

**CITY OF AMADOR CITY**

**AGENDA OF THE REGULAR MEETING OF THE CITY COUNCIL**

**TUESDAY August 17, 2021 – 7:00 p.m.**

**This will be a hybrid meeting – in person at the Community Center in the City Hall**

**SPECIAL NOTICE**

**Pursuant to Paragraph 11 of Executive Order N-25-20, executed by the Governor of California on March 12, 2020, as a response to mitigating the spread of coronavirus known as COVID-19, during the July 20, 2021, meeting of the City Council of Amador City, California members of the public will be allowed to join Zoom Meeting.**

**Zoom information – see next page.**

**As of August 2, 2021, the State of California requires masks for unvaccinated people and recommends masks for everyone in indoor settings, including local government offices. Therefore, we respectfully request that you wear a mask if you attend this meeting in person.**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call –**
- 4. Approval of Agenda and Financial Statements –**
- 5. Public Matters Not on the Agenda – Discussion items only, no action to be taken. Any person may address the council at this time on any subject matter within the jurisdiction of the Amador City Council. Any item that requires action will be deferred to a subsequent council meeting. Five minute time limit**

**Members of the public wanting to address the Council, either during public comment or for a specific agenda item, or both, are requested to send an email notification no later than 6:00 p.m. on the day of the meeting to [city.clerk@amador-city.com](mailto:city.clerk@amador-city.com) . Public comment should identify the agenda item it seeks to address, and be limited to 300 words or less. Public comment will be read at the time such agenda item it references is called.**

**6. Public Comment**

**7. Public Hearing**

- A. Break Even Brewery Site Visit – August 19, 9:00 a.m.**
- B. Amador City Pop-Up Vaccine Clinic announcement – August 20 at 10 a.m.-1 p.m.  
Binz Wine Lounge**
- C. Fancher/Powder House Property Update**
- D. Retaining Wall Update- City Park property**
- E. Pheasant Hill Partners -Lance Jagers Development Update**
- F. Ordinance #181- Allowing sidewalk/patio dining permits - First Hearing**
- G. Creek Cleaning**

**Committees: ARSA, Air, Culbert Park, Design Review, ACTC/RTMF, LAFCO, Homeless, Museum, BnB, Museum, Cemetery, Maintenance**

**In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, then please contact Joyce Davidson at (209)890-6284 or e-mail [city.clerk@amador-city.com](mailto:city.clerk@amador-city.com). Requests must be made as early as possible, and at least two full business days before the start of the meeting.**

**Subject:** regular zoom link  
**From:** Anne Kel-Artinian <kelartinian.anne@gmail.com>  
**Date:** 8/12/2021, 12:11 PM  
**To:** City Clerk <city.clerk@amador-city.com>

Amador City Office of the Mayor is inviting you to a scheduled Zoom meeting.

Topic: Amador City Regular City Council Meeting - Zoom link  
Time: This is a recurring meeting Meet anytime

Join Zoom Meeting

<https://us02web.zoom.us/j/88534027186?pwd=cUhaSm8xRUNTOTgxb1QwSFFzb1VqUT09>

Meeting ID: 885 3402 7186

Passcode: 193935

One tap mobile

+16699006833,,88534027186#,,,,\*193935# US (San Jose)

Dial by your location

+1 669 900 6833 US (San Jose)

Meeting ID: 885 3402 7186

Passcode: 193935

Find your local number: <https://us02web.zoom.us/j/kczh1A5R1>

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**Anne Kel-Artinian**

Mayor, Amador City

[kelartinian.anne@gmail.com](mailto:kelartinian.anne@gmail.com)

408-829-9815



"Amador City: The Smallest Incorporated City in California"

## AMADOR CITY

**CLOSED SESSION – 6:30 P.M., Tuesday July 20, 2021**

**CLOSED SESSION – pursuant to Government Code 54956.8 conference with real property negotiator concerning price and terms for lease of property to the Imperial Hotel.**

**CLOSED SESSION – pursuant to Government Code 54957.6 conference with labor negotiator regarding employee salaries.**

### **MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL**

**TUESDAY July 20, 2021 – 7:00 p.m.**

**This will be a hybrid meeting – in person at the Community Center in the City Hall**

#### **SPECIAL NOTICE**

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**Zoom information – see next page.**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call – Kel-Artinian, Bragstad, Robinson, Smith present, Marks absent**
- 4. Approval of Agenda and Financial Statements – Robinson moved to approve, 2<sup>nd</sup> by Bragstad, Approved unanimously**
- 5. Public Matters Not on the Agenda – Discussion items only, no action to be taken. Any person may address the council at this time on any subject matter within the jurisdiction of the Amador City Council. Any item that requires action will be deferred to a subsequent council meeting. Five minute time limit.**

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- 6. Public Comment**
- 7. Public Hearing**
  - A. Approve Fiscal Year 21-22 Budget – Bragstad moved to approve budget, 2<sup>nd</sup> by Smith, approved unanimously**
  - B. Resolution # 587 – Approval of rate adjustment – Aces Waste Services, Inc. – Robinson moved to approve, 2<sup>nd</sup> by Smith, approved unanimously – Paul Mollineli requested a meeting with our attorney to create a new contract to cover the new regulations. Mr. Mollineli also stated that he always enjoys coming to Amador City Council because we represent democracy at the local level.**

- C. Resolution #588 – Adopting List of Projects for Fiscal year 2021-2022 SB1- Bragstad moved, 2<sup>nd</sup> by Robinson to approve list of projects ie. Signage for “No Parking” zones, striping, speed limit signage at both ends of town.
- D. Approval of bid for Park Retaining Wall. Only one bid received from Campbell Construction – Waiting for approval by PARSAC. Attorney Wayland will write to PARSAC requesting response. Mrs. Lyons requested to review bid package; she also asked how access to park/fence would be accomplished.
- E. Powder House Update – Fancher property – Robinson moved, 2<sup>nd</sup> by Bragstad to authorize Councilman Smith to spend up to \$5,000 for costs to acquire Powder House and 20’ on each side through a BLA process. Mr. Smith indicated most county fees would be waived.
- F. Approval of purchase of solar batteries for Gateway Monument. A)Michael Gornet Submitted price for 4 batteries at \$900 B) quote from electrician who installed original at \$1500 plus labor. – Discussion only. Gateway presently illuminated.
- G. Approve demolition of substandard/uninhabitable house on Break Even property. – Smith moved, Robinson 2<sup>nd</sup> to approve demolition of uninhabitable house behind Break Even Tavern. Approved unanimously.
- H. Firewise USA – Vote to decide whether we should pursue having Amador City become a registered community – Bragstad moved, 2<sup>nd</sup> by Robinson to approve joining FIREWISE USA, approved unanimously. Robinson indicated he would like to work with Mayor Kel-Artinian on this project.
- I. Creek Cleaning Update – Vote on finding a reliable resource for cleaning annually and/or how many times – Councilman Smith reported Pine Grove Camp thinks they can take on this project. To be on August agenda.
- J. ACRA membership-\$765 annually – Bragstad moved, 2<sup>nd</sup> by Robinson, approved unanimously to join ACRA at \$765 annually based on population.
- K. Water Rate Increase – Council felt increase excessive. Encourages public participation prior to July 27 meeting of AWA deadline.
- L. Redistricting Up Date – Non-partisan. Bragstad indicated she thought we should be in Sutter Creek District.
- M. ACBCA – Holiday Décor Replenishment – Amy Clingan – Smith moved, Robinson 2<sup>nd</sup> to allocate \$750 to ACBCA to purchase more Christmas decorations so that all buildings downtown will have decorations.

Committees: ARSA – Tertiary delayed; RTMF/ACTC-LTF – money available for paving new parking spaces, “No Parking” signs; LAFCO – Annex new area into Fire District – AIR – meeting in August; Homeless – Task Force – Detert Park and behind K-Mart; Fire – Clearing on west side of 49 need volunteers; Culbert Park – nothing; Design Review-Beer Garden; Cemetery – Planting done by Dale Cameron and Kirk and Karrie Lindsay “incredible” and “phenomenal”; Tombstone fixed in Oak Knoll Cemetery; EVC in limbo

Meeting adjourned at 8:52 p.m.

MINUTES OF August 2, 2021, Special Meeting of the Amador City Council

Meeting called to Order at 5:45 p.m.

Roll Call – Kel-Artinian, Robinson, Marks, Bragstad, Smith

Public Hearing:

- A. Discuss and vote on bid for Park Retaining Wall received from Campbell Construction - \$213,068. PARSAC will pay for cost of wall. Pre-construction meeting this week or next. Lyons will attend.  
City Council unanimously approved the bid amount. Vice Mayor Bragstad will sign bid approval.
- B. Discuss and vote on Design Review Committee's recommendation to approve Break Even Brewery beer garden design.  
This is Design Review approval only. Two shipping containers on property to have same siding as existing building (old Andre's Bakery) with same tin roofing material. The parking lot closed to public access (possibly with locking gates). Hours are Wed through Sun, closing at 9 p.m. Fri and Sat; 8 p.m. during week.  
Noise abatement: Some barriers, lattice roof with vegetation; but no real design.  
Capacity 50 total; 40 patrons plus 10 staff  
Garbage at south end of parking lot near highway access. Trash to be in an enclosure; propane tank to be at south end of parking lot also. Deliveries will be made at south side.  
Beer garden – family venue beer and non-alcoholic beverages plus wine and cider; Tavern (Break Even across the street) – adult venue. Traffic calming signs at both ends of town/tavern.  
No live music. Piped in ambient music inside tasting room.  
Not certain at this time if there will be EVC. Possibly, more bathrooms.  
Bragstad likes the project.  
Kathy Thomas indicated she is not in favor of beer garden. She feels it is an infringement on the residential neighborhood.

Council in favor of design – Bragstad, Marks, Kel-Artinian and Smith voted in favor.

Russell Robinson left meeting at 6:16 p.m.



Break Even Beermakers  
14141 Old Route 49  
Amador City, CA 95601

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**Project Site Visit - August 19th at 9:00 AM**

Hello neighbors --

Break Even Beermakers invites you to attend a guided Site Visit and Q & A at the future home of our Brewery and Cafe at 14141 Old Route 49 on Thursday, August 19th at 9:00 AM.

Beermaker Aaron Wittman will provide a brief walkthrough of the property and discuss the day-to-day operations of the brewery and attached cafe, including the outdoor seating area and parking lot to be located in the lot to the rear of the building.

Community members are welcome to bring any questions or concerns about the project to the meeting. Our goal here is to hear the community's feedback to inform the proposed design.

We welcome you to join us, and look forward to discussing the project with you. Thanks for your interest.

Sincerely --

Break Even Beermakers  
Amador City, California

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMADOR CITY  
AMENDING AND REPLACING SECTION 12.08.010 OF THE CITY MUNICIPAL  
CODE AND ADDING SECTION 12.08.030 TO CHAPTER 12 OF THE CITY CODE**

Ordinance No. 181

*Whereas*, the City desires an expedient and uniform method of granting encroachment permits for businesses to utilize outdoor space within public right-of-ways in order to support a healthy and safe business climate in the City of Amador City;

*Whereas*, the ability to provide outdoor seating will also support safe practices in times where public health concerns necessitate outdoor seating and will support local businesses in such times;

*Whereas*, the revocable permitting process expressed in this Ordinance will provide flexibility for the City to evaluate encroachments for local restaurant and bar establishments to utilize public space in a way that protects the public interest in free movement through the city by pedestrian traffic, and will also provide an ambiance consistent with local building and aesthetic standards;

*Whereas*, the permit process provided for in this Ordinance will include a revocation option by the City without cause, and will preclude an expectation to possession or continued rights to use, and will allow the City to revoke any permit without cause in the City's sole discretion;

**NOW THEREFORE**, the City Council of Amador City, a general law city of the State of California, does **ORDAIN** as follows:

**1. Enactment.** Chapter 12.08.010 of the Amador City Municipal Code is amended and replaced, and Section 12.08.030 is added, as follows:

**12.08.010 - Permit required.**

All encroachments of every kind, nature or description (excluding public utilities) upon any city street or sidewalk without a permit issued in accordance with the provisions of Sections 12.08.020 and 12.08.30, is prohibited.

**12.08.030 Sidewalk restaurant and bar revocable encroachment permits.**

A. Establishments in the business primarily of serving food and beverages may be permitted on a city sidewalk, boardwalk, or alleys located in the public right-of-way, subject to location and issuance of a sidewalk revocable encroachment permit under this section and compliance with the application, and operational requirements of this section.



B. Applications for a sidewalk revocable encroachment permit shall be made to the city engineer. A completed sidewalk revocable encroachment permit application must be accompanied by two sets of plans drawn to scale. The site plan must show the location of tables, chairs, a perimeter barrier element, and any fixed elements on the sidewalk, boardwalk, or alley within a twenty-five (25) foot radius around the sidewalk café area. Plans must include the dimension of the clear zone, as defined in subsection E of this section, from outer perimeter of the sidewalk trade fixtures to nearest sidewalk infrastructure features.

C. The terms restaurant and bar use shall mean and refer to an establishment in the primary business of offering food and drink services, including alcoholic beverages, to the general public.

D. Sidewalk permits shall not obstruct pedestrian traffic, accessibility to vehicles parked adjacent to the curb, or create public health or safety hazards.

E. A minimum three-foot clear zone is required between the outside edge of any sidewalk trade fixture and any fixed element within the sidewalk, alley, or pedestrian right-of-way. Fixed elements include, but are not limited to, light and sign poles, trees and landscape strips, traffic poles, parking meters, curbs, tree-wells, flower pots, and waste containers. "Clear zone" means a pedestrian area that is maintained free of all obstructions for purposes of foot passage.

F. The sidewalk revocable encroachment permit holder is responsible for compliance with all federal and state laws relating to disabled access in the operation of a sidewalk restaurant or bar establishment and in maintaining the clear zone required by subsection E, as may be applicable.

G. No additional parking shall be required for sidewalk business establishments permitted under this section.

H. Permitted areas under this Section shall be used only as seating areas for service by the restaurant or bar. All other uses, including storage, kitchen, or restroom uses, are not allowed. Tables and chairs must be movable unless otherwise approved by the City Engineer.

I. Placement of tables and chairs shall be limited to the public right-of-way frontage adjacent to the associated restaurant and bar use as determined by the City Engineer unless the applicant demonstrates to the satisfaction of the City that the areas proposed for use under the encroachment permit are areas over which the applicant exercises lawful dominion and control. All tables and chairs subject to the permitting requirements of this Section must be approved in advance by the City Engineer.

J. Service and consumption of alcoholic beverages in a sidewalk café shall comply with applicable laws and licensing requirements.

K. A decorative element separating the sidewalk permit seating area from adjacent pedestrian traffic must be provided. The design and materials of this element must complement and be compatible to the architectural design features of the City. Decorative elements of the

permitted area must be approved in advance by the City Engineer or designee as established by the City Council.

L. Areas permitted for use under this Section may be uncovered, partially covered, or fully covered by means of umbrellas, awnings or canopies. Width and height of awnings and canopies shall meet applicable building code requirements. Awnings, canopies and umbrellas must be made of fire-treated or nonflammable materials. Decorative or accent lighting may be incorporated into the permitted area and shall meet all City Code requirements.

M. Permit approval under this Section is subject to the applicant obtaining all required building and electrical permits prior to construction, and satisfactorily demonstrating compliance with applicable building and fire safety standards as may be applicable.

N. The permit issued under this section shall be displayed in a prominent location easily accessible to the public together with a copy of the approved design submitted in conjunction with the application for issuance.

O. The business establishment applying for a permit under this Section shall utilize an application developed by the City Engineer and approved for mandatory use by the City Council. The application shall include terms and conditions as established by the City Council, including but not limited to indemnity and insurance requirements. A permit issued under this section is revocable in the sole discretion of the City Council, or designee, at any time without notice. The City Council may, by resolution, establish such other administrative procedures and standards not inconsistent with this Section as may be necessary or convenient in administering this Section. A permit issued under this Section shall not give right to an expectation of continued use, nor a right to possession.

**2. Effective Date.** This ordinance shall be in full force and effect commencing thirty (30) days after its final adoption and publication according to law.

**3. Severability.** This Ordinance is intended to comply with all laws of the State of California and should be interpreted in such a manner. Should this Ordinance be found invalid as a matter of law by a court of competent jurisdiction in any provision, part thereof, or as applied to any circumstances, then any such provision, or part thereof, causing the invalidity may be severed by such court to the least extent possible and the remainder hereof be left enforce.

This Ordinance was introduced and read by title only on the \_\_th day of \_\_\_\_\_, 2021 and was passed and adopted on this \_\_th day of \_\_\_\_\_, 2021 by the following vote:

AYES:  
NOES:  
ABSENT:

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Anne Kel-Artinian  
Mayor  
Amador City, California

APPROVED AS TO FORM:

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Gregory P. Wayland, Esq.  
City Attorney

I, Joyce Davidson, City Clerk of Amador City, do hereby certify that the foregoing ordinance was introduced on the \_\_\_\_\_th day of \_\_\_\_\_, 2021, was regularly adopted at a meeting thereof on the \_\_\_\_\_th day of \_\_\_\_\_, 2021 and was published/posted pursuant to law.

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Joyce Davidson  
City Clerk