



CITY OF GALT

MINUTES

**SPECIAL CITY COUNCIL MEETING
Council Chambers, 380 Civic Drive, Galt, California
Tuesday, September 7, 2010, 6:30 pm**

The meeting was called to order at 6:30 pm. by the mayor. Council Members present: Payne, Haines, Powers and Shelton.

Staff members present: City Manager Behrmann, City Clerk Aguire, City Attorney Rudolph.

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) - One potential case.

RECONVENE TO OPEN SESSION: The council reconvened to open session at 7:00 pm at which time the city attorney announced that there was no action to report.

There being no further business to come before council, the meeting was adjourned by the mayor at 7:00 pm.

Respectfully submitted,

Elizabeth Aguire
City Clerk



CITY OF GALT

MINUTES

REGULAR CITY COUNCIL MEETING Council Chambers, 380 Civic Drive, Galt, California Tuesday, September 7, 2010, 7:00 pm

The meeting was called to order at 7:00 pm by the mayor. Council Members present: Payne, Haines, Powers, and Shelton.

Staff members present: City Manager Behrmann, City Clerk Aguire, Principle Planner Kiriu, 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 by Cub Scout Troop 84 and the video statement was read by the city clerk.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS – Payne pulled item E-4 and Shelton moved E-5 to first under the regular calendar.

PRESENTATIONS: None.

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.

John White discussed Constitution Day.

John Henke said he met with staff regarding the special events ordinance and it was overwritten and overstated. He said he did not like the rewritten ordinance and he was not happy with it. He said he could shut down a party at any time.

Heather Farmer said they ran a good business and cared about public safety. She said they just wanted to run their business.

Woody said the city was not business friendly.

CONSENT CALENDAR - Consisting of Items 1 through 5, excluding item #4 which was pulled for discussion.

1. **SUBJECT:** Minutes of the regular meeting of August 17, 2010.
RECOMMENDED ACTION: Accept the minutes as submitted.
2. **SUBJECT:** City of Galt Warrants.
RECOMMENDED ACTION: Approve the warrants as submitted.

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3. **SUBJECT:** Street closure for Galt High School Homecoming Parade.
RECOMMENDED ACTION: That city council authorize the chief of police to close the streets listed in the staff report for the Galt High School Homecoming Parade.
5. **SUBJECT:** Treasurer's Report for period ending July, 2010.
RECOMMENDED ACTION: Accept the treasurer's report as submitted.

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

CONSENT CALENDAR ITEM E-4

4. **SUBJECT:** Revisions to Galt Market Rules and Regulations and delegating authority to the city manager for future revisions.
RECOMMENDED ACTION: Adopt a resolution: 1) revising the Galt Market Rules and Regulations as shown in the staff report as Exhibit A, and 2) delegating the authority and responsibility to the city manager to revise and amend the Galt Market Rules and Regulations and to promulgate and establish all further rules and regulations as he deems necessary or appropriate, for the smooth, orderly, fair and safe operations of the Galt Market.

Behrmann gave a staff report.

Payne was concerned about not allowing the community to express their views regarding policy changes. She was also concerned with the issue if Behrmann was not city manager. Rudolph said if the council had a desire to revisit the issue, council could but it would be hard to track with the city manager's tenure.

Behrmann said council could revisit the issue at any time council wished. Payne said she wanted input from vendors before the policies were change rather than after something was changed. Behrmann said most changes were administrative in nature with small impacts. He said big changes would still be under the pervue of the city council. Haines and Shelton said they were comfortable with the resolution.

ACTION: Haines made a motion to adopt Resolution No. 2010-73, seconded by Shelton.

DISCUSSION: Haines asked for an amendment to his motion adding a sunset clause of November 1, 2010. Powers was concerned about only administrative issues being approved by the city manager and making sure the substantive issues came back to council. Behrmann said it was up to council whether to delegate the authority or to retain the responsibility. Haines said he trusted Behrmann and Powers said she also trusted Behrmann but wanted to retain the responsibility if he was gone.

Shelton asked if they could add "current city manager" to the resolution. Rudolph suggested amending the resolution to state that the "delegation shall expire on November 1, 2012 or when City Manager Behrmann left the city, whichever occurred first."

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ACTION: Haines amended his motion, seconded by Shelton. Resolution No. 2010-73 was adopted as amended stating that “the delegation shall expire on November 1, 2012 or when City Manager Behrmann left the city, whichever occurred first” was adopted by a roll call vote with Payne dissenting.

REGULAR CALENDAR

CITY ATTORNEY’S OFFICE

1. **SUBJECT:** Proposition 19: Marijuana Initiative
RECOMMENDED ACTION: Direct staff to prepare an interim urgency ordinance for consideration by the city council at the October 19, 2010 city council meeting that prohibits the location or operation of any commercial marijuana-related businesses while the city studies appropriate zoning code amendments and other appropriate regulations.

Rudolph gave a staff report. Haines asked when the proposition would take effect after the election and Rudolph said the next day. Haines was concerned about how the ordinance would affect businesses such as retail sales stores who were selling marijuana. Rudolph said council would decide what restraints needed to be made regarding retail sales. Payne thanked Rudolph and Behrmann for having the forethought to bring the issue forward.

ACTION: Upon a motion by Haines, seconded by Powers, directing staff to prepare an interim urgency ordinance for consideration by the city council at the October 19, 2010 city council meeting that prohibits the location or operation of any commercial marijuana-related businesses while the city studies appropriate zoning code amendments and other appropriate regulations was approved by a unanimous roll-call vote.

2. **SUBJECT:** Ordinance. No. 2010-07 – An ordinance of the city of council of the city of Galt repealing and readopting Chapter 8.40 of the Galt Municipal Code regarding noise control standards.
RECOMMENDED ACTION: Adopt Ordinance 2010-07 repealing and readopting Chapter 8.40 of the Galt Municipal Code regarding noise control standards.

Rudolph gave a staff report.

ACTION: Upon a motion by Payne, seconded by Haines, Ordinance No. 2010-07 was adopted by a unanimous roll call vote.

CITY MANAGER’S OFFICE

3. **SUBJECT:** Solar power purchase agreement proposal at the Galt Wastewater Treatment Plant (WWTP).
RECOMMENDED ACTION: Adopt a Resolution No. 2010-74 authorizing the city manager to execute a contract with MWH for consulting services related to implementation of a solar photovoltaic generating (PV) system at the WWTP and approve the \$96,250 budget appropriation for consultant services.

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Principle Planner Kiriu gave a staff report.

John Slaughterback thought solar was good but was concerned about the amount of money for the study. He reminded council that the item was from a solar dealer in Galt. He wanted more information and was worried about the settling ponds. Halladay said he agreed with the study and said public works endorsed the project. Behrmann said time was of the essence because SMUD was willing to give the city incentives at the last minute. Powers asked about the payback period and Behrmann said the city would not know until the proposals came back.

Glen Grant, MWH, said they did not know the exact numbers but said he was comparing to other bids and said the city of Fairfield saved \$2 million over the life of the project and added that it was a similar level of subsidy.

ACTION: Upon a motion by Payne, seconded by Powers, Resolution No. 2010-74 was adopted by a unanimous roll call vote.

POLICE DEPARTMENT

4. **SUBJECT:** Memorandum of Understanding (MOU) with the Sacramento County Probation Department.

RECOMMENDED ACTION: Take public testimony on the MOU with the Sacramento County Probation Department for the period from October 1, 2010 through June 30, 2011, and continue the item for action at the September 21, 2010, city council meeting.

Lt. Vizzuzi gave a staff report.

Rick Walters said the voters should have the ultimate authority of expenditure of the funds. He said the funding as stated in the ordinance needed to be done first and the matter should not be turned over to the council. He said a probation officer was not in the original agreement.

Al Baldwin was concerned about spending the money from Measure R. He supported Measure R and said a probation officer should have been put into the ordinance.

Dan Jiminez said he objected to the issue because he was told it would only be used to hire officers. He added that Measure R did not contain language to hire a probation officer. He asked council not to violate the trust of the citizens because the letter of the law was not being followed.

Jim Connick said he worked very hard for Measure R and was thrilled at the opportunity to hire a full-time probation officer for part-time pay. He said it would bridge a gap within the police department and was justified towards the goal that the police department wanted to achieve.

Jerry Stribling said it would be stealing from the fund to hire a probation officer. Haines asked about risk to the city. Rudolph said it was a technical deviation from the wording of the plan and anyone could have the ability to bring a lawsuit. He added that a provision in the ordinance was to amend the use of funds and revising the expenditure plan. Shelton asked if the money could come out of general fund for the short term and Behrmann said there were reserve amounts which were declining.

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Powers said sometimes things need to be changed and Haines said he needed to stand by his word and the letter of the law, not the spirit of the law. Shelton said he was ready to vote. Haines asked if funds could be borrowed and asked if there were other alternatives. Behrmann said there were grant opportunity although he was not sure of the success rate of grants. He said council had three options: 1) use Measure R funds, 2) use general fund reserve funds, or 3) do nothing and bring the proposal back at a later date. Haines asked if the city could hire another officer and Behrmann said the city could hire an officer for a few years on a temporary basis.

Payne asked about the Budget in Brief and asked Kiriu for a report. Kiriu gave a report on property and sales tax and said a budget brief would be coming before council in the near future. Payne said she would be supportive of looking for grants and general fund. Haines agreed and Shelton agreed. There was a consensus to move forward and bring the item back with funding sources.

5. **SUBJECT:** Expenditure of vehicle theft enforcement program funds.
RECOMMENDED ACTION: Approve the purchase of two Vigilant Video brand Mobile License Plate Recognition Systems and software upgrade to the Netmotion middleware program.

Lt. Uptegrove gave a staff report on vehicle theft enforcement program.

Mike McGee, Vigilant Video, gave a presentation of how the software functioned and how it would help the department.

ACTION: Upon a motion by Haines, seconded by Payne, the purchase of two Vigilant Video brand Mobile License Plate Recognition Systems and software upgrade to the Netmotion middleware program was approved by a unanimous roll call vote.

PUBLIC WORKS DEPARTMENT

6. **SUBJECT:** Railroad Quiet Zones.
RECOMMENDED ACTION: 1) Authorize staff to program 2011 Community Development Block Grant (CDBG) funds for implementation of a Quiet Zone Study in the amount of \$75,000 and for Street Light Retrofits in the amount of \$55,000, and 2) Increase revenue for FY 2010/2011 in the amount of \$200,000 from CDBG funding, and 3) Approve appropriations as specified.

Halladay gave a staff report.

Mike Hodge commended the staff regarding the research on quiet zones. He recommended that the council do two studies, both the north/south line and the east/west line.

Mike Singleton was in favor of moving forward with the study. Haines confirmed the funds and that the street lights were still included and wanted the street lights made a priority. Payne thought the city needed to move forward with the study. Powers said the quiet zone was an important issue for the city and for the downtown area. Shelton asked what crossings were included and Halladay gave a report. Shelton was in favor of moving forward.

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ACTION: Upon a motion by Haines, seconded by Payne, program 2011 Community Development Block Grant (CDBG) funds for implementation of a Quiet Zone Study in the amount of \$75,000 and for Street Light Retrofits in the amount of \$55,000, and 2) Increase revenue for FY 2010/2011 in the amount of \$200,000 from CDBG funding, and 3) appropriations as specified were approved by a unanimous roll call vote.

COMMUNICATIONS: Halladay presented the city with a Project of the Year Award from the American Public Works Assoc. for the Wastewater Treatment Plant in the environmental project-small agency category.

ADJOURN AND RECONVENE TO THE GALT CITY COUNCIL.

CITY CLERK'S REPORT: Aguire gave a list of upcoming events. She then said that she held a Campaign Finance Reform training for the candidates and it went well. She thanked City Attorney Rudolph for his assistance in the training.

COMMENTS BY STAFF: Behrmann reported on the Central Galt Interchange bids. He added that there were issues they were working through and it would hopefully be before council at the next meeting.

COMMENTS BY CITY COUNCIL MEMBERS/FUTURE AGENDA ITEMS: Behrmann said they had the bid opening for the Central Galt Interchange project and said there were good bids and they were working through a few issues. He said it was a great project and asked for the citizen's patience during the dust period.

VICE MAYOR PAYNE thanked public works for the tour of the wastewater treatment plant. She said she was happy to see the sidewalks going in near the railroad tracks. She then said the street sweeper did a great job and appreciated his work. Payne talked about the Sacramento Metropolitan Air Quality Board and said they talked about mitigation of construction sites because of the emissions. She said the board decided it was not the time to look at the issue. She then discussed the Greenhouse Emissions target and said the solar item would help the city comply with new requirements.

COUNCIL MEMBER HAINES had nothing.

COUNCIL MEMBER POWERS said she was glad the overflow room was only being used for overflow so everyone could be together in the council chambers. Payne thanked Powers for attending the Commission on Adult and Aging.

MAYOR SHELTON thanked everyone for attending the meeting. Behrmann said if anyone wanted a tour of the Wastewater Treatment Plant Upgrade Project, they would be happy to schedule a time. He would also like to offer license plate reader demonstrations.

There being no further business to come before council, the meeting was adjourned by the mayor at 9:54 pm.

Respectfully submitted,

Elizabeth Aguire
City Clerk