councilman Ritchie questioned why Lucas was not evolved in the clean-up process? He was supposed to be but was not part of the meeting that was previously had. Once the pond is done an excavator can be placed on the pre-determined pad with a canal bucket on it. This pond was cleaned about 10 years ago before the new plant was built stated Lucas. The Mayor wants the person operating the excavator to be a qualified excavator operator and someone the City feels comfortable with. The Mayor instructed both Lucas and Joe to be engaged if they see something that needs to be fixed and council needs to be informed about because they are both responsible for the plants.

What needs to come back is a quote on an excavator and qualified operator and a bobcat by subcontracting based on an hour by hour basis and not on a bid. It was recommended that by companies be contacted to offer an operator. Councilman Brummett wants this to come back after the closed session.

After the closed session council can not afford to pay what the bids came in at so the city needs to inform both contractors and thank them for their time and effort on submitting a bid. M – Thomas Landrum to send letters out thanking them and rejecting the bids that were submitted S – Stanley Brummett M/C

The City Staff has been directed to move forward cleaning the ponds themselves and renting the necessary equipment and contracting equipment operators to run the rental equipment. The commissioner and both plant supervisors will oversee the rental of the equipment and the needed operators. M Stanley Brummett to proceed forward with recommendation of the Public Works Commissioner and the City Attorney in coordinating their efforts to clean these ponds and obtain the necessary equipment for doing the job and services of contractor personnel to run the equipment the city will be renting S – Thomas Landrum M/C

Approval to apply for a Community-based Transportation Planning grant in the amount of \$300k through Caltrans to update General Plan elements – Joel Hamby: Recently SCAG approved a grant to be performed by SCAG and the scope that was worked up was to do as much of the General Plan update that can be done without triggering an Environmental Impact Report stated Joel. The Circulation Element needs to be updated to receive more federal funds to fix city streets. Caltrans also has an open grant that is best suited for the Circulation Element. The City can go after \$150k with a local match of 10% (street funds) on a reimbursement agreement. The City will need to do the preliminary expenditure (Joel > \$1k) and the planning expenditure (Joel > \$1k). A Resolution will have to be adopted and community support letters written before submittal of the application. M – Thomas Landrum for Mr. Hamby to move forward with the application S – Stanley Brummett M/C

Adjournment to Redevelopment Agency Public Hearing: Council adjourned into the Redevelopment Agency board meeting at 6:43 PM.

Proposal to prepare Five-year RDA Implementation Plan for 2010-2015 – Mike Gaston: Mr. Gaston came before the board to propose preparing their 2010-2014 Implementation Plan at a cost of \$6,500.00. Mike would like to meet with two board members, the clerk and the Attorney to discuss the direction of the agency. Board members Landrum and Beltran, Jr. will attend the meeting. Mike talked about some of the uses of the RDA and different ways the money can be spent. M – Stanley Brummett to authorize Mike Gaston to move forward on preparing the five year Implementation Plan at a cost of \$6,500.00 S – Thomas Landrum M/C

Adoption of 2009-2010 RDA Budget - Board: The Clerk needs to finish working on some numbers and asked that this item be tabled. Tabled

Approval to hire a Code Enforcement Officer – Stanley Brummett: Board member Brummett would like to have the Animal Control Officer also do Code Enforcement for the city. Areas to start with have already been identified and the office staff will help by typing the letters and keeping the files. The board would like to know how many hours we are looking at. M – Larry Ritchie to add an additional four hours a pay period until Rudy can be present to give the board an idea of what it is going to take to do Code Enforcement S – Freddie Beltran, Jr. M/C

Adjournment back to Regular Council Meeting: With no further RDA business the board adjourned back to the regular City Council meeting at 7:30 PM.

Decision on the Sale of Tax-defaulted Property - Council: The City has received notification that a piece of property they have an interest in is subject to sale by the tax collector on February 13, 2010. If sold to an outside party the city will lose their interest. The property owner could not be present because of health reasons, but the granddaughter and daughter were present to speak on her behalf. A requirement of the loan documents is that the person who holds the note must live in the house. Council to move this item to the end of the agenda following the closed session stated Mayor Graham.

After the closed session the city understands that the taxes have not been paid in the amount around \$7k, which the property owner hopes to get a loan to payoff. The city will make an offer the same as any stranger to keep the cities interest in the property. There are three properties in question and the one up for auction is the property in the back, which the house does not even sit on. A copy of the promissory note was given to the granddaughter for her records. A lot line adjustment should have been done when the new house was built. A conservator needs to be assigned on behalf of the mother stated the City Attorney.

M – Stanley Brummett that the City attempt to purchase this property for the default tax amount or up to the total amount owed the city under the loan on the property in the amount of \$53,756.00 to come from RDA funding and that the City Clerk and the Attorney protect the city's interest in this property by following the bidding process S – Freddie Beltran, Jr. M/C

Approval of Change Order No 1 with eight items for 7<sup>th</sup> Street Project – Wayne Walker: Verbal discussions have been going back and forth between the city and Caltrans who has verbally given the city the go ahead and make the appropriate change order to move the project forward in the amount of \$65,055.60. Mr. Lai is asking that Council only approve the change order contingent on the city receiving a written letter from Caltrans honoring the change order dollars. M – Larry Ritchie to approve the change order contingent on the city receiving written approval from Caltrans on the \$65, 055.60 S – Freddie Beltran, Jr. M/C

Approval of letter reaffirming appointment to the Imperial County Transportation Commission (ICTC) for City representative and alternate - Council: The City's current representative is Stanley Brummett who would like to remain in that position. Larry Ritchie volunteered to be the alternate. M – Thomas Landrum to approve Stanley Brummett as the city's representative and Larry Ritchie as the alternate S – Freddie Beltran, Jr. M/C

Can COPS funds be used to purchase Animal Control equipment/supplies – Councilman Brummett: M – Thomas Landrum to approve the expenditure pending notification from DA Otero as to whether or not it is an applicable expenditure under the COPS program funding S – Freddie Beltran, Jr. M/C The dog catcher will need to provide the list to the Chief of Police before anything is purchased. The expense has to be a piece of equipment that a police officer can use. The Mayor requested this be brought back to council if the purchases exceed \$2k.

Approval of CSA Agreements with Empire Power Systems – Stan Brummett: Even though the agreements were approved last year, they were never signed and services were never performed. Oil changes and breaker services be done for the electrical generation portion were just a few the changes added last year. Once council determines the level of services then a definite cost can be determined stated the Clerk. The city was given to fiscal years to review and okay. The Mayor would like to table this item to meet with the clerk and councilman Brummett before a decision is made. Tabled

Discussion regarding cost sharing for Reverse 911 – Sergio Cruz: The majority of the cities are going with the population based distribution over the minimum buy in option. The cost to Westmorland would be \$487.52. M – Stanley Brummett to use the population estimate at a cost of \$487.52 cost sharing S – Thomas Landrum M/C

Adoption of Resolution 10-02 Calling for the holding of a General Municipal Election to be held on Tuesday, June 8, 2010 for the election of certain officers as required by the provisions of the laws of the State of California relating to General Law cities - Clerk: M – Thomas Landrum to adoption Resolution 10-02 as presented S – Stanley Brummett M/C

Adoption of Resolution 10-03 Requesting the Board of Supervisors of the County of Imperial to render specified services to the City relating to the Conduct of a General Municipal Election to be held on Tuesday, June 8, 2010 - Clerk: M – Thomas Landrum to adoption Resolution 10-03 as presented S – Stanley Brummett M/C

Adoption of Resolution 10-04 Requesting the Board of Supervisors of the County of Imperial to consolidate a General Municipal Election to be held on Tuesday, June 8, 2010 with the statewide primary election to be held on the date pursuant to §10403 of the Elections Code - Clerk: M – Thomas Landrum to adoption Resolution 10-04 as presented S – Stanley Brummett M/C

Setting of Impact Fees and Trip Generation rates by Resolution 10-05 - Council: Mr. Hamby gave a small example on the need for the trip generation rates to the board. Mr. Hamby needs to print out the fee tables before the resolution can be adopted, but Mr. Hamby recommended a resolution per fee for challenge purposes. The Mayor would like to set up a workshop first to discuss the fees. Tabled

Approval to accept the updated 2010 Drug Free Workplace Policy – City Attorney: The city received an update from Caltest on their proposed drug test policy. Several portions of the policy do not apply to the city. This will come back when the City Attorney is ready to present something to council. Dropped from agenda

Approval of Minutes for January 6, 2010 and City Warrants: M – Thomas Landrum to approve the minutes of January 6, 2010 as presented and to pay the city warrants S – Stanley Brummett M/C

Closed Session: Council adjourned into closed session at 8:10 PM. Council re-adjourned back into regular session at 8:20 PM with no action taken. Council went back into closed session at 8:40 PM to discuss a personnel matter brought up in open session. Council re-adjourned back into regular session at 8:52 PM with no action taken.

Adjournment: With no further business, council adjourned this meeting at 8:53 PM.

/s/Sally Traylor  
Sally Traylor, City Clerk

/s/ Henry Graham  
Henry Graham, Mayor