

CITY OF ANGELS  
CITY COUNCIL  
MINUTES

**Tuesday, October 17, 2017**

Council Members Present: Mayor Scott Behiel, Vice Mayor Amanda Folendorf, Council Members Linda Hermann and Veronica Metildi. Council Member Oliveira attended by teleconference.

Planning Commissioners Present: John Broeder, Patsy Gonzalez and Gary Gordon

Staff Present: Mary Kelly, Julie McManus, David Myers, David Hanham, Nathan Pry, Chief Fordahl and Susan Wenger.

**4:00 p.m. CALL TO ORDER**

**PLANNING COMMISSION/CITY HALL WORKSHOP ON GENERAL PLAN PRIORITIES**

David Hanham, Director of Planning and Building, presented information on the planning process. He also reviewed the Planning Commission Priority Implementation Measures dated July 13, 2017, which included (1) Update the Permitted Uses in the Commercial Districts; (2) Establish Standards and Require Specific Plans (over 20 acres); (3) Update the Temporary Uses section of the Municipal Code; (4) Update the Open Space Zoning District; and (5) Develop the Base District for the Special Planning Districts.

The City Council expressed other areas of interest including (6) Development of a Secondary Water Source; (7) South Angels Traffic Circulation; (8) Wayfinding, Guidelines and Standards from Down Town, Mid Town and North Angels; and (9) Golf Cart Ordinance. Council Member Oliveira expressed an interest in the development of a positive reporting process to track projects.

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

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

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

**STAFF UPDATES**

**Consolidated report**

Council Member Oliveira asked Julie McManus, Finance Officer, to address the Transient Occupancy Tax (TOT) issues that arose in the TOT Audit. The Finance Officer reported that she was in the process of sending out letters to vendors, in some cases commending vendors for properly calculating the tax and in other cases reporting deficiencies that were found in the audit. Any issues that come back from the vendors will be brought back to Council. Council Member Oliveira asked about the clarity of the instructions provided to vendors. The Finance Officer will be sending out letters to all vendors explaining the reporting process to ensure that all vendors understand the requirements.

Council Member Hermann asked David Hanham the status of the Conditional Use Permit for the Utica Hotel. David Hanham reported that the owners of the hotel submitted an application to change their liquor license from a 48 to a 47, which means that they will not be serving food and that no one under the age of 21 would be allowed in the bar. That change will be in front of the Planning Commission next week. Council Member Hermann also asked David Hanham about the Certified Pure Laboratory Conditional Use Permit mentioned in his staff report. He explained that it was a new application for a project planned at the North end of town for a laboratory, manufacturing, distribution facility that would be testing agricultural products including cannabis as well as manufacturing and distribution of cannabis products. Council Member Hermann wanted

clarification that the project would come before the Council for approval. David Hanham said that without an ordinance in place the project would require a Conditional Use Permit.

Council Member Metildi asked the status of the Mark Twain Medical Center project and David Hanham reported that the permits could be pulled within the next 2 weeks and that Caltrans will be installing a signal at Highway 49 and Stanislaus Ave.

Vice Mayor Folendorf asked David Myers, City Engineer, about streetlights downtown near the Visitor's Center. David Myers reported that staff investigated the report and that as cars come over the hill North of the Visitor's Center, their headlights pass over the sensor on the streetlight and turn the light off. Further investigation is required.

Vice Mayor Folendorf asked Chief Fordahl what the status is on Thor, our Canine Officer who's handler had tendered his resignation. Chief Fordahl stated that since Officer Poortinga's new position won't allow him to utilize a canine officer, the plan was to find an agency that wants to purchase Thor so he can continue to work. Council Member Metildi asked about utility trucks driving on the grass in Tryon Park. David Myers reported the problem was resolved by erecting a fence.

Council Member Oliveira asked about repairs that were needed at Utica Park. David Myers explained that the plans to repair the shade structure were ready but the work had not been scheduled yet. He is working with Public Works staff to prioritize repair and clean up projects in the Park. Council Member Metildi asked if it might be better to demolish the gazebo. City Administrator, Mary Kelly, said that the Rotary still has repairing the gazebo on their list of possible projects.

In response to Council Member Metildi's question about the trees in the downtown area, David Myers reported that no money was budgeted for pruning the trees. A systemic pesticide has been applied and the City has received direction from an arborist in regard to controlling damage to sidewalks and building foundations.

### COUNCIL UPDATES

Council Member Hermann commended the Girl Scouts who assisted in preparations for the Mark Twain Wild West Fest by washing the trash/recycling containers downtown.

Mayor Behiel attended 2 UWPA meetings. He reported that Angels was successful in getting into the Remat program doubling their revenue under the program, and now they are trying to get the Murphys plant into the program. Also, Council had just come out of a workshop with the Planning Commission where they discussed projects the Council would like to pursue including increasing our water storage, secondary water sources, traffic circulation in the south end of town, and golf cart circulation utilizing current easements

### PUBLIC COMMENT

**Anne Forrest**, a representative of the Angels Camp Business Association (ACBA), informed the Council that on October 13, 2017, eight citizens planted and cleaned up the barrels in the downtown area. She thanked Blooms n Things and Calaveras Lumber for their generosity in supplying the materials for the barrels at cost. She also thanked Jim Turner, Dewayne Garcia and Penny Smalling for steam cleaning the sidewalks.

**Kristie Reesemen**, a representative of the Alliance for Substance Abuse Prevention handed out some flyers and addressed the Council on an upcoming screening of a documentary called Chasing The Dragon: The Life of an Opiate Addict which was created by the FBI. There will be resources at the screening for those with questions or who seek help with addiction. She encouraged everyone in the community to support this event.

**Debbie Ponte**, Co-Chair for the Mark Twain Wild West Fest, commended the many vendors, businesses and volunteers supporting the festival planned on October 21, 2017 and encouraged everyone's attendance at the event.

### CONSENT AGENDA

MOTION by Council Member Metildi, seconded by Council Member Hermann, and passed 5-0 APPROVING THE CONSENT AGENDA AS PRESENTED:

- a. Approve Minutes of Regular Meeting of October 3, 2017
- b. Adopt Resolution 17-36. Approving the Police Officers Association Memorandum of Understanding.
- c. Permission for Planning and Building Director to apply for a Sustainable Communities Grant to construct sidewalks on Highway 49 from State Route 4 to Copello Drive.

## REGULAR AGENDA

1. **ADOPT RESOLUTION 17-37 APPROVING A CONTRACT WITH DISTINCTIVE METALS AND AMENDING THE ANNUAL BUDGET FOR THE RASBERRY STAIRS REPLACEMENT PROJECT-** David Myers, City Engineer, reported on the status of the staircase replacement and possible alternative materials.  
**Firman Brown** spoke in favor of saving up money to put in an escalator because he didn't believe that people would use the staircase.  
MOTION by Council Member Metildi, seconded by Council Member Oliveira and passed 5-0 TO PUT THE PROJECT OUT TO BID WITH ALTERNATIVES FOR METAL AND WOOD STRUCTURES AND TO PURSUE FUNDING OF THE STAIRCASE WITH CALAVERAS COUNCIL OF GOVERNMENTS.

---

  2. **REQUEST BRET HARTE HIGH SCHOOL REMOVE FILL DIRT OVER A CITY WATER MAIN -** David Myers, City Engineer, explained the potential issues that may develop due to fill dirt that may have been placed over a City water main by the contractor for Bret Harte High School. There was some question as to whether or not the City had an easement under the fill. Superintendent Chimente said he may hire a surveyer to find exactly where the City water easement was located. If the easement was not under the fill, he asked the City to pay the expense of the survey, to which City Council agreed.  
COUNCIL ACTION: NO ACTION WAS TAKEN.

---

  3. **REQUEST FOR DIRECTION REGARDING ORDINANCE(S) TO BE DRAFTED REGARDING MARIJUANA LAND USES -** Derek Cole, City Attorney, asked the Council for direction on the development of an ordinance or urgency ordinance to address land uses in regards to cannabis.  
Staff gave the Council information on compliance, revenue and insurance issues with regards to the adoption of a permissive scheme.  
**Kristie Reeseman** didn't believe the City would be able to charge a fee for personal cannabis grows in the City and expressed concern that the staff report from the Director of Planning and Building referenced the Certified Pure Laboratory without mentioning the fact that they would be processing marijuana.  
**Jack Lynch** reminded the Council that the previous City Council banned all marijuana cultivation within the City and read a newspaper article addressing the council vote.  
**Judy Axtman** spoke against allowing marijuana cultivation or distribution on ethical grounds. She encouraged the Council to take the high road in their decisionmaking process.  
**John Broeder** asked the Council why marijuana was coming up again. Council Member Hermann explained the ramifications of Proposition 64. He then spoke in favor of a ban and offered two articles on the health dangers of marijuana.  
**Firman Brown** spoke in favor of a ban or moratorium.  
  
Council Action: DIRECTION WAS GIVEN TO THE CITY ATTORNEY TO DEVELOP AN URGENCY MORATORIUM ORDINANCE REGARDING MARIJUANA LAND USES.
- 

## CALENDAR

**ADJOURNMENT**

THE MEETING WAS ADJOURNED AT 8:53 P.M.

---

Amanda Folendorf  
Vice Mayor

ATTEST:

---

Susan Wenger  
Deputy City Clerk