

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
WESTMORLAND FOR October 21, 2009

The City Council of the City of Westmorland met in a regular meeting in City Hall on Wednesday, October 21, 2009 at 6:00 PM. Mayor ProTem Thomas Landrum 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., and Mayor ProTem Thomas Landrum. Also present were Teri Nava, Joe Diaz, Police Chief Fred Beltran, Joel Hamby, Mitch Driskill, City Attorney and City Clerk Sally Traylor. Absent: Mayor Henry Graham, City Treasurer Anne Graham, Larry Ritchie, Wayne Walker and Fire Chief Sergio Cruz

Oral Communication - Public: 1). Matilde Carmona came before the board to talk about her properties at 262 & 256 West 3<sup>rd</sup> Street not being in compliance with the City's zoning ordinance. The letters her and her parents received were given to her tenants and not her directly. The property at 256 was an existing single family dwelling with an accessory building that has been enclosed to use as a guest house for her sister who does not pay rent due to a hardship. The front house is rented but the tenant is being asked to leave because Ms. Carmona is also having a hardship and will be moving into the front house. A permit was applied for to add electrical service to the accessory structure and Mr. Hamby remembers cautioning the applicant that a second dwelling unit was going to trigger additional fees and possibly a Conditional Use Permit. However Mr. Hamby never reviewed the zoning map and this property sits in a R-2 zone where a second dwelling can be permitted but the permit application process needs to be followed, which did not happen. The R-2 zone allows accessory structures to be on properties for family members as long as it is not rented out stated Mr. Hamby.

256 West 3<sup>rd</sup> Street has been a duplex since 1969 (parents property) stated Ms Carmona. An application was made to extend/remodel the kitchen but because of the cost her mother changed her mind. For years there has only been one utility bill being paid at this address, but if a second family is living in the second dwelling it does require a second utility bill to be paid and it also triggers the requirement for payment of impact fees stated Mr. Hamby. This is what is confusing to the home owner. Ms. Carmona requested that she receive future correspondence by mail, which has also been done stated the City Attorney. Mr. Hamby also recommended that they separate the water lines to eliminate one tenant being turned off if the other tenant does not pay. People have been living in the duplex for about one year and a half with only one utility bill being paid.

Two families living in one dwelling structure constitutes two dwelling units and two separate utility bills stated Mr. Hamby to the Grandfather clause question. The City Attorney and Mr. Hamby need to re-review this issue and will bring it back at the next meeting.

2). Mr. Hamby addressed council on the Development Impact Ordinance which was given to council back in September. The crucial portion is the table of fees. Mr. Hamby will prepare a memo for council's review. He and Stan Weiler are hoping to move this along for a public hearing on the 18<sup>th</sup> of November, which will require all comments to be returned to them by October 28<sup>th</sup>. The water and sewer fees are the most critical. Currently the plants are running at about 55% of design capacity. 3). the clerk informed council about the 2010 Census workshop that her and Teri attended this morning. We all need to do our part in making sure everyone gets counted starting in 2010. There will be a dual process with a mailer going out first and then door-to-door contacts for those who do not mail back their questionnaires.

Adjournment to Redevelopment Agency Board Meeting: Council adjourned into the Redevelopment Agency Board meeting at 6:05 PM.

Discussion and action on a Business loan to El Sol Market – Teri Nava. Teri requested that the board approve a loan in the amount of \$25,000.00 to El Sol Market to go along with \$8,560.00 that the project owner will provide for a total project cost of \$33,560.00 to upgrade his gas tanks. The loan review committee has reviewed this loan with store equipment being used as the lien collateral. As of tonight the City Attorney has not been provided the loan documents for review. M – Gus Sanchez to approve the loan in the amount of \$25,000.00 upon final approval by the City Attorney S – Stanley Brummett M/C Teri will get the documents to Mitch tomorrow.

**Adjournment back to the Regular City Council Meeting:** The RDA board adjourned back to the Regular City Council meeting at 6:10 PM.

Approval to execute a Securitization Financing Joint Powers Agreement with California Communities and adoption of Resolution 09-14 approving the form of and authorizing the Execution and delivery of a Purchase and Sale Agreement and related documents with respect to the sale of the seller's Proposition 1A Receivables from the State; and directing and authorizing certain other actions in connection therewith and naming Authorized Officers in Appendix A – City Attorney / City Clerk: The State in an attempt to balance it's budget is taking money away from the cities and counties and other agencies through property tax monies at 8%. Because of this a Joint Powers Authority has been formed and the 8% money will be paid to the city through them in exchange for the city to sale its receivable from the state that they will collect in three years from the state. M – Stanley Brummett to execute a Securitization Financing JPA and adoption of Resolution 09-14 approving the form and authorizing the execution and delivery of a Purchase and Sale Agreement and all exhibits S – Freddie Beltran, Jr. M/C

Adoption of Resolution 09-15 approving the submission of the PTAA application – Teri Nava: Teri requested approval to apply for a PTAA application in the amount of \$35,000 to assist the city in completing the other elements in the cities general plan. M – Stanley Brummett to adopt Resolution 09-15 as presented S – Gus Sanchez M/C Teri will need to come back to council one more time before the submittal of the application stated Teri.

Approval to purchase Alarm System at Jake James Sports Park – Teri Nava: Tabled

Discussion of eligible projects list and cost estimate to prepare the application by staff personnel to apply for Statewide Park Development funds – Teri Nava: Tabled

Update on discussion with County regarding Howenstein Road – Wayne Walker: Dropped from agenda.

Update on 7<sup>th</sup> Street Rehabilitation Project – Wayne Walker: Tabled

Update on removal of the abandoned trailer on I Street – Mitch Driskill: Mitch received the Title Report on this property yesterday and will follow up with a letter to the property owner on removing the trailer and cleaning up this property.

Approval of Minutes for October 7, 2009 and City Warrants: M – Gus Sanchez to approve the minutes of October 7, 2009 as presented and to pay the city warrants S – Stanley Brummett M/C

Monthly Staff Report – Teri Nava: Teri reported that the Ribbon Cutting Ceremony was very successful on Saturday with a nice article in Sunday's paper. Teri is currently working on the PTAA grant application. Teri needs assistance in what council wants on the sports park application that she is working on. Councilman Brummett questioned what is going on with the World Petro Project? Teri noticed some heavy equipment on the property but has not heard what is going on with the project. Councilman Brummett then asked about what is going on with the bar? No word yet. Teri has not heard what is going

on with the award of the grant the city is waiting on. Because of the state furloughs, they are behind in their awards.

Adjournment: With no further business, council adjourned this meeting at 6:59 PM.

/s/Sally Traylor  
Sally Traylor, City Clerk

/s/ Thomas Landrum  
Thomas Landrum, Mayor ProTem