

CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, February 16, 2016

Council Members Present: Mayor Wes Kulm, Vice Mayor Amanda Folendorf, Council Members Elaine Morris, Bert Sobon and Scott Behiel

Staff Present: Michael McHatten, Dave Hanham, , Julie McManus, Dave Myers, Todd Fordahl, John Rohrabaugh and Mary Kelly

5:30 p.m. CALL TO ORDER

COUNCIL ADJOURNED TO CLOSED SESSION

The City Council convened to closed session. Chair Kulm reconvened to open session.

6:00 p.m. REGULAR MEETING

PLEDGE OF ALLEGIANCE

ACTION TAKEN IN CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9 Difu, Croletto, Rosato and Turco v. City of Angels Camp, and City of Angels Camp Landscaping and Lighting District #1, Calaveras County Superior Court, Case No.13-cv-39523

Council Action: Direction given to City Attorney

APPROVAL OF AGENDA

MOTION by Council Member Behiel seconded by Council Member Sobon and carried 5-0 APPROVING THE AGENDA AS PRESENTED.

STAFF UPDATES

Council discussed the consolidated report with staff.

COUNCIL UPDATES

Bert Sobon

Attended CCOG.

Scott Behiel

Attended DAC – discussed economic development and getting movement from the property owners on the buildings in the historic district.

Wes Kulm

Attended DAC and CCOG.

PUBLIC COMMENT

Bob Rogers – Smith Flat Road, Angels Camp

Informed the council of a series of free programs/lectures to be held regarding the USS Hornet and Iowa. The first will be on Sunday, February 21st from 2:00-4:00 at the Manzanita Arts Emporium on Main Street.

Sheri Smith – Glory Hole Road, Angels Camp

Publicly announced she will be running for District 4 Supervisor in the June election.

CONSENT AGENDA

Council Member Behiel pulled agenda item ‘a’ for correction.

MOTION by Council Member Sobon, seconded by Council Member Behiel and carried 5-0 APPROVING CONSENT AGENDA ITEMS ‘b’ and ‘c’:

- b. Approve Bruce Whittle Electric quote for HP Blower Installation for Aeration Basin
- c. Rejection of Bids received for Utica Park, Tryon Park Upgrades

MOTION by Council Member Behiel, seconded by Council Member Morris and carried 5-0 APPROVING CONSENT AGENDA ITEM ‘a’ with correction to Council Member Behiel comments on page 2:

- a. Approve Minutes of Regular meeting of February 2, 2016

1. **WORKSHOP CONCERNING OPTIONS FOR ADDRESSING MEDICAL MARIJUANA CULTIVATION**

City Attorney Derek Cole reported the Governor had removed the March 1st deadline for having an ordinance in place regarding the ban of marijuana in the City. Since there was no basis for an emergency ordinance, the options for a potential cultivation ordinance will be presented to Council as a workshop so they can more thoroughly consider ordinance options. He outlined several options Council can take in order to move forward with drafting an ordinance in case that was the direction they took. He also explained that the City could do nothing and accept the State regulation of cultivation (not yet adopted).

Council Member Behiel asked if the Council did nothing do they have to follow what the State has or can it be ‘tweaked’? Mr. Cole said the Council has the authority to ‘tweak’ the State regulation.

Public Comment was opened at 6:35p.m.

The following persons spoke in **opposition** of a cannabis cultivation ban in the City of Angels:

Wes ? - Mountain Ranch; Edwin Brolio – Angels Camp; Brad Wilson – Angels Camp; Renaldo Brolio – Angels Camp; Karen Rojas – Vallecito; Mathew Clark – Hathaway Pines; Denny ? – Dogtown Road (outside City Limits).

The following persons spoke in **favor** of a cannabis cultivation ban in the City of Angels:

John Broeder, Angels Camp; Kim McCarthy – Angels Camp; Alan Serpa – Angels Camp; Mike ?, (on behalf of the Angels Camp Police Officers Association); Vicki Reinke – Angels Camp; Kristi Reeseman – Angels Camp; Roger Neuman – Angels Camp; San Boyer – Angels Camp; Jack Lynch – Angels Camp

Public Comment was closed at 7:20 p.m.

Council Member Behiel said there is a need for medical marijuana but the industry has been abused. He stated the cost of enforcement far exceeds any revenue. His preference is to create a ban with exceptions for persons who have a doctor order for use.

Council Member Morris said she agreed with Mr. Behiel. She sees nothing but enforcement problems and lengthy staff time being spent. She felt the Council should wait until the State regulations are in place and then proceed.

Council Member Sobon stated he is dead set against the consumption of marijuana in any way except for persons with severe medical issues. Medical marijuana should not be used for routine medical use. In researching this issue, he found that there were 469 medical marijuana cards issued in Calaveras County versus 137 cards issued in Amador County and 89 issued in Tuolumne County. He explained he had relatives living in Colorado and he could recount to the Council horror stories told to him about legalized marijuana. He said he is absolutely in favor of restoring the ordinance for non-cultivation which was brought to Council previously.

Vice Mayor Folendorf said she agreed with Mr. Behiel also. She is not in favor of denying individuals medicinal marijuana for their needs. She felt there is more education needed. Proper regulation is needed for a fair decision to be made for both sides of the issue.

Mayor Kulm explained that this discussion is not about preventing medical use of marijuana. Anything Council does will not stop that or stop designated care givers from getting medical marijuana for their patients. He said the outright ban for medical marijuana is best for all concerned. He suggested revisiting this issue after seeing how the County regulates this and how these regulations work out.

Council Member Behiel mentioned that people who benefit from the use of medical marijuana are not in a position to grow it.

City Attorney Cole informed the Council that under City Code section 2.60, Public Nuisance, if someone is doing an outdoor grow, it can be enforced through this ordinance.

Council Member Sobon said the easiest thing for the Council to do is to completely block the growth of marijuana in the City. The door is not closed forever but ban cultivation until criteria is available from the County.

Mayor Kulm agreed, stating Angels Camp is too small of a City for cultivation and the rights of neighbors need to be respected.

Vice Mayor Folendorf stated she is against any ban. She said Angels Camp is a medical community with aging citizens who need additional care and she would like more information before a decision is made.

Council Member Behiel said the ordinance should not be about commercial cultivation. He is in favor of banning cultivation except for those patients who benefit. There needs to be a way to make this affordable for those that need it.

Mayor Kulm asked how much are governments responsible for the cost. May be charitable and religious organizations should get involved. He said he supports a total ban of cultivation at this time except for the truly deserving.

Mr. Cole said he could word the ordinance as a ban with a right for personal growth for those with medical exceptions. Both Mayor Kulm and Council Member Sobon disagreed with this.

Vice Mayor Folendorf said she would not support a ban.

Mayor Kulm said the Council should move slowly.

Council Member Morris said that more facts are needed and in the meantime, the City ordinance should remain as it stands now.

Mr. Cole said a majority vote is needed to leave things as they stand – do nothing and accept the State regulation of cultivation (not yet adopted).

Council Member Sobon stated he was willing to delay the issue.

The Council supported the suggestion of waiting for regulations to be issued by the State.

CALENDAR

Calendar was reviewed by City Clerk Mary Kelly

ADJOURNMENT 8:15 p.m.

ATTEST:

Mary Kelly
City Clerk

Wes Kulm
Mayor