



CITY OF GALT

MINUTES

SPECIAL CITY COUNCIL MEETING
Council Chambers, 380 Civic Drive, Galt, California
Tuesday, July 17, 2012, 6:00 pm

The meeting was called to order at 6:00 pm by the mayor. Council Members present: Powers, Singleton, Shelton, Crews, and Payne.

Staff members present: City Manager Behrmann, City Clerk Aguire and 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 three minute time limit.

ADJOURN TO SPECIAL CLOSED EXECUTIVE SESSION:

1. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** pursuant to and under the authority of Government Code Section 54956.9(a)

CITY OF GALT v. M & Z VALLEY ASSOCIATES, LLC, CBS OUTDOOR, et al; Sacramento Superior Court Case No. 34-2009-00063315

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

Public Works Director

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

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

Respectfully submitted,

Elizabeth Aguire
City Clerk



CITY OF GALT

MINUTES

REGULAR CITY COUNCIL MEETING Council Chambers, 380 Civic Drive, Galt, California Tuesday, July 17, 2012, 7:00 pm

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

Staff members present: City Manager Behrmann, City Clerk Aguire, City Attorney Rudolph, Chief of Police Bowen, Finance Director Kiriu, Human Resources Administrator Islas and Principal Planner Kiriu.

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

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS – Aguire asked to move I2 up after the consent calendar. Council agreed.

PRESENTATIONS:

1. LeeAnn Dickson gave a presentation on rail safety and quiet zones.
2. Deputy City Clerk Donna Settles gave a report on City of Galt Committees and Commissions.

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 three minute time limit to speak.

CONSENT CALENDAR - Consisting of Items 1 through 3.

1. **SUBJECT:** Minutes of the special meeting of July 11, 2012 and the regular meeting of July 3, 2012.
RECOMMENDED ACTION: Accept the minutes as submitted.
2. **SUBJECT:** City of Galt Warrants.
RECOMMENDED ACTION: Approve the warrants as submitted.
3. **SUBJECT:** Parks and Recreation Facility Needs for Indoor Programs.
RECOMMENDED ACTION: Accept staff report regarding facility needs for Parks and Recreation indoor programs and direct staff to work with the Elementary and High School Districts to identify additional facility space available for City programs.

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

SCHEDULED MATTERS - PUBLIC HEARING

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1. **SUBJECT:** Northeast Galt Landscaping and Lighting District – public hearing, approval of Engineer’s Report and Levying of Annual Assessments for Fiscal Year 2012-2013.
RECOMMENDED ACTION: 1) Conduct a public hearing on the levy of proposed assessments for the Northeast Galt Landscaping and Lighting District for Fiscal Year 2012-2013, and upon close of the public hearing, approve the Engineer’s Report as-is, or as-modified pursuant to such public hearing; and 2) Adopt Resolution No. 2012-85 approving the Northeast Galt Landscaping and Lighting District – public hearing, Engineer’s Report and levying of annual assessments for Fiscal Year 2012-2013.

Forrest gave a staff report. The mayor opened the public hearing. Hearing no comments, the mayor closed the public hearing.

ACTION: Upon a motion by Crews, seconded by Shelton, Resolution No. 2012-85 was adopted by a unanimous roll call vote.

2. **SUBJECT:** Westside Galt Lighting, Landscaping and Maintenance District 1990-2–public hearing, approval of Engineer’s Report and Levying of Annual Assessments for Fiscal Year 2012-2013.
RECOMMENDED ACTION: 1) Conduct a public hearing on the levy of proposed assessments for the Westside Galt Lighting, Landscaping and Maintenance District 1990-2 for Fiscal Year 2012-2013, and upon close of the public hearing, approve the Engineer’s Report as-is, or as-modified pursuant to such public hearing; and 2) Adopt Resolution No. 2012-86 approving the Westside Galt Lighting, Landscaping and Maintenance District – public hearing, Engineer’s Report and levying of Annual Assessments for Fiscal Year 2012-2013.

Forrest gave a staff report. The mayor opened the public hearing.

Rick Walters asked to explain the benefit zones and how many Lighting and Landscape Districts there were. Forrest said there were 15 zones from residential to the industrial park area. He said the benefits varied. Hearing no additional comments, the mayor closed the public hearing.

ACTION: Upon a motion by Singleton, seconded by Shelton, Resolution No. 2012-86 was adopted by a unanimous roll call vote.

3. **SUBJECT:** City of Galt Landscaping and Lighting District No. 3– public hearing, approval of Engineer’s Report and Levying of Annual Assessments for Fiscal Year 2012-2013.
RECOMMENDED ACTION: 1) Conduct a public hearing on the levy of proposed assessments for the City of Galt Landscaping and Lighting District No. 3 for Fiscal Year 2012-2013, and 2) Adopt Resolution No. 2012-87 approving the City of Galt Landscaping and Lighting District No. 3– public hearing, Engineer’s Report and levying of Annual Assessments for Fiscal Year 2012-2013.

Forrest gave a staff report. The mayor opened the public hearing. Hearing no comments, the mayor closed the public hearing.

ACTION: Upon a motion by Singleton, seconded by Crews, Resolution No. 2012-87 was adopted by a unanimous roll call vote.

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4. **SUBJECT:** Appeal to the Galt City Council of the Galt Planning Commission's decision on the California Environmental Quality Act Initial Study/Negative Declaration (SCH #2012052026) and Conditional Use Permit for a Materials Recovery and Recycling Facility to locate at 175 Enterprise Ct. **RECOMMENDED ACTION:** Adopt Resolution No. 2012-88 denying the appeal by Robinson, Bradford LLP Attorneys and Counselors on behalf of the Savage Family LLC, and upholding the Planning Commission's Certification of the Initial Study/Negative Declaration (SCH #2012052026) and approval of a Conditional Use Permit request for a Materials Recovery and Recycling Facility at 175 Enterprise Court.

Senior Planner Erias gave a staff report. The Mayor opened the public hearing.

Mark Robinson, appellant representing Dick Savage and the Savage family, was opposed to a materials recovery facility, not a recycling center. He said Cal Waste wanted to process more garbage than Galt produced and said 95% of the materials would come from outside of Galt. He then discussed traffic issues and said the use was not compatible with other uses in the industrial area, i.e, BMD and Cardinal Glass.

Dave Vaccarezza, California Waste Recovery Systems, applicant, introduced Rudy Vaccarezza.

Rudy Vaccarezza, gave a report on the plans for moving to Galt. He discussed new jobs, uses at the facility and next generation legislation regarding solid waste.

Bob Balliet opposed the project and was concerned about truck traffic.

Leta Martin opposed the project because she thought the location was wrong.

Mary Chapman opposed the project.

Al Baldwin said he received a few phone calls of concerned citizens.

Tracy Gross opposed the project. She presented 150 signatures opposing the projects.

Rick Walters opposed the project and said he thought agreements happened behind closed doors.

Dan Jimenez opposed the project and said he was concerned about Galt's water supply.

Walter Williams opposed the project.

Jerry Stribling opposed the project.

Tom Manz, KMS, said he built the industrial park. He discussed the smell of the dairies. He added that there were no electric issues, water issues, or smell issues. He said his park had created jobs for Galt and Cal Waste would bring 60 jobs with the company.

Mr. Robinson gave a rebuttal and said recycling was not the issue, trash was the issue. He asked council to grant the appeal and look at additional requirements council approved the project.

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Mr. Vaccarezza gave a rebuttal and said he had to get a permit from the State for the facility. He asked for project approval. Behrmann asked about the differences between a recycling center and a transfer station. Mr. Vaccarezza said they were proposing a facility that allowed the city to come into compliance with legislation. He explained his prior operations as a transfer station and showed a video on recycling separation.

Shelton reiterated that the applicant was meeting all the requirements. Crews asked how often refuse would be taken off the site and Vaccarezza said every day about three times per day. Crews then said he researched the issue and made a few visits to facilities. Vaccarezza said the plastic bags would be contained in the building. Crews asked Robinson why they could not come to an agreement and Robinson said because they wanted a materials recovery facility. Robinson said they were concerned about commercial and residential trash at the facility as well as traffic.

Erias explained the residual waste and why Cal Waste decided to go with a materials recovery facility. Powers explained prior processes and why approval was not given in the past. She said there were no smells when Cal Waste was operating a transfer station. Singleton said he worked at BMD when the transfer station was operating and there were no smells. He confirmed that each load would be covered and there would be no litter. He also confirmed that Cal Waste paid a fuel tax which would come back to the city and also that Cal Waste kept records of load hauling as required.

Discussion ensued regarding a Storm Water Management Plan reviewed by the state and the local Water Management District. Vaccarezza said he planned a full signage plan for truck traffic. He then discussed hazardous waste and a load check program. He added that there was potential to better control costs for the ratepayers. Payne said Cal Waste had a stellar reputation in the community. Payne asked if Cal Waste could add the amendments to the resolution and Vaccarezza said they could add the conditions. The conditions consisted of 1) all materials and loading, unloading and processing should be conducted in the project building, 2) daily picking up litter on the streets and sidewalks within the industrial park, 3) required to pick up litter on the property of adjacent business owners, and 4) remove all residential waste from the project site within 48 hours of the entrance of such materials.

ACTION: Upon a motion by Payne, seconded by Shelton, Resolution No. 2012-88 was adopted granting the appeal of the planning commission action of the initial study negative declaration and conditional use permit and recertifying the initial study negative declaration and approving the conditional use permit for materials recovery and recycling facility at 175 Enterprise Court subject to the conditions set forth in as Exhibit 8 and in addition the four conditions that were read into the record were approved by a unanimous roll call vote.

REGULAR CALENDAR

CITY COUNCIL'S OFFICE:

1. **SUBJECT:** Strategic Plan.
RECOMMENDED ACTION: Receive the report.

The mayor highlighted sections of the Strategic Plan.

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2. **SUBJECT:** Discretionary Funds.
RECOMMENDED ACTION: Approve the use of discretionary funds for armed forces banners.

Crews asked council to approve use of his discretionary funds for armed forces banners.

ACTION: Upon a motion by Shelton, seconded by Singleton, discretionary funds to be used for armed forces banners were approved by a unanimous roll call vote.

CITY ATTORNEY'S OFFICE:

3. **SUBJECT:** City Council Health Benefits.
RECOMMENDED ACTION: 1) Adopt Ordinance No. 2012-07 repealing and replacing Chapter 2.12 of the Galt Municipal Code regarding the City Council; and 2) Adopt Resolution No. 2012-89 establishing health and welfare benefits for elected officials.

Rudolph gave a staff report.

ACTION: Upon a motion by Singleton, seconded by Powers, Ordinance No. 2012-07 and Resolution No. 2012-89 were adopted by a unanimous roll call vote.

4. **SUBJECT:** An Ordinance of the City Council of the City of Galt adding Chapter 9.48 of the Galt Municipal Code regarding Social Host Liability.
RECOMMENDED ACTION: Adopt Ordinance No. 2012-08 adding Chapter 9.48 of the Galt Municipal Code regarding Social Host Liability.

Rudolph gave a staff report.

ACTION: Upon a motion by Crews, seconded by Powers, Ordinance No. 2012-08 was adopted by a unanimous roll call vote.

H. **COMMUNICATION**

I. **CITY CLERK'S REPORT:**

1. **SUBJECT:** National Night Out – Rescheduling of the meeting of August 7, 2012.
RECOMMENDED ACTION: The City Council reschedule the meeting of Tuesday, August 7, 2012, to Monday, August 6, 2012, to allow council members to attend neighborhood gatherings for National Night Out.

Aguire gave a staff report.

ACTION: Upon a motion by Singleton, seconded by Shelton, rescheduling the meeting to August 6, 2012 was approved by a unanimous roll call vote.

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2. **SUBJECT:** Commission/Committee Appointments.
RECOMMENDED ACTION: The City Council members make appointments to vacant positions in accordance with city practice.

Mayor Payne appointed Eric McCarty to the Youth Committee. Mayor Payne appointed Emanuel Lopes to the Beautification Committee. Mayor Payne appointed Ralph Doak III to the Public Safety Committee.

COMMENTS BY STAFF: Behrmann reported that Sandy Kiriu was officially appointed as the Community Development Director. Bowen said he was scaling a tall building in San Francisco for Special Olympics and said he was accepting donations.

COMMENTS BY CITY COUNCIL MEMBERS/FUTURE AGENDA ITEMS

VICE MAYOR POWERS: Asked to bring back discretionary funds at the next meeting.

COUNCIL MEMBER SINGLETON: Welcomed Cal Waste to Galt.

COUNCIL MEMBER SHELTON: No comments.

COUNCIL MEMBER CREWS: No comments.

MAYOR PAYNE: Attended the First 5 Advisory Committee meeting and the Criminal Justice Cabinet meeting,

There being no further business to come before council, the meeting was adjourned by the mayor at 10:00 pm.

Respectfully submitted,

Elizabeth Aguire
City Clerk