

CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, July 18, 2017

Council Members Present: Mayor Scott Behiel, Vice Mayor Amanda Folendorf, Council Members Joe Oliveira and Veronica Metildi

Council Members Absent: Council Member Linda Hermann

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

5:00 p.m. CALL TO ORDER

COUNCIL ADJOURNED TO CLOSED SESSION

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

6:08 p.m. REGULAR MEETING

PLEDGE OF ALLEGIANCE

ACTION TAKEN IN CLOSED SESSION

1. **CONFERENCE LABOR NEGOTIATOR:** Pursuant to California Code 54957.6 Safety-Police, and Miscellaneous MOUs. City Negotiator: Julie McManus, Finance Officer
Council Action: Closed session continued to end of regular meeting.

APPROVAL OF AGENDA

Mayor Behiel stated that something had come up between the printing of the agenda and now that needs to be addressed before the next meeting. He would like to add Regular Agenda Item #5 to address replacing City Administrator Mary Kelly while she is on medical leave.

MOTION by Vice Mayor Folendorf, seconded by Council Member Oliveira and carried 4-0 APPROVING THE ADDITION OF AGENDA ITEM #5.

MOTION by Vice Mayor Folendorf, seconded by Council Member Oliveira and carried 4-0 APPROVING THE AGENDA WITH THE ADDITION OF AGENDA ITEM #5, ASSIGNING COUNCIL MEMBERS TO PERFORM THE DUTIES OF CITY ADMINISTRATOR FOR A TWO WEEK PERIOD IN THE ABSENCE OF THE CURRENT CITY ADMINISTRATOR.

STAFF UPDATES

Mayor Behiel asked for an update on the Lode Hotel. David Hanham was unavailable to provide an update.

COUNCIL UPDATES

Amanda Folendorf

Attended LAFCO. Approved CCWD Sphere of Influence and appointed 4 members to go to CalLAFCO in October. Need to discuss with Council Member Hermann if she wants to go or if there is another Council Member that wants to attend. AT the LAFCO meeting Dave Hanham, Planning and Building Director spoke about the City's issues with CCWD's Sphere of Influence and other concerns. CCWD representatives will have a presentation at a City Council meeting in the near future.

Joseph Oliveira

Attended LAFCO. Attempted to attend the Solid Waste Management meeting but he had not received notification that the meeting had been cancelled. Met with Debbie Ponte to learn what Destination Angels Camp is about.

PUBLIC COMMENT

Kristi Reeseman, Angels Camp resident, was upset that the City Attorney invited a special interest group to advise the City Council on matter relating to marijuana.

David White, Angels Camp resident, wanted to talk about the Grand Jury Report but was advised by Mayor Behiel that the Report was on the Agenda and would be addressed later.

Lorrie White, Angels Camp resident, said she believes they have a communication problem with the City Council and has a problem with the number of people that don't know the meetings are taking place. She suggested forming a committee to find out how to better communicate with residents and get more people involved.

Susan Morris, Angels Camp resident, was concerned that the City Council was being educated by the City Attorney rather than getting legal advice. She wondered who submitted the materials in the packet. City Attorney Derek Cole responded by saying that the City Council directed him to bring back a balanced picture of the marijuana issue and that is what he felt he did. Mayor Behiel said the issue of marijuana is a fluid issue and we want this Council to be as educated as possible.

Vicki Reinke, Angels Camp resident, wanted to know who the 'other side' of the marijuana issue was. City Attorney Derek Cole said he elicited views from the Finance Officer, Police Chief and Code Enforcement Officer on the impact of marijuana to city government and that much of the material in the packet was created after the Colorado experience and was not in support of cultivation. Vice Mayor Folendorf clarified that the City Council was getting information on Proposition 64 not on commercial cannabis cultivation.

David White returned to the podium to say that we do not need marijuana in our City. He doesn't want the City Council to think they can get out of financial problems with marijuana.

CONSENT AGENDA

Mayor Behiel pulled item 'e' for discussion.

MOTION by Vice Mayor Folendorf, seconded by Council Member Metildi and passed 4-0 APPROVING CONSENT AGENDA ITEMS 'a', 'b', 'c' and 'd' AS PRESENTED:

- a. Approve Minutes of Regular Meeting of June 20, 2017
- b. Adopt Resolution 17-24 Approving Closure of Route 49 in the Historic District and Several City Streets for the Mark Twain Badger Boosters Gold Run.
- c. Adopt Resolution 17-25 Resigning from the Tuolumne-Stanislaus Integrated Regional Water Management Authority Joint Powers Agreement and becoming a member of the Watershed Advisory Committee.
- d. Adopt Resolution 17-26 Approving the Submittal of a Grant Application for the Active Transportation Program with the Priority Project Being Pedestrian Improvements Along State Route 49.

Mayor Behiel spoke against the cancellation of the City of Angels Salary Advance Policy.

Lorrie White, David White and Kristie Reeseman spoke in favor of cancelling the policy.

MOTION by Council Member Oliveira, seconded by Vice Mayor Folendorf and passed 3-0, APPROVING CONSENT AGENDA ITEM 'e' AS PRESENTED:

- e. Adopt Resolution 17-26 Approving the Cancellation of the City of Angels Salary Advance Policy dated December 15, 2015.

REGULAR AGENDA

1. PUBLIC HEARING: CONFIRMING DIAGRAM & ASSESSMENT & DIRECTING AUDITOR OF CALAVERAS COUNTY TO CONTINUE TO COLLECT ASSESSMENTS FOR FY 2017-2018 FOR THE LANDSCAPING & LIGHTING DISTRICT NO. 1 – GREENHORN CREEK

Public Hearing Opened - 6:42 p.m.

Mayor Behiel asked if there were any members of the public wishing to comment on this item.

Paul Backowski asked what tasks were covered by the \$15,000 listed in Table 2 for Wetlands Maintenance. David Myers, City Engineer addressed the issue.

Mayor Behiel asked if we could pay more to pay down the debt. Finance Officer Julie McManus stated that could be realized if the report were redrafted.

Public Hearing Closed – 7:07 p.m.

MOTION by Council Member Oliveira, seconded by Vice Mayor Folendorf and carried 4-0 APPROVING RE-DRAFTING THE ENGINEER'S REPORT TO COLLECT ASSESSMENTS OF \$300 PER PARCEL IN ORDER TO MAKE PREPAYMENTS AGAINST DEBT OBLIGATION AND CONTINUE THE PUBLIC HEARING ON 8-1-2017.

2. **COUNCIL MEMBER OLIVEIRA BOARD AND COMMISSION APPOINTMENTS**

MOTION by Vice Mayor Folendorf, and seconded by Council Member Oliveira and carried 4-0 APPOINTING COUNCIL MEMBER OLIVEIRA TO VARIOUS BOARDS AND COMMISSIONS AND APPOINTING COUNCIL MEMBER HERMANN AS THE CITY'S REPRESENTATIVE TO THE CALAVERAS VISITOR'S BUREAU.

3. **ACKNOWLEDGE RECEIPT OF REPORT FROM CALAVERAS COUNTY CIVIL GRAND**

JURY – Derek Cole, City Attorney explained that the City Council is required by law to prepare a response to the findings and recommendations for approval at a future meeting where the public can comment on the response.

Vicki Reinke, Angels Camp resident, felt the same as Mayor Behiel about the report. She believes the smallest government is the best government and the people have a say. It's the people's fault if they don't come to the meetings and stay ahead of things.

Lorrie White, Angels Camp resident, was taken aback that the Grand Jury didn't know there were three applicants for the open council seat. One applicant said they received a call from a Council member about that opening, but then she came to this meeting to find Council Member Oliveira seated on the Council, and she had not received a phone call from the Mayor about the latest opening when he clearly knew of her interest. She believes the Council spends too much time beleaguering less important issues like smoking and not important things like the things in the Grand Jury report. She wondered how political our own City Council is and why she didn't get a call. Council Member Oliveira stated for the record he didn't get a call either. He saw the vacancy announced in the news online. Mayor Behiel stated that to the best of his knowledge, none of the four applicants for the latest open City Council seat were called.

David White, Angels Camp resident, addressed Council Member Metildi directly saying she did say she got a call, and he had been coming to City Council meetings for 9 month and never saw her at a meeting. He said the City Council is responsible for overseeing what's going on in the City. He felt the Council spent too much time on the smoking issue, water use, and mileage on police cars, while behind their backs the City is giving money away. He wants to know how we are getting it back.

Kristie Reeseman, Angels Camp resident, said the reason the City of Angels spent so much time on smoking was because concerned citizens brought the issue to the City Council. She agreed the Grand Jury report was upsetting because in the election to which the Grand Jury referred there were less than two people who made the ballot. There were actually four that attempted but weren't successful because they didn't understand the elections procedures, which are handled by the county and not the City. She felt any lack of interest had less to do with the City of Angels than the fact that the 2016 election season was probably the most emotionally exhausting election for everyone, regardless of which side they were on. She hopes the City will continue as a City, that there will be continued involvement. She hopes the City Council can look at the report objectively and see through the insults and the cartoon, which was not appropriate for a serious report, and learn some lessons from it.

MOTION by Vice Mayor Folendorf, and seconded by Council Member Metildi and carried 4-0 TO HAVE MAYOR BEHIEL AND COUNCIL MEMBER OLIVEIRA, WITH THE ASSISTANCE OF THE CITY ATTORNEY, DRAFT A RESPONSE TO THE GRAND JURY FOR PRESENTATION AT THE REGULAR CITY COUNCIL MEETING ON AUGUST 1, 2017.

4. **CONSIDER AUTHORIZING THE MAYOR TO SIGN A LETTER OPPOSING SB 649 REGARDING PLACEMENT OF CELLULAR FACILITIES ON MUNICIPAL PROPERTY** – Derek Cole summarized the League of California's opposition to SB 649.

Firman Brown and David White spoke against signing a letter of opposition. Vice Mayor Folendorf explained that if the legislation passed the City would lose local control of where equipment was placed, what it looked like and the ability to negotiate with the vendors. Firman Brown then spoke in favor of signing the letter of opposition.

MOTION by Vice Mayor Folendorf, and seconded by Council Member Metildi and carried 4-0 AUTHORIZING THE MAYOR TO SIGN A LETTER OF OPPOSITION REGARDING PLACEMENT OF CELLULAR FACILITIES ON MUNICIPAL PROPERTY.

5. **ASSIGN COUNCIL MEMBERS TO PERFORM THE DUTIES OF CITY ADMINISTRATOR FOR A TWO WEEK PERIOD IN THE ABSENCE OF THE CURRENT CITY ADMINISTRATOR**

MOTION by Council Member Oliveira, and seconded by Council Member Metildi and carried 4-0 APPOINTING THE MAYOR AND VICE MAYOR TO PERFORM THE DUTIES OF THE CITY ADMINISTRATOR FOR A PERIOD OF TWO WEEKS PENDING HER RETURN TO WORK, EXCLUDING INITIATION OF DISCIPLINARY ACTIONS AND/OR NEW PROJECTS.

CALENDAR

ADJOURNED TO CLOSED SESSION

The Council returned to closed session.

RECONVENED TO OPEN SESSION

9:23 P.M. Reconvened to open session. Action to be reported out at the next meeting.

ADJOURNMENT

THE MEETING WAS ADJOURNED AT 9:24 P.M.

Scott Behiel
Mayor

ATTEST:

Susan Wenger
Deputy City Clerk