

CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, February 7, 2017

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

Staff Present: Mary Kelly, Dave Hanham, Nathan Pry, Dave Myers, Todd Fordahl, Julie McManus and Susan Wenger

4:30 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: two potential cases.

Council Action: Direction given to City Attorney.

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 51956.9: one potential case.

Council Action: Direction given to City Attorney.

APPROVAL OF AGENDA

Mayor Behiel asked to move Regular Agenda item number 1 to the end of the agenda and City Administrator Kelly informed the council one applicant for Planning Commissioner had withdrawn their application leaving one applicant to interview. The Agenda was amended to reflect the changes.

MOTION by Council Member Rudolph, seconded by Council Member Metildi and carried 5-0 APPROVING THE AGENDA AS AMENDED.

STAFF UPDATES

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

COUNCIL UPDATES

Linda Hermann

Attended CCOG meeting.

Amanda Folendorf

Attended LAFCO and told the Council that there are new members on LAFCO. The meeting for February has been cancelled. They will be having LAFCO 101 at the March meeting at 5:00 p.m. and all board members on LAFCO should be there. The regular meeting will start at 6:00 p.m.; Attended CCOG where they discussed

transportation funding and current regional projects. Vice Mayor Folendorf suggested to the Council that in the future Council Updates should be submitted to Staff for inclusion in the Agenda Packet similar to the method used for Staff Updates.

Veronica Metildi

Attended DAC meeting where DAC's vision for Angels Camp was discussed.

Scott Behiel

Attended Museum Commission, regular UWPA meeting where they worked on reconfiguring the power plants and attended an emergency action plan meeting with UWPA; attended a meeting to review the infrastructure plans and deferred maintenance for the Fairgrounds in order to improve the venue for everyday use; attended a DAC meeting.

PUBLIC COMMENT

There were no comments from the public in attendance.

INTERVIEW AND APPOINTMENT OF PLANNING COMMISSIONER - City Council

Council members Hermann, Rudolph and Metildi; Vice Mayor Folendorf and Mayor Behiel had questions for applicant Randy Davis. He discussed his vision for Angels Camp, his experience with historic buildings, how he would like to see new buildings incorporated into his vision, how he felt about private ownership and who would pay for upgrades to existing structures.

Mayor Behiel asked for Public Comment. Planning Commissioners **Gary Gordon** and **John Broeder** spoke in favor of appointing Randy Davis to the City Planning Commission.

MOTION by Council Member Rudolph, seconded by Council Member Metildi and carried 5-0 to APPOINT RANDY DAVIS TO THE VACANT SEAT ON THE CITY PLANNING COMMISSION EXPIRING JUNE 30, 2018.

CONSENT AGENDA

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

MOTION by Council Member Metildi, seconded by Council Member Rudolph and carried 5-0 APPROVING CONSENT ITEM a :

- a. Approve Minutes of Regular meeting for January 17, 2017

Vice Mayor Folendorf explained the reasoning behind the League of California Cities request for the City's support of Transportation Bills AB1 and SB1.

Mayor Behiel voiced his concerns about supporting the legislation due to an increase in taxes to residents.

MOTION by Council Member Rudolph, seconded by Vice Mayor Folendorf failed 3-2 with Mayor Behiel, Council Member Hermann and Council Member Metildi voting NO and Council Member Rudolph and Vice Mayor Folendorf voting yes REJECTING THE APPROVAL FOR MAYOR TO SIGN LETTERS OF SUPPORT FOR AB1 AND SB1.

- b. Approval for mayor to sign letters of support on behalf of the City of Angels for Transportation Funding as recommended by the League of California Cities

REGULAR AGENDA

AGENDA ITEM 1 WAS MOVED TO THE END OF THE AGENDA FOR DISCUSSION

2. **APPROVAL TO RE-ADVERTISE A REQUEST FOR PROPOSAL FOR GREENORN CREEK LANDSCAPE & LIGHTING DISTRICT MAINTENANCE SERVICES** - David Myers, City Engineer
MOTION by Council Member Metildi, seconded by Council Member Hermann and carried 5-0 TO APPROVE THE RE-ISSUANCE OF A REQUEST FOR PROPOSAL FOR MAINTENANCE SERVICES FOR THE GREENHORN CREEK LANDSCAPE & LIGHTING DISTRICT.

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3. **ADOPT RESOLUTION APPROVING COOPERATIVE AGREEMENT WITH CALTRANS** - David Hanham, Planning and Building Director
MOTION by Vice Mayor Folendorf, seconded by Council Member Metildi and carried 5-0 ADOPTING RESOLUTION NO. 17-05. A RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN CALTRANS AND THE CITY OF ANGELS FOR A PROJECT IDENTIFICATION REPORT/PROJECT STUDY REPORT (PID/PSR) FOR OPERATIONAL IMPROVEMENTS TO THE STATE ROUTES 4 & 49 INTERSECTION.

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4. **ADOPT RESOLUTION APPROVING RELINQUISHMENT AGREEMENT WITH CALTRANS** - David Hanham, Planning and Building Director
MOTION by Vice Mayor Folendorf, seconded by Council Member Rudolph and carried 5-0 ADOPTING RESOLUTION NO. 17-06. A RESOLUTION APPROVING A RELINQUISHMENT AGREEMENT BETWEEN CALTRANS AND THE CITY OF ANGELS.
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1. **PUBLIC HEARING - APPEAL OF PLANNING COMMISSION DENIAL OF A MEDICAL MARIJUANA DISPENSARY LOCATED AT 206 N. MAIN STREET, SUITE B** - David Hanham, Planning Director/Derek Cole, City Attorney

David Hanham, Planning Director explained the background procedures leading to the denial of the dispensary by the Planning Commission.

The applicant's attorney Scot Candell and Applicant Catharine Hancock spoke about their journey through the application process and explained why their location for the dispensary should be approved.

Public Hearing Opened - 7:53 p.m.

Mayor Behiel asked if there were any members of the public wishing to comment on this item. **Vicki Reinke, Kristy Reeseman, Firman Brown, David Calderaro, Gina Gonzalez, Kathy Gomes, Dave Radford, and Andy Gonzalez** spoke in favor of upholding the Planning Commission's denial of the dispensary.

Scot Candell and applicant **Catharine Hancock** responded to the public's safety concerns and spoke against the City Planning Commission's denial of the appeal.

Public Hearing Closed – 8:34 p.m.

City Attorney Derek Cole addressed some interpretation issues that came up in the discussion.

Council Member Hermann, Council Member Rudolph, Council Member Metildi and Mayor Behiel spoke in favor of upholding the City Planning Commission's denial.

Vice Mayor Folendorf spoke against the City Planning Commission's denial.

MOTION by Council Member Hermann, seconded by Council Member Metildi and carried 4-1 ADOPTING RESOLUTION 17-07. A RESOLUTION UPHOLDING THE PLANNING COMMISSION'S DENIAL OF A MEDICAL MARIJUANA DISPENSARY LOCATED AT 206 N. MAIN STREET, SUITE B (APN # 058-010-007)

Roll Call: Hermann (YES), Rudolph (YES), Metildi (YES), Behiel (YES), Folendorf (NO)

CALENDAR

Calendar was reviewed by Deputy City Clerk Susan Wenger


ADJOURNMENT

MOTION by Vice Mayor Folendorf, seconded by Council Member Rudolph and carried 5-0 ADJOURNING THE MEETING AT 9:17 P.M.



Scott Behiel
Mayor

ATTEST:



Susan Wenger
Deputy City Clerk