

CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, September 20, 2016

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

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

4:30p.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

PURSUANT TO CALIFORNIA CODE SECTION 54957: Performance Evaluation – City Administrator

Council Action: Discussion ongoing – will continue at close of regular meeting

APPROVAL OF AGENDA

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

STAFF UPDATES

Vice Mayor Folendorf asked the City Engineer if there was a plan to replace the wooden benches removed from Utica park. He said there wasn't a replacement plan yet.

COUNCIL UPDATES

Bert Sobon

Attended LAFCO meeting where comments were made on Calaveras County General Plan. Informed Council that all would have to fill our Form 700's before April.

Amanda Folendorf

Attended LAFCO. LAFCO will be hosting an ethics training class on October 14th from 2-4.

Attended CSEDD. Discussed grant for businesses hurt by Butte Fire. A Board of Supervisor representative was appointed.

Wes Kulm

Attended CCOG and ribbon cutting ceremony for the Clothes Mine.

PUBLIC COMMENT

There were no comments from the public in attendance.

FEATURE BUSINESS PRESENTATION

The Get Smart Group, Scott and Ali Reynolds

Scott reported that The Get Smart Group is a digital marketing/consulting agency. He and his wife Ali opened the on-line marketing agency 7 years ago in Los Angeles. They moved to Angels Camp 4 ½ years ago with only the two of them as employees. Today they have 9 employees. They have 100 clients all over the country and can provide service for any small business or agency.

CONSENT AGENDA

MOTION by Council Member Behiel, seconded by Vice Mayor Folendorf and carried 5-0 APPROVING THE CONSENT AGENDA ITEMS AS PRESENTED:

- a. Approve Minutes of Regular meeting for September 6, 2016.
- b. Approve agreement with Blackwater Consulting Engineers to assist the City in renewing their National Pollutant Discharge Elimination System (NPDES) permit.
- c. Adopt Resolution No. 16-34. A resolution updating and adopting the City of Angel's Conflict of Interest Code.

REGULAR AGENDA

1. CITY COUNCIL CANDIDATE INTERVIEWS

The Mayor reported that Amanda Darby-Davis has withdrawn her application for consideration. The Council interviewed the remaining three (3) applicants interested in serving on the Council:

1. Michael Darby
2. Veronica Metildi
3. Lorrie White

After being questioned by Council, the Mayor asked if there were any public present wishing to comment. Kimberly McCarthy from Greenhorn Creek commended the 4 applicants for their interest and said she was impressed with Lorrie White's interview. The Mayor then asked if there were any comments from the Council. Each Council Member expressed their thanks to the candidates for stepping forward to serve.

The Mayor asked Council who would be making a motion. Council Members Sobon, Folendorf, Morris and Behiel all affirmed they would be nominating a candidate. Per the 'chip' process, Council Member Sobon chose #1 and made his motion first.

MOTION by Council Member Sobon, seconded by Council Member Behiel and carried 4-1 APPOINTING VERONICA METILDI TO FILL THE VACANT COUNCIL SEAT – TERM EXPIRING DECEMBER 31, 2020.

Roll Call: Morris {No}, Kulm {Yes}, Sobon {Yes}, Folendorf {Yes}, Behiel {Yes}

2. INTRODUCE ORDINANCE NO. 478. AN ORDINANCE ADDING CHAPTER 8.26 OF THE CITY OF ANGELS MUNICIPAL CODE REGULATING SMOKING WITHIN THE CITY OF ANGELS AND ADDING CHAPTER 17.78.034 CONCERNING ADDITIONAL FINDINGS AND CONDITIONS FOR THE ESTABLISHMENT OF SMOKING OUTPOSTS

The City Attorney explained the background of the Smoking ordinance. Council Member Morris pointed out a typo on page 5 to be corrected. The Mayor asked for comments from the public.

Dr. Dean Kelaita, Michael Magana, Kristee Reesman, Charlotte Wheeler, Kathy Northington, Dave (representative for Team Link Calaveras), Kimberly McCarthy, Sandra Smith, and Kathy Eustis spoke in favor of the Ordinance.

Michael Darby spoke against such a strong ordinance. He thought no smoking signs would be sufficient.

David and Lorrie White stated they were in favor of the ordinance but had concerns on how it would be enforced.

Public Comment was closed.

Council Member Morris asked what the County does on this issue. The County has no such smoking ordinance.

Council Member Behiel asked there be the following exceptions for businesses written into the ordinance:

- Smoking in hotel rooms – this should not be more strict than what the state or federal government allows.
- Exception for smoking in tobacco shops, for theatrical productions.
- Exception for private golf courses

It was suggested that the City Attorney change or add wording to include the exceptions. The Council were in agreement and asked that the Ordinance be brought back for discussion at the October 4th meeting.

3. CONSIDERATION OF A RESOLUTION OPPOSING THE ADULT USE OF MARIJUANA INITIATIVE – COMMERCIAL SALES OF NON MEDICAL MARIJUANA BALLOT MEASURE

The City Administrator explained that the League of California Cities has provided documentation for the City Council to review regarding the pending Adult Use Marijuana Act (AUMA) that is set to be on the ballot this fall. This item is being brought to the Council for consideration but Council isn't required to take a position endorsing or opposing the measure.

Council Member Behiel said he was not comfortable taking initiative on a statewide ballot and felt this was inappropriate. Council Member Sobon said he was in favor of supporting this measure as it reflects the mood of the City brought forward when the Council was hearing the cannabis cultivation issue. Vice Mayor Folendorf said she agrees with Mr. Behiel. She reported she had contacted the League of California Cities and asked what other cities were doing. She was told that it is actually too late to consider because the measure is already on the ballot. Ms. Folendorf said the League of California Cities has taken no position on this and she feels the City of Angels should do the same. Council Member Morris said she agreed with both Behiel and Folendorf. Mr. Sobon stated that the Council is looking at this the wrong way. The City Council is not overstepping bounds. Mayor Kulm said he is uncomfortable with the five council members making a decision on what the best interest is for the entire city on this measure. He doesn't know what the greater part of the City feels.

MOTION by Council Member Sobon to adopt a resolution OPPOSING THE ADULT USE OF MARIJUANA INITIATIVE. Motion died for a lack of a second.

4. ORDINANCE #476 INTRODUCED SEPTEMBER 6, 2016

MOTION BY Council Member Behiel, seconded by Council Member Morris and carried 5-0 ADOPTING ORDINANCE #476. AN ORDINANCE AMENDING TITLE 2, CHAPTER 2.50 OF THE CITY OF ANGELS MUNICIPAL CODE

5. ORDINANCE #477 INTRODUCED SEPTEMBER 6, 2016

Council Member Behiel asked that the definition for new development be changed. The other Council Members were not in favor.

MOTION by Council Member Sobon, seconded by Council Member Folendorf and carried 4-1 with Council Member Behiel voting {NO} ADOPTING ORDINANCE #477. AN ORDINANCE ADDING CHAPTER 17.100 TO THE CITY OF ANGELS MUNICIPAL CODE CONCERNING THE ADOPTION OF FIRE PROTECTION, POLICE SERVICES, TRAFFIC AND PARK, AND IN LIEU PARK IMPACT FEES

CALENDAR

Calendar was reviewed by City Clerk Mary Kelly

ADJOURN TO CLOSED SESSION

MEETING WAS ADJOURNED TO CLOSED SESSION AT 8:50 P.M.

Wes Kulm
Mayor

ATTEST:

Mary Kelly
City Clerk