



**CITY COUNCIL MINUTES  
MONDAY, NOVEMBER 6, 2023**

THIS MEETING WAS CONDUCTED IN-PERSON AT 33 CHURCH STREET,  
**THE PUBLIC WAS ABLE TO VIEW FROM HOME:**

Join Zoom Meeting

<https://us02web.zoom.us/j/9568520224>

- 6:00 P.M. 1. CLOSED SESSION**  
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
- 7:00 P.M. 2. CALL TO ORDER AND ESTABLISH A QUORUM FOR REGULAR MEETING**  
Council members present:  
Feist, Riordan, Sierk, Swift and Gunselman  
Vicky Runquist, City Treasurer  
  
Staff Present:  
Sandra Spelliscy, Interim City Manager  
Derek Cole, City Attorney  
Karen Darrow, Mason Peters and Matt Ospital
- 3. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 4. REPORT FROM CLOSED SESSION**  
City Attorney Cole reported that direction was given to staff and there was no reportable action.
- 5. PUBLIC FORUM**  
Jill Kelley noted her concern about the maintenance of the creek, especially the flushing dam. Richard Murphy requested that the parking areas near 35 Main St. could be repainted because cars are parking in no parking zones.  
Bradley Booker asked if an ACTC Bike/Ped update could be added to an upcoming agenda and requested an estimate to have bike racks installed.  
Mitchell Vinciguerra suggested that the city adopt labor standards that require contractors to offer healthcare to their employees.

**6. APPROVAL OF MINUTES**

A. City Council Minutes of October 16 & 30, 2023

*Recommendation: By motion approve minutes as presented.*

**M/S Council member Sierk/Feist to approve the City Council Minutes of October 16, 2023, as amended.**

**AYES:** Feist, Riordan, Sierk and Gunselman  
**NOES:** None  
**ABSTAIN:** Swift  
**ABSENT:** None  
**MOTION CARRIED**

**M/S Council member Sierk/Swift to approve the City Council Minutes of October 30, 2023, as presented.**

**AYES:** Feist, Sierk, Swift and Gunselman  
**NOES:** None  
**ABSTAIN:** Riordan  
**ABSENT:** None  
**MOTION CARRIED**

**7. CONSENT AGENDA**

A. Sutter Oaks sewer collection project

*Recommendation: Approve the low Base Bid and Additive Alternate #1 Bid from Soracco, Inc. and award the Contract.*

**M/S Council member Riordan/Sierk to Adopt Resolution 23-24-14 Approve the low Base Bid and Additive Alternate #1 Bid from Soracco, Inc. and award the Contract.**

**AYES:** Feist, Riordan, Sierk, Swift and Gunselman  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None  
**MOTION CARRIED**

**8. ORDINANCES & PUBLIC HEARING**

A. Introduce and Waive First Reading of Ordinance No. \_\_\_\_\_ Amending Sections 2.06 & 2.08 of the Sutter Creek Municipal Code.

**M/S Council member Riordan/Feist to Introduce and Waive First Reading of Ordinance No. \_\_\_\_\_ Amending Sections 2.06 & 2.08 of the Sutter Creek Municipal Code.**

**AYES:** Feist, Riordan, Sierk, Swift and Gunselman  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None  
**MOTION CARRIED**

**9. ADMINISTRATIVE AGENDA**

A. Oro Madre Way Street Improvements- *discussion and possible action*

City Engineer Matt Ospital presented an update highlighting the proposed improvements.

Council member Swift noted that the School District uses the gate access at the field maybe they would want to participate in the repairs in the areas they use.

Mayor Gunselman suggested that the drain near the baseball field might be another area that the School district could help with.

Council member Sierk asked about adding pedestrian access.

Interim City Manager clarified that this is considered ongoing maintenance and not an improvement project and that the safe Route to Schools program might be an option to pursue.

Council member Feist suggested that once the road is repaired it may become a safety risk with people speeding.

City Engineer Ospital noted that there are several traffic calming options, but they are all very costly.

The Council directed staff to investigate working with the school district on repairs near the gate access and the drain near the baseball field and move forward with sending the project to bid.

- B. FY 23-24 Q1 Expense/Revenue Analysis- *for information only*.  
Finance Supervisor Mason Peters presented the budget vs actual update for the first quarter.

Mason Peters explained that Fund 10 is further behind than last year and he is looking into the reason and the Cemetery percentages may be off and being overburdened and will be looking into that as well.

- C. Adopt Resolution 23-24-\* Authorizing the Execution of the employment agreement for City Manager Services with Tom DuBois.

City Attorney Derek Cole gave a verbal account of the contract's economic terms, noting the annual salary of \$175,000.00 and outlining the additional details as listed in the contract.

Council member Swift apologized for not being able to attend the Council meeting on October 16<sup>th</sup> and expressed his disagreement with some of the provisions of the City Manager's contract.

**M/S Council member Sierk/Riordan to Adopt Resolution 23-24-15 Authorizing the Execution of the employment agreement for City Manager Services with Tom DuBois.**

**AYES:** Feist, Riordan, Sierk and Gunselman

**NOES:** None

**ABSTAIN:** Swift

**ABSENT:** None

**MOTION CARRIED**

- D. Update on City/ARSA spray easement agreement – *discussion and possible action*  
Interim City Manager Spelliscy presented.

Council member Riordan asked if Tom DuBois would be attending the ARSA Board meetings moving forward.

Interim City Manager Spelliscy explained that the operations contract with ARSA allows the City Manager or their designer to act as the ARSA General Manager and that will be up to the new City Manager to decide.

Council member Swift noted that the ARSA Board members were going to their respective agencies to get direction regarding the loan forgiveness and will report back to the ARSA Board.

Mayor Gunselman suggested that funding tends to go to regional efforts and that the Water agency may want to take their seats on the ARSA Board back with the vacancies created by the outgoing Board of Supervisors.

#### **10. MAYOR AND COUNCIL MEMBER REPORTS**

Council member Sierk attended Bike/Ped committee and suggested that an update from them be on a future agenda. She also noted that they are working on what they can do with the \$40,000 from ACTC that can be used to support projects with the Bike/Ped committee and suggested that it could be used towards a bike rack installation project.

Council member Sierk also reported that she will be asking to have the contract renewal added to the ACRA agenda in December.

Council member Feist noted that the business association appointed a liaison to provide marketing information to the city.

Mayor Gunselman noted that the Sutter Creek Community Benefit Foundation met to discuss their strategic plan for the next ten years and identified one of their priorities as marketing the Grammar School for rentals.

#### **11. CITY MANAGER'S REPORT**

Interim City Manager Spelliscy provided an update on:

Flushing Dam – work to remove the debris was scheduled for October 30<sup>th</sup>. Council member Swift noted that the work was delayed due to a death in the contractor's family and expects it to resume shortly.

Response to citizen question about city maintenance- Staff is focused on city owned property and the city does not own the property along the creek. She noted that CalFire spent time cleaning up at the cemetery.

Meetings on Zoom- Some cities have had problems with public comment on zoom. Since we only allow public comment on zoom if a council member is participating remotely, we have not had similar problems.

Website – staff is working with Civic Plus on the city website conversion and expects it to go live soon. The status of the visit website will be for the new City Manager to decide.

Interim City Manager Spelliscy noted that this will be her last meeting as the City Manager and thanked the Council for the opportunity to serve the community.

**12. CITY ATTORNEY’S REPORT**

A. Update on SB1439

City Attorney Cole provided an update on new legislation.

**13. FUTURE AGENDA ITEMS**

Council member Sierk requested:

- Bike/Ped update
- Bike rack program
- Reconsider reimbursement for Jean Pinotti

Council requested:

- Radar sign locations

**14. INFORMATION/CORRESPONDENCE**

A. Public Communications

Mayor Gunsleman suggested looking into using the radar signs that the city has and how they can be used in this location.

Interim City Manager Spelliscy noted that the Planning Commission will be reviewing the Danco project at their next meeting and there are conditions included that would require traffic calming measures to be implemented.

**15. ADJOURNMENT**

The meeting was adjourned at 8:29 p.m.

*Claire Gunselman*

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Claire Gunselman, Mayor

*Karen Darrow*

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Karen Darrow, City Clerk

Date Approved: November 20, 2023