

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
WESTMORLAND FOR March 3, 2010

The City Council of the City of Westmorland met in a regular meeting in City Hall on Wednesday, March 3, 2010 at 6:00 PM. Mayor Henry Graham called the meeting to order at 6:02 PM.

*Present at time of roll call:* Council members Freddie Beltran, Jr., Larry Ritchie, Thomas Landrum and Mayor Henry Graham. Also present were, Anne Graham, City Treasurer, Mitch Driskill, City Attorney, Joe Diaz, Joel Hamby, Wayne Walker and City Clerk Sally Traylor. Absent: Councilman Stanley Brummett, Fred Beltran, chief of Police and Fire Chief Sergio Cruz

Oral Communication - Public: 1). Mr. Coute' thanked the City Clerk for being at the meeting on her birthday.

Approval/Discussion on hiring a contractor for weekend monitoring, inspection, and reporting services for the Water & Sewer Plant for the month of March and a one-week scheduled coverage from March 29<sup>th</sup> to April 2<sup>nd</sup> not-to-exceed 40 hours at a pre-specified rate - board: The proposal from JC Labs has withdrawn their proposal without a twelve-month commitment. For the immediate urgency Ramiro Barajas can cover for the city once he receives notice on his vacation request. This will be at the fixed rate in his contract. The weekend coverage is not a problem. Ramiro will notify the clerk tomorrow on the weekend coverage and will coordinate with Lucas. Joe Diaz reminded Ramiro that he is available to help in any way he can.

Adjournment to Planning Commission Meeting: Council adjourned into the Planning Commission meeting at 6:08 PM.

Approval and review of the Green Frog Bar's application for "Unreasonable Hardship to Disabled Access Requirements pursuant to CA Building Code Section 1134B.2 Exception 1 – Benjamin Coute': Under existing buildings the code allows for tenants to provide for 20% of the construction budget for barrier removal for disabled persons, which is outlined by a check list to determine the priorities they feel are most important. All the aspects of access comply with the exception of the restrooms. A spreadsheet was provided identifying how much has been spent towards the modifications to the restrooms and total construction costs to date for the tentative approval (\$20,660.69) or a percentage of 21.04%. Mr. Coute' requested board approval for the hardship. Improvement to the existing restroom doors were improved to allow a person in a wheelchair to have access to the restrooms including a Unisex bathroom. The only that does not comply 100% is the clearance distance from the front of the water closet to the wall stated Mr. Coute'. There are electrical panels servicing the entire strip center accruing right behind that wall that would cost a small fortune to open it up to the entire building. The difference in the distance between what is existing and what is required is about 20" stated Mr. Coute' when asked by the City Attorney. A new electrical panel would cost between six and ten thousand dollars.

Commissioner Graham questioned Mr. Coute' on the exits to the rear? The exits to the rear as seen on the plans, exits into a yard space to rear of the building that is secured by a chain length fence. During the hours of operation, that gate will be unlocked, but the final decision will be determined by the Fire Chief. Mr. Hamby reported that the Unisex restroom facility specifies that there is supposed to be a minimum of 48" in front restroom and the extended wall prohibits that access stated Mr. Hamby. Mr. Hamby presented his interpretations of the codes and restroom requirements which gives the enforcing agency some discretion and flexibility to make the determination on accessible restrooms. Because they are applying hardship exception as set down by the building code and that is all they are doing and the City Attorney wanted to make sure they absolutely understand that the fact that the city is considering the hardship exception will not necessary protect them from a claim by someone later on under the Disability

Act. The application they presented appears to comply with state regulations through our own adopted building code stated Mitch. M – Thomas Landrum to approve the Unreasonable Hardship to the Disabled Access Requirements pursuant to CA Building Code Section 1134B.2 Exception 1 S – Larry Ritchie M/C

Adjournment back to the Regular City Council Meeting: The Planning Commission board re-adjourned back to the regular City Council meeting at 6:39 PM.

Review of permit application and granting of extension for Green Frog Bar's application – Ben Coute': Mr. Coute' presented the board with a time line of the project plans, which the city does not keep records. Mr. Coute' was able to get most of the dates from BJ Engineering. The CUP application was given 180 days for completion on the conditions in the CUP, which expired on January 8<sup>th</sup>. The project is ready to open its doors but the CUP needs to be extended to close the door on the final items that still need to be taken care of. The Mayor feels the applicant dropped the ball on meeting all the conditions in the CUP in the timeframe given to them. He warned them that if an extension is granted and they drop the ball again, not to come back and keep asking for more extensions. Mr. Hamby informed the board that the building permit has not been issued yet. The Fire Chief needs to make his final inspection and sign off on his conditions as stated in the CUP. M – Freddie Beltran, Jr. to amend the original CUP that was issued on July 8, 2009 to amend it from the termination date originally set for January 4, 2010 to April 7, 2010 S – Thomas Landrum M/C

Adoption of Resolution 10-05 approving an application for a CBTP Grant and authorizing the Mayor to execute the agreement, any amendments, program supplements and other documents necessary to implement the agreement – Joel Hamby: Council approved Mr. Hamby to submit an application for a grant for transportation planning to update the City's Circulation Element in the General Plan. The application deadline is April 1<sup>st</sup> and requires a 10% local match of \$15,000 that will come from street funds. This grant will also piggy back with a grant from SCAG to update the Land Use Element portion of the General Plan. Support letters are needed from the community and service organizations. M – Freddie Beltran, Jr. to adopt Resolution 10-05 S – Larry Ritchie M/C

Adoption of Resolution 10-06 approving executed originals of administering agency State Master Agreement No 00016S for State-funded projects and administering agency State Master Agreement No 11-5278R for Federal-aid projects – Wayne Walker: The current Master Agreement is dated 2008 and Wayne would like to have a more current Master Agreement Resolution on file to go along with all the applications that are being submitted by the City. M – Freddie Beltran, Jr. to adopt Resolution 10-06 S – Larry Ritchie M/C

Approval to enter into a MOU with the City of Brawley for the Watershed Sanitary Surveys (WSS) Updates - Clerk: The City's cost is \$1,126.29 or 1.67% of the overall cost to join the other cities to have this Watershed Sanitary survey done. M – Larry Ritchie to enter the MOU and pay the money to the City of Brawley for the cities share S Freddie Beltran, Jr. M/C

Approval of Minutes for February 17, 2010 and City Warrants: M – Larry Ritchie to approve the minutes of February 17, 2010 as presented and to pay the city warrants S – Thomas Landrum M/C

Special LAFCO Workshop - Clerk: The clerk reminded council about the Special LAFCO workshop on March 12, 2010 from 10:00 to 2:00 PM. If they are attending you will need to RSVP stated the clerk.

Closed Session: Council adjourned into closed session at 7:12 PM. Council re-adjourned back into regular session at 7:59 PM with no action taken.

Discussion to correct legal makeup for property correction - Board: This is dealing with a piece of property that was under some tax issues and needs a lot-line adjustment that is not the responsibility of the City and the city will not be addressing it at this time. No action taken.

Hiring of Part-time Water/Sewer Plant Operator – Mayor Graham: On or around the first part of April, the City will seek part-time help to work with Lucas at the Sewer & Water Plant provided that the full-time employee that is out on workmen's comp does not return. If the employee returns then it is a mute issue.

Approval of Finance Director Position to be a city employee position - Board: Back in 2002 the City was in major financial trouble to the tune of around \$487k in the red. The City Clerk who has fiscal responsibilities was hired as the finance officer under contract. Given all the due diligence of the council and Sally the city is now operating in the black, things are organized and a reserve fund has even been set up due to all the hard work that has been done. When the contract was prepared a promise was made to make the finance officer a full-time employee if everything works out and the city is working in the black, however, years past and it was never brought up.

Sally does not receive anything more than any other employee. M – Henry Graham that the contract services that we have with Sally Traylor, Finance Officer be made a permanent City employee of which she holds the position annually be paid from this point forward unless for whatever employment reasons there is a separation of employment from full-time employment, that she be entitled to all benefits of other employees within the City are entitled to as she has already been and that she receive no additional compensation as a result of this motion to become a full-time employee and that the purpose of this bringing you from contract status to employee is to rectify an unwritten agreement that you will become a full-time employee after a couple of years of being financially sound and make retro-active the permanent employee status for seniority basis only, back to November 6, 2002 when the contract with the city was activated S – Larry Ritchie M/C This was verbally agreed to by Sally.

Adjournment to Redevelopment Public Hearing: Council adjourned into the Redevelopment Agency Board meeting at 8:10 PM.

Approval to make an offer to purchase Esparza's Welding for the purpose of housing the Police Department and the Fire Department - Board: The City has elected not to make an offer at this time. No action taken.

Adjournment back to the Regular City Council Meeting: The RDA board re-adjourned back to the regular City Council meeting at 8:11 PM.

Adjournment: With no further business, council adjourned this meeting at 8:12 PM.

/s/Sally Traylor  
Sally Traylor, City Clerk

/s/ Henry Graham  
Henry Graham, Mayor