

CITY OF AMADOR CITY
MINUTES OF CLOSED SESSION OF THE AMADOR CITY COUNCIL
Thursday, July 20, 2006, 7:00 p.m.

1. Sue Brown case - Our attorney, Gayle Tonin, reported the following:

- a. McDonnell deposed that he removed and replaced the railing in the first bay closest to the Pocket Park at the end of August, 2004.
- b. Ron Sawyer, a friend of Sue Brown and frequent visitor to Amador City, deposed that he saw the railing in the second bay down, but did not see anybody actually remove the railing.
- c. On November 26, 2004, four months later, Sue Brown fell through the second bay railing. She had been placing quilts on the railing during the months between the end of the construction of the Pocket Park and the date she fell.
- d. In 2004 Sue Brown fell through the railing of another bay. She also made numerous complaints about the condition of the railings to Bruce Sherrill.
- e. Three witnesses deposed that Sue Brown had leaned on the railing.

Mediation is scheduled for August 25, 2006. Ms. Tonin told the Council that the Courts in Amador County are very "conservative".

2. Mendy - Non-payment of TOT

City Counsel Lacey reported the TOT Ordinance provides for the filing of a lien; however, the County Recorder refused to record the lien due to lack of statutory authority. County Recorder Sheldon Johnson and County Counsel Hahn to discuss issue.

City Counsel Lacey wants authorization to initiate a law suit. The City has four years in which to commence legal action to collect. If the property is sold, the buyer must obtain a tax clearance from the city. A recorded lien on the property would give constructive notice to the public ie. escrow, buyers, title company, etc.

3. Gamble/City of Amador City - Fallen Tree/damaged fence

The question is did the City have notice of potential hazard regarding the tree that fell.

Mayor Lynch said he discussed trees along the creek with Rob Super at the time of Super's boundary line adjustment; however, no reference was made to a specific tree.

If we agree to settle with Gamble, we would not be admitting responsibility and the settlement could not be introduced in another case.

Mayor Lynch to talk to Mr. Gamble to discuss a compromise.

Closed session adjourned at 7:38 p.m.

CITY OF AMADOR CITY
MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
THURSDAY, July 20, 2006, 7:00 P.M.

1. **CALL TO ORDER**, Called to order at 7:40 p.m.
2. **ROLL CALL**, Dittman, Lindsay, Knox and Lynch
 APPROVAL OF AGENDA, Lindsay moved, 2nd by Knox, approved unanimously
3. **CONSENT AGENDA**: Lindsay moved, 2nd by Knox, approved unanimously
4. **APPOINTMENT OF NEW COUNCIL MEMBER**- Tammy Peacock and Aaron Brusatori were two nominees. One vote for Peacock, two for Brusatori, Lynch abstained. Aaron Brusatori was elected new councilmember.
5. **ELECTION OF VICE MAYOR** – Knox nominated Kirk Lindsay, Dittman 2nd , Lindsay and Lynch abstained, Knox and Dittman voted for Lindsay. Lindsay elected new Vice Mayor.
6. **PUBLIC MATTERS NOT ON THE AGENDA** – Dittman requested his Lot Line Adjustment fee refund be on August agenda.
7. **Budget – 2006-2007** – Lynch passed out preliminary figures – relinquishment to be in budget.
8. **PUBLIC HEARINGS**
 - A. General Plan – Amend Circulation Element re: Bike Plan - First hearing
9. **Terry Cox – Plymouth Pipeline Project** – Discussion only
10. **Ed Arata – Sutter Creek Fire District Commission Chairman** – Presented City with Sanborn Fire Maps 1890-1930 and also gave a brief history of Fire Department.
11. **Design Review** –
 - A. Dave Bissell, 14501 East School Street, Concrete retaining wall – Discussion and possible action – Councilman Lindsay stepped down for this discussion and action. Council requested Bissell dress the slope into a gutter which would terminate at corrugated pipe at the Johnson-DuBois property. The gutter to be 12” ditch with 2” crushed gravel. Bissell was directed to replace the property pin at the corner. Knox moved, Lynch 2nd to approved concrete wall with above conditions. Motion carried.
 - B. Doron Dreksler, 10611 Flechart, Deck – Discussion and possible action – Lindsay moved, Knox 2nd to approve deck. Motion carried.
12. **Amador City Park Committee** – Post poned
13. **Tree Ordinance Committee** - Lynch reported some progress made
14. **Staff and Committee Reports** – ARSA survived winter discharge with no fine. Water Agency incurred \$500,000.00 fine. Mass vaccination for 8-4-06 at Argonaut High. (Rehearsal for real disaster). Informal Planning Group – UC Davis class scheduled.
15. **Adjournment** – Adjourned at 8:35 p.m.