

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
WESTMORLAND FOR November 18, 2009

The City Council of the City of Westmorland met in a regular meeting in City Hall on Wednesday, November 18, 2009 at 6:00 PM. Mayor Henry Graham called the meeting to order at 6:01 PM. Invocation led by Joel Hamby.

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

Oral Communication - Public: 1). None

Public Hearing for public comment on the proposed Development Impact Fee Ordinance – Joel Hamby / Stan Weiler: Council took action two years ago to hire the firm of Howes, Weiler & Associates to prepare a Development Impact Fee Study/Report with the intended goal of adopting a schedule of development Impact fees. Upon conclusion of this report and review both by City staff and the Building Industry it is before council tonight for consideration and possible action to adopt a DIF Ordinance stated Mr. Hamby.

Growth is desirable, but impacts do need to be addressed to fund for needed infrastructure. On one hand if impact fees are too high, developers will not build homes in the City stated Joel. The Mayor is not prepared to take any action tonight and would like to continue this hearing to the next meeting. In preparing the report all the comments received from the BIA were taken into consideration, but not all were acted upon stated Mr. Weiler. The main topics that BIA brought up that Stan and Joel are in disagreement with is that the BIA would like to see that the Impact Fee only look at development that would be actually occurring within the City limits. The Impact Fee should go out to the sphere of influence, but that no impact fees would ever be collected from any development outside the city limits. The only fees that would be collected that are outside the current city limits are for projects that will be annexed into the city (so they are located within the city).

Councilman Brummett feels the fees are too high, which is going to hurt the city. The report study was to look at the impacts, look at the costs to make sure there is appropriate infrastructure in the city based on the level of service or performance standards that was adopted as part of the Service Area Plan and what it would take on a per-unit-basis to pay for upgraded infrastructure stated Stan Weiler. The report is a recommendation based on all the calculations that was done but it's up to the council to determine the fee amounts. The numbers presented meet the statues stated Stan W.

Virginia Dickerson questioned who would get the fees if the property is built in the county and not annexed into the city. That would have to be mitigated with the county and could require the developer to build the required infrastructure to support their development stated Mr. Hamby.

James Brownyard, Building Industry was also present to discuss his concerns with the documentation provided to him. He provided council a one page wastewater per gallon per day measurement from CWD based on three different locations within their service area on their highest days in the last three years. In a letter to the city dated October 19, 2009, it questions three things: 1). Water; 2) Wastewater and 3) Sphere of Influence issue. The City can not charge homes outside the city without going through the CEQA process but you can't charge someone building a house within the city limits for what may be a burden because of growth stated James. Based on the impacts deemed on the city limits that's affecting everyone; every unit that is going to be built in that period of time; any portion of that burden (any construction) is a violation of the legislated statues stated Mr. Brown. There is an argument saying that if the burden is put

across a larger population the fee per unit will be less. James' experience is that once you start reducing charges that are in the sphere of influence the fees do go down. If there are currently properties going through the annexation process, then they would consider those appropriate projects. The matrix on the bottom of the study is a concern to BIA along with the level of effluent discharge per EDU that would be approximately 254 gallons per day. Discussion continued on how figures were arrived at, plant life and the pending annexations. The City Attorney recapped what he heard the concerns were: On the impact fees the City may look ahead to anticipated costs, but they may not look at anticipated costs that might be incurred in the future outside the sphere of influence (not beyond the city limits).

Staff recommends that Council consider the Development Impact Fee Study and decide whether to 1). Accept the Study and proceed to adopt an ordinance; 2) adopt an ordinance, but implement lower fees; 3). Adopt an ordinance and implement a progressive fee schedule and 4) not adopt an ordinance, but place conditions on individual tentative maps per a memo prepared by Mr. Hamby given to council. Mayor Graham to adjourn this public hearing to the meeting on December 2, 2009 to give council more time to review all the provided documentation.

Approval of Change Order No. 1 – 7th Street Rehabilitation Project - Wayne: Because the bids came in lower than expected other agencies are trying to take our additional funds, but Hui has written a letter to get this decision reversed. Dropped from agenda

Approval of Notification cards for Animal Control and approval of six hours for administrative paperwork for dog catcher – Councilman Brummett: The animal control officer needs to be allowed some time to do administrative paperwork in addition to his patrol hours. M – Gus Sanchez to allow an additional six hours per pay-cycle to do paperwork S – Stanley Brummett M/C The clerk did not have cost estimates tonight for the notification cards.

Adoption of Resolution 09-17 in support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010 - Clerk: The Resolution is being promoted by the League of California Cities. M – Gus Sanchez to adopt Resolution 09-17 as presented S – Stanley Brummett M/C

Adoption of Resolution 09-18 authorizing the submittal of an application to the California Energy Commission's EECBG Program – Teri Nava: Teri is about to submit the application but is waiting on some cost estimates for light fixtures, etc. The grant is in the amount of \$25k and the state is excited about giving the city the money. M – Gus Sanchez to adopt Resolution 09-18 as presented S – Stanley Brummett M/C

Setting of minimum bid amount for retired Police Unit – Chief Beltran: The high blue book is \$8,300 and the low is \$7,000. Taking into consideration the year and the miles, the Chief suggested the minimum bid be set at \$4,500. Eight individuals have talked to the chief about purchasing this car. Council to advertise with the minimum bid set at \$4,500.

Information report on SB375 (Greenhouse Gases) – Joel Hamby: The state put out a Greenhouse mandate for all cities to adopt a plan. SCAG can help the city or do it for the cities regionally through IVAG. If the city does not meet these goals it could mean the city could lose Federal Transportation dollars. By 2011 all projects have to be in compliance to be able to use Measure D money. Mr. Hamby will learn more tomorrow at the TACT meeting. Stanley would feel better if he had discussions with Joel and Henry before his meetings so he has a better insight to what's going on. The three will meet at 3:30 PM on December 8th to discuss items coming up on the IVAG Regional council agenda.

Information report on ICTC/IVAG – Joel Hamby: The ICTC is intended to replace IVAG, but Mr. Hamby is not up to speed on the ends and outs of this item. The organization of this group could affect

the cities Measure D funds. Currently 80% of the money is distributed based on population. The cost of this re-organization is unknown at this time but could be very costly to the valley cities stated Stan. IVAG is still run by county employees doing all the work currently.

Approval of Minutes for November 4, 2009 and City Warrants: M – Gus Sanchez to approve the minutes of November 4, 2009 as presented and to pay the city warrants S – Stanley Brummett M/C

Adjournment: With no further business, council adjourned this meeting at 7:20 PM.

/s/Sally Traylor

Sally Traylor, City Clerk

/s/ Henry Graham

Henry Graham, Mayor