



CITY OF GALT

MINUTES

SPECIAL CITY COUNCIL MEETING
Council Chambers, 380 Civic Drive, Galt, California
Tuesday, October 6, 2009, 6:00 p.m.

***Teleconferencing location:**
Marriott Fairfield Inn, Dulles Airport
23000 Indian Creek Drive, Sterling Virginia

The meeting was called to order at 6:00 p.m. by the mayor. Council Members present: Payne, Haines, Meredith and Shelton. Teleconferencing: Clare.

Staff members present: City Manager Anderson, Assistant City Manager Behrmann, City Clerk Aguire, City Attorney Rudolph, Director of Public Works Halladay, Police Chief Cattolico, Community Development Director Campion and Human Resources Administrator Islas.

PUBLIC COMMENTS The clerk announced that under Government Code Section 54954.3, members of the audience could address the council on any agenda item before or during the council's consideration of the item. She advised the location of the speaker sheets, asked that speaker sheets be presented to the clerk prior to addressing council and advised that each person had a five minute time limit.

ADJOURN TO SPECIAL CLOSED EXECUTIVE SESSION:

1. **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION:** Initiation of litigation pursuant to Section 54956.9(c) - Two potential cases.
2. **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to and under the authority of Government Code Section 54957.6

AGENCY NEGOTIATOR: Curt Campion
EMPLOYEE ORGANIZATION: Galt Police Officers Association (GPOA)
Galt Public Service Unit (GPSU)

RECONVENE TO OPEN SESSION: The council reconvened to open session at 7:03 p.m. at which time the city attorney announced that under item #1 there was no reportable action on one of the potential cases and on the other case, council gave direction to initiate litigation against Alberto and Teresa Chavez. There was no action to report on item #2 and closed session would be continued until after the regular meeting at which time items #3 and #4 would be addressed.

RECONVENED TO SPECIAL CLOSED EXECUTIVE SESSION: 9:15 p.m.

3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to and under the authority of Government Code Section 54956.8

PROPERTY: 150-0182-005, 006, AND 007

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NEGOTIATING PARTIES: Cosumnes Community Services District and Assistant City Manager Behrmann.

UNDER NEGOTIATION: Instructions to negotiator regarding price and terms.

4. **PUBLIC EMPLOYEE APPOINTMENT** pursuant to and under the authority of Government Code Section 54957.

a. City Manager

RECONVENE TO OPEN SESSION: The council reconvened to open session at 10:15 p.m. at which time the city attorney announced there was no action to report on items #3 and #4.

There being no further business to come before council, the meeting was adjourned by the mayor at 10:15 p.m.

Respectfully submitted,

Elizabeth Aguire
City Clerk



CITY OF GALT

MINUTES

REGULAR CITY COUNCIL MEETING
Council Chambers, 380 Civic Drive, Galt, California
Tuesday, October 6, 2009, 7:00 p.m.

***Teleconferencing location:**
Marriott Fairfield Inn, Dulles Airport
23000 Indian Creek Drive, Sterling Virginia

The meeting was called to order at 7:03 p.m. by the mayor. Council Members present: Payne, Haines, Meredith, Shelton. Teleconferencing: Clare.

Staff members present: City Manager Anderson, Assistant City Manager Behrmann, City Clerk Aguire, Public Works Director Halladay, City Attorney Rudolph, Chief of Police Cattolico, Finance Director Kiriu, Human Resources Administrator Islas, and Parks and Recreation Director Jeffries.
Absent: Community Development Director Campion.

OPENING CEREMONIES - Silent prayer was observed, the flag salute was recited and the video statement was read by the city clerk.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS – Item D3 pulled by Meredith for discussion. Shelton asked that the Parks and Recreation Commission appointment item be move forward to before the Consent Calendar.

PUBLIC COMMENTS - The clerk announced that members of the audience could address the council on any matter which is not on the agenda but within the subject matter jurisdiction. She advised the location of the speaker sheets, asked that speaker sheets be presented to the clerk prior to addressing council and advised that each person would have a five minute time limit to speak.

Tracy Gross thanked everyone who donated items to the Stand Down project.

Duane Ausherman spoke about Vanessa Madrid and asked Aguire to give a short description of the college Ms. Madrid attended. Aguire spoke about the women's college and the requirements. Mr. Ausherman then introduced Chateau Turner from State Farm Insurance.

Chateau Turner, State Farm Insurance, presented a check in the amount of \$500 to Ms. Madrid's brother, Jorge Madrid on her behalf.

CITY CLERK'S REPORT

1. **SUBJECT:** Parks and Recreation Commission appointment.
RECOMMENDED ACTION: It is recommended that Mayor Shelton review the letter of interest and if deemed appropriate, make an appointment to the Parks and Recreation Commission.

Shelton appointed Benjamin Gamez. Mr.Gamez thanked council.

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CONSENT CALENDAR - Consisting of Items 1 through 6, excluding item D-3 which was pulled for discussion.

1. **SUBJECT**: Minutes of the special and regular meeting of September 15, 2009 and the special meeting of September 22, 2009.
RECOMMENDATION: That the city council accept the minutes as submitted.
2. **SUBJECT**: City of Galt Warrants.
RECOMMENDATION: That the city council approve the warrants as submitted.
4. **SUBJECT**: Capital Region Compact for Children and Youth.
RECOMMENDATION: That the city council adopt Resolution No. 2009-102 endorsing the Capital Region Compact for Children and Youth and authorizing the mayor to execute the Compact on behalf of the City of Galt.
5. **SUBJECT**: Appropriation of funds from the 2009 Justice Assistance Grant.
RECOMMENDATION: That the city council adopt Resolution No. 2009-103 approving the appropriation of funds received from the Edward Byrne Memorial Justice Assistance Grant.
6. **SUBJECT**: Treasurer's Report for period ending August, 2009.
RECOMMENDATION: That the city council accept the treasurer's report as submitted.

ACTION: Upon a motion by Payne, seconded by Haines, the consent calendar was approved by a unanimous vote.

CONSENT CALENDAR ITEM D-3

3. **SUBJECT**: MSC Building Front Flat Section Re-Roofing Project.
RECOMMENDATION: That the city council adopt Resolution No. 2009-101 authorizing the city manager to enter into an agreement with Gudgel Roofing Inc., DBA Yancy Roofing for the MSC Front Flat Section Re-Roofing Project in the amount of \$11,250.

Parks Superintendent Bonnet gave a staff report.

Meredith was concerned about criminal items from the past with the contractor. He said the City should not be conducting business with a company that had a questionable past. Bonnet said there was a total of three bids received. Payne said she was comfortable to move forward and asked the city attorney to comment. Rudolph said there were two aspects to consider when awarding a bid and that was whether the bidder was responsive and responsible. He said a public works project required a performance bond which would be utilized if the project was not completed. Bonnet indicated that because of the low project estimate, no bond had been required. Rudolph said the council had three options: declare low bidder not responsible and rebid; reject all bids and rebid; or award the contract.

ACTION: Upon a motion by Meredith, seconded by Haines, rejecting all bids and going back out to bid was denied with Payne, Clare and Shelton dissenting.

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ACTION: Upon a motion by Payne, seconded by Clare, Resolution No. 2009-101 was approved with Haines and Meredith dissenting.

PRESENTATIONS – Meredith gave a report on a Town Hall meeting to be held on October 21, 2009. He said it would begin at 6:00 p.m. at the Littleton Center, starting with keeping your head up if you lose your job, financial assistance, help if you are disabled, financial action plan, etc. He added that representatives would be available from local utility companies and hopefully potential employers.

SCHEDULED MATTERS - PUBLIC HEARING

1. **SUBJECT:** Public hearing to consider adoption of a resolution of necessity (Resolution No. 2009-104) determining that the public interest and necessity require the acquisition of certain property and interests in and to a portion of the property located north of Boessow Road, south of Simmerhorn Road, for the Central Galt Interchange and State Route 99 Improvement Project.

RECOMMENDED ACTION: Staff recommends that council: a) considers all evidence presented on whether the public interest and necessity require the project; b) considers all evidence presented on whether the project is planned or located in the manner that will be the most compatible with the greatest public good and least private injury; c) considers all evidence presented on whether the subject property is necessary for the project; d) makes the required findings for adoption as presented herein; and e) if, based on the evidence presented, council finds and determines each of the aforementioned, and then staff recommends that council adopt the proposed resolution of necessity.

Halladay gave a staff report; gave a presentation; and reviewed the resolution of necessity and the findings. Halladay indicated that in the staff report, the property proposed for acquisition had been incorrectly shown in square feet and should have been shown in square meters.

The mayor opened the public hearing.

John Zahoutanis, property owner, said he was requested to sign a letter to withdraw his appearance. He said he stated he had no objections to design, only objections to the price. He asked how a design could be done for property that the city did not own. He said his objection to price should have already been addressed. He said he tried to accommodate the city to negotiate a fair price.

Hearing no further comments, the mayor closed the public hearing.

Payne said the city would continue to negotiate the price.

Claudia Gorham, attorney with Meyers Nave, said with no objection to the project being presented to council and only an objection as to the price, the City could continue the negotiations and if those were not fruitful, then move on to the formal process of eminent domain action.

Meredith asked about the proposed design of the interchange and how “A” Street would connect with Carillion Blvd. and relate to the M & Z property.

ACTION: Upon a motion by Meredith, seconded by Clare, Resolution No. 2009-104 was moved for approval.

Haines said he was very concerned about eminent domain.

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ACTION: The motion carried by a unanimous vote.

REGULAR CALENDAR

CITY MANAGER'S OFFICE

1. **SUBJECT:** Capital Improvement Program Project Update.
RECOMMENDED ACTION: That the city council receive the report.

Behrmann gave an update. Payne asked about the replacement project for the main sewer line that all others flowed into. Halladay said they were not on schedule because of the possibility of doing a better project. They moved forward with some improvements to the line and were still evaluating the other option. Clare said he continued to have discussions with Mr. Hodge regarding quiet zones.

COMMUNITY DEVELOPMENT DEPARTMENT

2. **SUBJECT:** Budget appropriation – biological resource evaluation – added area of the City's sphere of influence (SOI).
RECOMMENDED ACTION: That the city council adopt Resolution No. 2009-105 authorizing the city manager to execute a contract with PMC to conduct a biological resource evaluation of the City of Galt's added area of the proposed sphere of influence and appropriate \$8,064 to fund the scope of work.

Behrmann gave a staff report. Payne asked about the area covered in the study. Behrmann said the area was that area included in the proposed sphere of influence in 2005. Payne asked how PMC was selected. Behrmann said the county selected PMC.

Joyce Hunting, PMC representative, said it was for continuity.

ACTION: Upon a motion by Meredith, seconded by Haines, Resolution No. 2009-105 was adopted by a unanimous vote.

PUBLIC WORKS DEPARTMENT

3. **SUBJECT:** SR 99/Twin Cities Road interim improvements PSR/PS&E contract
RECOMMENDED ACTION: That the city council adopt Resolution No. 2009-106 authorizing the city manager to execute a contract with Omni-Means for design services for the SR 99/Twin Cities Road interim improvements for \$819,500.

Halladay gave a staff report and presented the roundabouts. Clare thanked Omni-Means and the people involved in the concept. Haines was worried about seniors adapting to the concept. He said there had to be more costs involved. Halladay said this was the best estimate which included the right-of-way costs. Haines said he was concerned about getting involved in a project, then the costs rising considerably. He was reluctant to commit without more information about each alternative. Halladay said they could not give further costs until they moved forward with the design.

Clare asked when the cooperative agreement would come back and Halladay said hopefully the next

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council meeting. Anderson said they could approve the project contingent upon the agreement. Meredith said he wanted to see the agreement. Payne thought Anderson's suggestion was good. Haines wanted the agreement signed by Cal Trans first. Halladay said they were ready to move forward with the schedule and were already behind. The agreement also had to go to Cal Trans to be signed which would take time as well. He thought if council waited for a signed agreement, it could kill the project.

Meredith asked where the funds would come from and Halladay said the Northeast Area project fund. Haines said the city should be cautious with the current economy. Clare said the greater risk was missing the opportunity.

ACTION: Upon a motion by Payne, seconded by Clare, Resolution No. 2009-106 was approved with Haines and Meredith dissenting.

ADJOURN AND RECONVENE TO THE GALT CITY COUNCIL.

CITY CLERK'S REPORT

COMMENTS BY STAFF – Halladay reported on the bid opening held that day for the WWTP Upgrade Project and said the low bid was \$3M below the engineer's estimate.

COMMENTS BY COUNCIL

VICE MAYOR PAYNE said she attended the Central Valley Commuter Rail meeting in Clare's place. She said they were combining their efforts with the high speed rail and Galt was still on the blueprint. She also attended the First Thursday dinner sponsored by the Local Government Commission. She encouraged everyone on Oct. 14th at the Shop n' Stop Center to attend a classic car show and pumpkins for the kids to celebrate the renovation.

COUNCIL MEMBER CLARE congratulated Payne and Shelton for their part in the Historical Society Old Car Show. He reported on a meeting with Congressmen Lungren and McClintock in Sacramento. He indicated that he would be meeting with Pete Evich while in Washington, D.C. Clare also attended the monthly meeting of the Air Quality Control Board, and SACOG transportation and climate change committees. He also attended the "First Thursday" meeting and said it was well attended.

COUNCIL MEMBER HAINES said he and Behrmann met with Senator Cox and said he thought the Shop & Stop Center looked wonderful.

1. **SUBJECT:** Police Report – August, 2009 – Haines reviewed the report.
2. **SUBJECT:** Air card.
RECOMMENDED ACTION: That the city council discuss and take action as deemed appropriate.

Haines said he needed access to the internet when traveling and he was traveling more and more. He would be using his travel fund to cover the cost.

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Haines asked that staff look into grant funding for surveillance cameras similar to those obtained by the city of Sacramento. Cattolico said he would check into it.

COUNCIL MEMBER MEREDITH thought it was great that the Farmers Market would be returning next year. He said he would be bringing back a local hiring ordinance in November. This would apply to public works contracts. He asked for approval for city attorney review. There was a consensus to have the city attorney review the ordinance.

MAYOR SHELTON said he attended the Historical Society car show and said he handed out awards and trophies. He thanked Al Baldwin for announcing at the event.

3. **SUBJECT:** Approval of certificates of recognition for students planting flowers at the post office through the Beautification Committee.
RECOMMENDED ACTION: That the city council discuss and take action as deemed appropriate.

Shelton asked to have certificates of recognition for students who planted flowers at the post office along with the Beautification Committee and the post office employees involved. There was a concurrence of council.

There being no further business to come before council, the meeting was adjourned by the mayor at 9:15 p.m.

Respectfully submitted,

Elizabeth Aguire
City Clerk