

MEETING MINUTES OF REGULAR MEETING OF THE CITY COUNCIL AND PLANNING COMMISSION
BOARDS OF THE CITY OF WESTMORLAND FOR March 3, 2021

The City Council of the City of Westmorland met in regular meeting in City Hall on Wednesday, March 3, 2021 at 6:00 PM. Mayor Pro Tem Xavier Mendez called the meeting in order at 6:00 PM and Joel Hamby led the invocation.

Present at time of roll call: Mayor Pro Tem Xavier Mendez, Judith Rivera, Justina Cruz, Ray Gutierrez and City Attorney Mitch Driskill.

Due to the stay home notice council meeting in the chamber room is not open to the public but available via zoom in telephone, also present were Chief of Police Perry Monita, Westmorland Fire Department Michael Ginnis, Ramiro Barajas present via zoom phone callers

Public comments:

Chief Monita asked if the Little Citizens park is opened or not? Mayor Pro Tem asked if it was on the agenda. City Clerk stated it's not on the agenda but we were going to make an announcement during public comments. Mayor Pro Tem Yes we are opening it up.

Ramiro Barajas he had an item he like to add on there he was approached by the owner Mark from El Sol market regarding the lot he owns behind the business for parking Mayor Pro tem replied I believe that's zoned residential asked if Mr. Hamby had anything he's like to say on that. Mr. Hamby Stated yes there is discussion on that because of the dust issue it's not being used for residential and does not have permission to use it as a parking lot and that's what it's being used to do at the present. I presume it's up to council; how you want to proceed the only option you would have is to let it continue or else tell him he has to shut it down and then that would be a vacant lot and I don't know if that will be worse or better for the city, but what he is resolving right now is ABCD has him under the gun because of the dust creation and they're getting the quote for asphalt or concrete. One of the things the city is wrestling with is the requirement to have enough residential zoned property to accommodate some of the regional housing needs, but this year I think it's only about 30-33 and it can probably be accommodated without having to have something like that it may serve a better purpose as a commercial use, but in reality it should probably be rezoned commercial. I would suggest that if the city is successful and accommodating in the regional housing needs then it might consider rezoning for commercial but then you would be looking at just a parking lot. That may or may not be something you are looking at. Does the city attorney have and thoughts? Mitch stated Well, this is (unclear name) all over again. I believe we had this very conversation two years ago and this very conversation a year ago. My memory is and that the position the city has taken is that it is zoned residential. This is a non-conforming use. Mr. Hamby stated I guess you can say non-conforming use but it wasn't in use prior to it being zoned so I believe it's non-compliant. Justina Cruz asked isn't the complaint coming from the homeowner right next to the parking lot that's complaining about all the dust? Mayor Pro Tem Mendez states, not only the dust but the trucks that are left idling. (Cross talking) Justina Cruz stated well that's part of it too, but if we change it there is still going to be a problem. Mayor Pro Tem stated Ana and I will go over there and talk with him, but how do you want to go about this Mitch? Mr. Driskill Well, I have to conclude my remarks so my concern is Mr. Hamby's suggestion is that the city has kind of been cornered by the state

for housing this low-income housing, and we've had to scramble the last couple years to find creative ways to meet the housing requirements by the state and I think we have to be very creative to take property that is zoned residential and convert it to commercial and meet those housing requirements in the future. Ultimately, it's up to the City Council. I had assumed the issue had been resolved a year ago and two years ago and here we are again. The word that comes to mind is flummoxed. Mayor Pro Tem stated he will let him know it's zoned residential. Ramiro Barajas stated he was also considering an apartment building. Mayor Pro Tem stated well let him know that. Chief Monita suggested the blocking it off from parking because trucks will still use it as a parking if it's not posted. Mr. Driskill stated also this is not a matter that is really not before the council right now. So there is a process that owner would have to go thru and met to bring that properly before the council. Mr. Hamby stated he'll make this additional comment the contract document just arrived in the last few days for the housing element and update grant I would assume Terri will be starting to work on that and bringing it before council, and if that will allow for the 30-33 units maybe that can be rezoned if the requirements are met for the housing element. However, if they were to proceed with the pavement and then try to put residential it would be something else maybe you can direct staff to go speak with them but not to encourage or direct them to spend that kind of money for a parking lot. Terri Nava I was going to ask to speak during oral communications to speak on the update of the LEAP Grant we did actually receive the 65,000 to update our housing element and thank you Mr. Hamby for sending that documentation over to me. I've already printed everything out and I have a binder for the city. I have to start printing and preparing the letter for the consultant to work on this and I did receive that letter yesterday and all of the contracts have been signed and will be mailed out tomorrow morning and as soon as we receive the contract back, we can go ahead and move forward with the housing element so this should help us out with that and the housing and commercial issues.

New Business - Discussion/Action:

Discussion/Action - Review proposal for TextMyGov – Mayor Ana Beltran not present. Presenting Spencer Frandsen online presentation on how they work with government agencies Mayor Pro Tem stated we have all the information that we need for now and we'll take that into consideration. City clerk to call back. **NO Action Taken- Tabled**

Discussion/Action - Regarding Water Plant Compliance Order report related to 19/20 City audit- Joel Hamby **Motion for staff to prepare proposal and solicit for the 19/20 audit letters of interest. By J. Rivera Second by R. Gutierrez AIF Motion PASSED**

Old Business – Discussion/Action:

Discussion/Action - Updated Phase 3 Street Project cost estimate – presented by Joel Hamby. **Motion to revise the cost estimate submitted by Mr. Hamby and authorize staff to go ahead and advertise. By J. Rivera Second by J. Cruz**

Staff Reports Non-Action Items:

Treasurers Report – Teri Nava met with Mr. Driskill on the Treasurer work and what things need to be done and Finance items and are moving forward

City Clerk- Darlene Berber 700 forms still need to be received and submitted. Moving forward with SB 1383 with Mr. Hamby and Ramiro and there are some items that are behind and should've been completed but we are moving forward.

Building Inspector- Joel Hamby Several items wanted to bring to councils attending as city clerk was stating on waste management and we are pushing for the exemption and a few businesses that will benefit on that. The town is below 7,500. Second there is a short memo the Measure D is a little over two million. We have \$250,000 coming in each year for Measure D. That's on the street side there are 3 projects on hold for the quality assurance program but because we didn't have the document the application was requiring. The circulation element and the projects for ICTC are on hold because of covid. For Loves May 15th a payment is due. \$135,000 has been accrued for that.

Public Works- Ramiro Barajas monthly report and potholing around town the riding lawnmower is in the shop the clutch went out. Also, a sewer line problem with some roots on an old pipeline. Need a loss and profit forms from Jeanette.

Council, Staff & Consultants – Discussion and Action:

Discussion/Action: State Parks and Recreation Resolution No. 21-04 – presented by Teri Nava **Motion to approve State Parks and Recreation Resolution No. 21-04 by J. Cruz Second by R. Gutierrez AIF Motion Passed**

Discussion/Action: Resolution No. 21-05 on accepting funds from the 2019-2020 COPS funds grant (AB 1584) for the following item: Payment for new computer law enforcement generated files by ProPhoenix for the annual fee of 2021 in the amount of \$7,500.00. – presented by Perry Monita. **Motion to accept Resolution No. 21-05 on accepting funds from the 2019-2020 COPS funds grant (AB 1584) for the ProPhoenix for the annual fee of 2021 in the amount of \$7,500.00. by J. Rivera Second by J. Cruz AIF Motion Passed**

Consent Agenda:

Approval of City Warrants. Motion By J. Cruz Second by J. Rivera

Closed Session:

Discussion/Review-Public Service Employees Job descriptions and salary scales, as well as Appointment, Employment, or evaluation and possible management position (Gov't. Code §54957(b)(1).)- Council

City Council did not adjourn into Closed Session adjourned regular meeting at 7:09pm

Motion to adjourn this meeting at 7:09pm by Motion by J. Rivera Second by R. Gutierrez AIF - Next regular meeting in February and will be held on Wednesday 17th, 2021. Special Meeting March 5, 2021 at 4:30Pm for staff.

Adjournment: Next regular scheduled meeting set for March 17, 2021

Submitted for approval 5/5/2021

Approved 5/5/2021