



City Council Meeting Minutes

Monday, June 03, 2024 at 6:00 PM

33 Church Street, Sutter Creek, CA 95685

The Agenda can be found on the City's Website: www.cityofsuttercreek.org

The City of Sutter Creek City Council Meeting will be available via Zoom and in person.

Join Zoom meeting: <https://us02web.zoom.us/j/9568520224>

Please note: Zoom participation is only available for viewing the Council meeting.

Public Comment will not be taken from Zoom

Or Dial by phone: 301-715-8592 | Meeting ID: 956 852 0224

Unless stated otherwise on the agenda, every item on the agenda is exempt from review under the California Environmental Quality Act ("CEQA") per CEQA Guidelines Sections 15060(c), 15061(b)(3), 15273, 15378, 15301, 15323 and/or Public Resources Code Section 21065.

1. Call to Order and Establish a Quorum for Regular Meeting

PRESENT

Mayor Claire Gunselman

Vice Mayor Julia Sierk

Council member Jim Swift

Council member Susan Feist

Vicky Runquist, Treasurer

ABSENT

Council member Dan Riordan

2. Pledge of Allegiance to the Flag

3. Public Forum

None

4. City Manager's Report

City Manager Tom DuBois gave a presentation outlining updates based on City priorities, including:

Two roadway paving projects, draft budget, ARSA lawsuit settled, land donation, California Jobs First and Sister Cities program.

Upcoming Agenda items:

Draft budget review, transaction and use tax ballot measure, Aquality contract, Cal Cities voting delegates, Public Hearing for delinquent sewer and a POA contract update

5. Presentations

A. Fuel Break Overview by Steve Cannon, Foothill Resource Management

Steve Cannon presented a proposal and requested support for a fire fuel break near Sutter Creek.

Fire Chief Moreno distributed informational handouts and explained that fuel breaks are unlikely to stop wind driven fires. He noted that homeowners need help home hardening so they can be protected.

6. Approval of Minutes

A. City Council Minutes of May 20, 2024

Recommendation: By motion approve minutes as presented.

Motion made by Council member Swift, Seconded by Vice Mayor Sierk to Approve the Minutes of May 20, 2024, as amended.

Voting Yea: Mayor Gunselman, Vice Mayor Sierk, Council member Swift

Voting Abstaining: Council member Feist

7. Consent Agenda

Motion made by Council member Swift, Seconded by Council member Feist to Approve the Consent Agenda as presented.

Voting Yea: Mayor Gunselman, Vice Mayor Sierk, Council member Swift, Council member Feist

- A. Adopt Resolution 23-24-* Calling for an election, requesting consolidation of its general municipal elections with the statewide presidential general election, filing a notice of election with the registrar of voters, submitting an incumbent list and terms of office, requiring that a candidate's statements be paid by the candidate, certifying the jurisdictions boundary map, determining a coin toss as the tie breaking method, authorizing Amador county elections department to conduct the election and canvass the returns, and expressing intent to reimburse Amador County for the actual costs of the election.

Resolution 23-24-30

8. Ordinances and Public Hearing

A. Public Hearing to consider increase in rates for sewer service

1. Consider whether a majority protest exists as to the above rate increases per Proposition 218. The City has sent hearing notices to 1475 parcels. A majority protest would exist if 738 ratepayers submit written protests to the proposed rate increase. Only one written protest may be filed per parcel. (Gov. Code, § 53755(b).)

If a majority protest is successful, the Council may not approve the proposed rate adjustments. Conversely, if no majority protest exists, the adjustments may be approved.

2. If no majority protest exists, consider whether to approve the requested rate increase.
3. Adopt Resolution 23-24-* approving sewer service rate increase pursuant to Proposition 218.

City Attorney Cole outlined the Proposition 218 process, noting that protest votes would be accepted until the close of the hearing.

The City Clerk reported that 205 protests had been received.

City Attorney Cole explained that if the rate schedule is approved a Prop. 218 process will not be necessary for each scheduled increase and that the Council would have the option to reduce the amount of each increase but not to go above the approved scheduled amount.

Mayor Gunselman opened the Public Hearing at 6:48 p.m.

Members of the public spoke, including Mike Sweeney, Georgia Fox, Rodney and Susan Hobbs, Charles Logan, Catherine Swift, Butch Martin, Peter Torres and business owner Zita Makkos in opposition to the rate increase. Sandy Spelliscy, citizen and former Interim City Manager noted her support for the Council moving forward with the increase.

Motion made by Council member Feist, Seconded by Vice Mayor Sierk to close the Public Hearing at 7:19 p.m.

Voting Yea: Mayor Gunselman, Vice Mayor Sierk, Council member Swift, Council member Feist.

Council member Sierk explained that she sympathized with the concerns of the community and at the same time has the responsibility to try to fix a problem. She noted that she would be open to modifying the scheduled increases as they come up.

Council member Swift noted that he does not like the increase but does not see another way to fix the problem. He suggested delaying the rate increase effective date so staff could look into implementing a relief program.

Council member Feist noted that the treatment plant project is very expensive, and it is unfortunate that the rate increase is necessary. She offered her apologies that it has to be done. She suggested a subsidy for low-income rate payers and that she would look to lower the scheduled increases if possible.

Mayor Gunselman commented that she appreciates the community input and added a reminder that all options are still on the table and that the I&I needs to improve before building a plant. She explained that that the city needs to build a reserve to be able to secure grants or loans for the project. She suggested that staff look into creating a tiered system and to look into low-income relief options. Mayor Gunselman noted that the Council is considering the rate payer in their decisions.

Motion made by Council member Feist, Seconded by Vice Mayor Sierk to Adopt Resolution 23-24-31 as presented and direct staff to provide a report on or before April 1st of each year prior to the implementation of a rate increase and to direct staff to look into options for a rate relief

program.

Voting Yea: Mayor Gunselman, Vice Mayor Sierk, Council member Swift, Council member Feist.

9. Administrative Agenda

A. Eureka Road Overlay Project

Recommendation: Adopt Resolution 23-24-* Awarding the construction contract for the Eureka Road overlay project.

Motion made by Vice Mayor Sierk, Seconded by Council member Feist to Adopt Resolution 23-24-32 Awarding the construction contract for the Eureka Road overlay project, as presented.

Voting Yea: Mayor Gunselman, Vice Mayor Sierk, Council member Swift, Council member Feist

B. Oro Madre Way Asphalt Concrete Overlay Project

Recommendation: Adopt Resolution 23-24-* Awarding the construction contract for the Oro Madre Way Asphalt Concrete Overlay Project to the low bidder for the Base Bid and Additive Alternative #1.

Mayor Gunselman asked for clarification about the construction management costs, noting that the low bid and high both have the same amount. City Engineer Matt Ospital explained that the same amount of work is required no matter how much the project costs. He also noted that they are estimated numbers and that they could come in lower.

Motion made by Vice Mayor Sierk, Seconded by Council member Feist to Adopt Resolution 23-24-33 Awarding the construction contract for the Oro Madre Way Asphalt Concrete Overlay Project to the low bidder for the Base Bid and Additive Alternative #1, as presented.

Voting Yea: Mayor Gunselman, Vice Mayor Sierk, Council member Swift, Council member Feist.

Mayor Gunselman called for a five-minute recess at 8:17p.m.

The meeting reconvened at 8:22 p.m.

C. Proposed support letter for Amador City fuel break - for discussion and staff direction.

Council member Swift abstained due to a conflict of interest.

Steve Cannon with Foothill Resource Management presented his fuel break proposal and requests a letter of support to take to the Fire Safe Council. He explained that there is a difference between a fuel break and a fire break and noted his disagreement with Fire Chief Moreno's opinion that a fire break is useless.

Mayor Gunselman commented that this project does not pertain to the Sutter Creek City Council and that Fire Chief Moreno is opposed.

Council member Sierk commented that there is not enough information for an endorsement.

No motion was made.

- D. Adopt Resolution 23-24-* Authorizing the City Manager to execute a Real Property Donation Agreement conveying 18.3 acres of real property to the City of Suter Creek (APN's 018-020-031 and 018-020-032).

Council member Swift rejoined the meeting.

Motion made by Vice Mayor Sierk, Seconded by Council member Swift to Adopt Resolution 23-24-34 Authorizing the City Manager to execute a Real Property Donation Agreement conveying 18.3 acres of real property to the City of Suter Creek (APN's 018-020-031 and 018-020-032), as presented.

Voting Yea: Vice Mayor Sierk, Council member Swift

- E. Submission of a Notice of Exemption for the lake or streambed alteration permit for the creek clearing project.

Motion made by Council member Swift, Seconded by Vice Mayor Sierk to direct staff to submit a Notice of Exemption for the lake or streambed alteration permit for the creek clearing project.

Voting Yea: Mayor Gunselman, Vice Mayor Sierk, Council member Swift, Council member Feist.

10. Mayor and Council Member Reports

Mayor Gunselman noted that she is meeting with a group to discuss the possibility of having concerts in the park.

11. City Attorney's Report

None.

12. Future Agenda Items

None.

13. Information and Correspondence

None.

14. Closed Session

Adjourned into Closed Session at 8:57 p.m.

A. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Gov. Code Section 54956.9)

SEIU Local 1021 v. City of Sutter Creek, Pub. Emp. Rel. Bd.

Case No. SA-CE-1244-M

B. CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6

Agency Negotiator: Tom DuBois, City Manager

Employee Organizations: Sutter Creek POA

15. Report from Closed Session

No reportable action and staff were given direction.

16. Adjournment

The next scheduled meeting is June 24th.

Claire Gunselman

Claire Gunselman, Mayor

Karen Darrow

Karen Darrow, City Clerk

Date Approved: June 24, 2024