

CITY OF ANGELS  
CITY COUNCIL  
MINUTES

**Tuesday, March 7, 2017**

Council Members Present: Mayor Scott Behiel, Vice Mayor Amanda Folendorf, Council Members Linda Hermann, Veronica Metildi and Susan Rudolph

Staff Present: Mary Kelly, David Hanham, Todd Fordahl, Julie McManus, David Myers and Susan Wenger

**5:30 p.m. CALL TO ORDER**

**COUNCIL ADJOURNED TO CLOSED SESSION**

The City Council convened to closed session. Mayor Behiel reconvened to open session.

**6:00 p.m. REGULAR MEETING**

**PLEDGE OF ALLEGIANCE**

**ACTION TAKEN IN CLOSED SESSION**

**1. LIABILITY CLAIM**

Claimant: Michael McHatten. Agency Claimed against: City of Angels

Council Action: Direction given to City Attorney.

**2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: one potential case.

Council Action: Direction given to City Attorney.

**APPROVAL OF AGENDA**

Mayor Behiel explained the applicant in Agenda Item #2 requested the item be continued to the March 21<sup>st</sup> meeting to allow more time to gather information. Mr. Behiel stated that because this was noticed as a public hearing any persons wishing to speak on this item may do so when it comes up later on the agenda.

MOTION by Council Member Hermann, seconded by Vice Mayor Folendorf and carried 5-0 APPROVING THE AGENDA.

**STAFF UPDATES**

There were no comments from the public or the council regarding the report.

**COUNCIL UPDATES**

**Veronica Metildi**

Attended DAC meeting where they discussed increasing memberships, open meetings, and the breakfast meeting planned for April 27, 2017 at 7:30 a.m.

**Amanda Folendorf**

Attended the UWPA meeting where they moved ahead on Contracts.

**Linda Hermann**

Attended COG meeting. She said that Route 26 was scheduled to re-open again in April, 2017 and a Calaveras Transit representative told the group about improvements to services that will be coming this spring.

**Susan Rudolph**

Attended Mark Twain Elementary School's Kindness Program and told the Council how important it was to have a Kindness Zone.

Attended Planning Commission meeting and was impressed with the people who attended and with Debbie Ponte's DAC presentation.

**Scott Behiel**

Attended the UWPA meeting. He wanted to express that he was impressed with the hard work that crews are putting in due to the excessive water from recent rains, falling trees and mudslides. He said UWPA closed the power plant to protect Murphys which cost them revenue, but it protected town and public safety.

Attended Coffee Tuesday at DAC and encouraged Council Members to attend.

**PUBLIC COMMENT**

There were no comments from the public in attendance.

**CONSENT AGENDA**

Mayor Behiel asked that Consent item c be removed for discussion.

**MOTION** by Vice Mayor Folendorf, seconded by Council Member Rudolph and carried 5-0 APPROVING THE CONSENT AGENDA ITEMS a, b and d.

- a. Approve Minutes of Regular meeting for February 21, 2017.
- b. Acceptance of State Route 49 Sidewalk Maintenance Agreement.
- d. Adopt Resolution No. 17-11. A resolution directing the Preparation of the Engineer's Report for the Continuation of the Landscape & Lighting District #1 Greenhorn Creek.

Mayor Behiel asked Julie McManus, Finance Officer, to explain the budget adjustment for the Council. He also asked if we had a contingency fund, to which Ms. McManus indicated that there is no longer a contingency fund. That change was made because there were no ongoing legal claims at the time the budget was prepared.

**MOTION** by Council Member Metildi, seconded by Council Member Hermann, passed 5-0 APPROVING CONSENT AGENDA ITEM c.

- c. Adopt Resolution No. 17-10. A resolution amending the Annual Budget for FY 2016/2017

**REGULAR AGENDA**

1. **LEAGUE OF CALIFORNIA CITIES UPDATE** - Stephen Qualls, Central Valley Regional Public Affairs Manager, League of California Cities presented a slideshow highlighting the current legislation affecting California cities and answered questions from Council Members. No action was taken.

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2. **APPEAL OF PLANNING COMMISSION ACTION APPROVAL OF A SIGN PACKAGE LOCATED AT 1049 S. MAIN STREET, ANGELS CAMP - ITEM TO BE CONTINUED TO THE MARCH 21, 2017 CITY COUNCIL MEETING**  
Mayor Behiel reminded everyone that this item will be continued to the March 21<sup>st</sup> meeting. He asked anyone wishing to speak on this item tonight to come forward.  
No one chose to speak on this item.

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3. **INTRODUCE ORDINANCE NO. 478 ADDING CHAPTER 17.65 RIGHT TO FARM DISTRICT TO TITLE 17 OF THE CITY OF ANGELS MUNICIPAL CODE** - David Hanham, Planning and Building Director, presented the ordinance, outlined the process utilized to develop the ordinance and asked that the public hearing be set for April 4, 2017.  
Vice Mayor Folendorf asked about the affect of Section 1 B on property that might be annexed in protest.  
Mr. Hanham noted that in terms of annexation, City code dictates what type of farming can be brought in. If the property owner protests, the City has the ability not to annex that property. Property owners would first protest to City Council and if the property is not left out of annexation, the property owner could then protest with LAFCO.

Vice Mayor Folendorf asked if there had been any consideration of SB566, which has to do with hemp, or Prop 214 for example.

Mr. Hanham answered that everything was based off the City's ordinance 8.25.

Mayor Behiel wanted to see this ordinance move forward because it protects farm and ranch land as it changes title but he didn't feel the ordinance addressed that issue.

Mr. Hanham indicated that as long as there is continuous use, the Right to Farm ordinance would be applied to the new property owner.

City Attorney Perez confirmed that the right is not a personal right, but it goes with the land and would carry to any subsequent owner.

Mr. Hanham indicated that if the Farming operation on the property ceased for at least a year, it could not be reestablished unless the City allowed for a non conforming use or by creating an ag district on a case by case basis.

Kristi Reeseman had questions and comments about the notification requirement. She also pointed out that page 1, Section B has a sentence with no conclusion and would like it clarified to ensure that there is no question that cannabis cultivation is not a protected agricultural crop under this ordinance.

Mayor Behiel asked about easing the burden of the real estate community by making the requirements of the ordinance a deed restriction.

Mr. Hanham noted that deed restriction would be effective for notification when new development comes in but on transfer of existing properties, the burden of notification would fall to the local realtors.

Mayor Behiel asked the intent of the incomplete sentence in Section B.

Mr. Hanham indicated that the intent was to make sure that cultivation of marijuana is not included as an agricultural operation as defined in this ordinance.

City Attorney Perez suggested redlining a couple of words and citing the chapter in the City's code to remedy the sentence structure and clarify its meaning.

MOTION by Vice Mayor Folendorf, seconded by Council Member Metildi, carried 5-0 APPROVING THE INTRODUCTION OF ORDINANCE NO. 478 AS AMENDED. AN ORDINANCE ADDING CHAPTER 17.65 RIGHT TO FARM DISTRICT TO TITLE 17 OF THE CITY OF ANGELS MUNICIPAL CODE: WAIVE READING AND SET PUBLIC HEARING FOR APRIL 4, 2017.

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## CALENDAR


Calendar was reviewed by Deputy City Clerk Susan Wenger

## ADJOURNMENT

MOTION by Vice Mayor Folendorf, seconded by Council Member Hermann and carried 5-0 ADJOURNING THE MEETING AT 7:05 P.M.

  
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Scott Behiel  
Mayor

ATTEST:

  
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Susan Wenger  
Deputy City Clerk