

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
WESTMORLAND FOR October 7, 2009

The City Council of the City of Westmorland met in a regular meeting in City Hall on Wednesday, October 7, 2009 at 6:00 PM. Mayor Henry Graham called the meeting to order at 6:00 PM. Invocation led by Joel Hamby.

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

Oral Communication - Public: 1). Larry Ritchie updated council that the Baughman Road project has now been funded from the IC Public Works Department pending Board approval. Total construction cost is estimated to be \$1,347,947.00 on a project that if it would have been started in 2002 would have only cost \$500k. The council is planning on going to bid in November with construction to start in January 2010. The problem is that the Board of Supervisors wants to channel this money to Andre Road. The money that got disencumbered with earmarked for shovel ready projects. Larry will present the facts to the Board of Supervisors. Mayor Graham thanked Larry for his continued hard work on the project. He also thanked Joe Diaz for fixing the pot holes around City Hall.

Proclamation proclaiming the week of October 4-10, 2009 as National 4-H Week in the city of Westmorland –Star Route 4-H: Matthew Jones requested that council proclaim the week of October 4-10, 2009 as National 4-H Week in the City. M – Thomas Landrum to proclaim the week of October 4-10,2009 as National 4-H Week in the City of Westmorland S – Stanley Brummett M/C Mayor Graham thanked the club for their continued good works in the community. The focus this year is on Science. The club provided everyone with refreshments.

Approval to close the 100 block of East 6th Street for the Annual Church Celebration for St. Joseph's church on October 25, 2009 from 8:00 AM to 4:00 PM – Richard Marquez: Mark Marquez was present to request the closure of the 100 block of 6th Street for their 70th anniversary. Council is not opposed as long as the residents in the area are notified prior to the event. M – Gus Sanchez approve the closure with the provision that all the residents are notified S – Stanley Brummett M/C Mayor requested that if any residents are against the closure that they contact City Hall. Joe Diaz will provide them with barricades the day of the event.

Approval to purchase Retired Police Vehicle – Officer Chavez: Dropped from agenda.

Approval to install four guard posts around newly installed fire hydrant at Jake James Park – Sergio Cruz: Deputy Clerk Barreras presented this on behalf of Sergio who stated that the posts are need to protect the meter box with a cost not-to-exceed \$200.00 (four posts and 1 bag of concrete). Public Works will do the work. M – Gus Sanchez to approve the purchase with a not-to-exceed \$200.00 and the work to be done by Public Works S – Stanley Brummett M/C The water source will be Water Distribution.

Approval to purchase an “Annual Volunteer” plaque for the Jake James Concession stand with funding to come from the General Fund – Teri Nava: Teri asked if a plaque could be purchased to be placed in the concession stand to list the names of all the volunteers that have donated time to get the park to the point it is now. Mayor Graham would like Teri to get other cost estimates first before purchasing the plaque. M – Gus Sanchez to approve the expenditure with a not-to-exceed cost of \$100.00 S – Freddy Beltran M/C

Authorization to contact and work with IC Public Works Department to receive assistance to upgrade Howenstein Road between Martin and Forrester Roads for access to the Jake James Park – Teri Nava: The access road to the park from Howenstein is a health and safety issue and needs to be paved stated Teri. She requested permission to contact the County to see if they can assist the city in approving this road. Council to have Wayne Walker contact the county on behalf of the city. The lack of lighting near the entrance to the park was also brought up.

Authorization to apply for Statewide Park Development funds with the application costs to come from the General Fund – Teri Nava: The city has received notification of funding from the state that there is funding with a minimum award of \$100,000 and \$5M maximum with no match dollars from the city. The project that Gus and Teri would like to see is the completion of the Jake James Park. Mayor Graham would like an estimate of Teri's time and a list of projects that the money could be used for council to approve. Council to table this item for Teri to prepare a list of projects and an estimate of her time to prepare the application. Tabled

Discussion regarding the rental of portable restrooms at the Jake James Park – Teri Nava: Teri received a call from a couple of Booster Club members because the new restroom facility is not open to the public yet. The building has not been turned over to the city by the contractor yet, so Teri is asking if portable restrooms can be placed on the property in the meantime. The monthly rental cost is \$104.00 with a two-time cleanup service. The one with a hand wash is \$144.00 month. The Booster Club wants keys to access the facility during soccer practice. There is a process that needs to be followed the same with any other city owned facility. Council will take the matter under consideration. In the mean time the keys needs to be checked out for opened by a city staff person.

Approval of Minutes for September 16, 2009 and City Warrants: M – Gus Sanchez to approve the minutes of September 16, 2009 as presented and to pay the city warrants S – Thomas Landrum M/C

Duplex and Second Dwelling Units – Joel Hamby: There are a couple of properties on Third Street that never pulled building permits for a second dwelling unit but have been turned into rental units. They only pulled and paid for an electrical permit. A second dwelling unit can be obtained under certain conditions. A letter needs to be sent to the property owner informing them that they are in violation and that they need to decess with a second unit dwelling function and follow up in the process to either have them obtain the permit and a CUP and the setback requirements. This is now the second incident in town and needs to be handled accordingly stated the Mayor. Mr. Hamby will send the property owner a letter informing them they need to follow the zoning code following council's direction.

Discussion on Jake James Ribbon Cutting & Booster Club fund-raiser – Teri Nava: Teri invited council members to attend the ribbon cutting ceremony at the occasion on October 17, 2009. A cake to celebrate Mr. James' 80th birthday is being donated by Marilyn Loper. Larry Ritchie volunteered to speak on behalf of the city and give the history of the park.

Update on 7th Street Rehabilitation Project – Wayne Walker: The project has gone out to bid. Bid opening will be held on October 26th stated Mayor Graham.

Update on the process to get the abandoned trailer on I Street removed – Mitch Driskill A litigation guarantee (preliminary title report) has been ordered for this property to identify anyone who claims any interest in the property. This item will be carried over to the next meeting. Tabled

Cease and Desist Order No R7-2009—0001 letter to CA RWOCB – Mayor Graham: Mis-communication etc. on why we were getting fined is really the problem with everything stated the Mayor. There were two different set of standards that the city has to meet but never told the city until the city incurred fines. The

City is still going to be held accountable for about \$10k. Further review by the Plant Supervisor brought to the City's attention the need to send a letter and report to the Regional Board. They also need to be informed about the Solar Plant project but discussions with the engineer that will be designing the pipe connection to the new plant from the sewer plant. The other issue is the \$10k that the city is still going to have to pay. A letter will be sent to the city outlining what the city needs to do, etc. Mayor Graham would like Mr. Hamby to handle this on behalf of the City reporting back to council on an as-needed basis. Henry wants to wait to see what the letter is going to say first before moving forward. Mr. Hamby will need to talk to the engineer once that person is identified.

Closed Session: Council adjourned into closed session at 7:15 PM. Council re-adjourned into open session at 7:40 PM with no action taken

Adjournment: With no further business, council adjourned this meeting at 7:45 PM.

/s/Judi Barreras

Judi Barreras, Deputy City Clerk

/s/ Henry Graham

Henry Graham, Mayor