

CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, September 6, 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, Nathan Pry and Mary Kelly

5:30p.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 8-16-2016

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

ACTION TAKEN IN CLOSED SESSION 9-6-2016

A. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

Paragraph (1) of subdivision (d) of Section 54956.9: Marie A. Starr, Calaveras Superior Court Case No. 11CV37944

Council Action: Direction given to City Attorney

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9 Ronald Austin v. City of Angels Camp, et al. Calaveras County Superior Court, Case No.16-cv-41789

Council Action: Lawsuit Settled

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 ribbon cutting ceremony for The Galley at Greenhorn Creek.

Attended UWPA and discussed bills before the Legislature regarding water issues. Discussed repairs to the flume.

Attended Mark Twain Wild West Festival meeting where status was discussed.

Sold nugget raffle tickets at the Farmer's Market.

Attended the budget workshop.

Wes Kulm

Attended ribbon cutting ceremony and budget workshop.

PUBLIC COMMENT

Diane Jarvi Chair for the County Library introduced the new librarian – Nancy Giddons. Nancy thanked the City for their support and spoke on what the library offers and how it serves the community.

Lorrie White of Angels Camp spoke of the need for a crosswalk from the parking lot by the creek across the street to the Firehouse.

CONSENT AGENDA

Chair Wes Kulm pulled item ‘b’ for discussion.
Council Member Behiel pulled item ‘d’ for discussion.

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

- a. Approve Minutes of Regular meeting for August 16, 2016
- c. Adopt Resolution Approving Notice of Completion for the Park Upgrade Project (Utica Park & Tryon Park)
- e. Introduction of Ordinance No. 476 Amending Title 22, Chapter 2.50 of the Municipal Code regarding the City of Angels Museum Commission – Waive Reading and set Public Hearing for September 20, 2016

Consent Item ‘a’ *Calaveras Council of Governments Regional Transportation Plan Update*
Mayor Kulm asked the City Engineer if the list of projects shown would be the working list. The City Engineer explained that projects would be added and deleted and prices updated as the RTP moved forward.

MOTION by Council Member Morris, seconded by Council Member Sobon and carried 5-0 APPROVING CONSENT AGENDA ITEM ‘a’.

Consent Item ‘d’ *Approve Museum Commission Appointment*
Council Member Behiel thanked Marilyn Smith for her willingness to serve on the Museum Commission.

MOTION by Council Member Behiel, seconded by Council Member Morris and carried 5-0 APPROVING CONSENT AGENDA ITEM ‘d’.

REGULAR AGENDA

1. NEW MASTER FEE SCHEDULE

Finance Officer Julie McManus explained changes made to the Master Fee Schedule.

Dave White – Angel Oaks

Suggested the property owner receive the original water bill and the renter receive a copy. He also suggested that the City complete a credit check on all renters. He said that the Master Fee Schedule should include fees for fire inspections.

MOTION by Council Member Sobon, seconded by Council Member Morris and carried 5-0 TO SET UP A PUBLIC HEARING FOR OCTOBER 4TH TO ADOPT THE NEW MASTER FEE SCHEDULE.

2. **PUBLIC HEARING: ADOPTION OF FY 2016/2017 BUDGET**

The City Administrator highlighted budget items reported on at the August 30th workshop.

7:10 p.m. Public Hearing opened

Dave White, Angel Oaks stated the City needs to increase retail outlets to stop residents from shopping in other counties. He spoke on a potential sales tax increase saying the City can't keep taxing the same people all the time

Lorrie White, Angel Oaks said that raising TOT would take the City out of the bus business which keeps the hotels in business.

7:20 p.m. Public Hearing closed

Council Member Behiel said the relinquishment funds the City will be receiving from Caltrans totaling \$291K should be earmarked for road maintenance and be kept in a separate General Fund account. Council Member Sobon said there should be flexibility for the use of the funds and Mayor Kulm said the monies should be put into a general road fund. There was discussion on what was meant by 'road funds', 'road maintenance' and 'overlays' and what the funds should specifically used for. The Finance Officer suggested the City wait until the funds come in and then staff will come back with correct wording of what the funds could be spent on and where located.

MOTION by Council Member Behiel, seconded by Council Member Morris and carried 5-0 ASSIGNING THE \$291,000 CALTRANS RELINQUISHMENT FUNDS TO A ROAD MAINTENANCE FUND SPECIFICALLY FOR RE-SURFACING OF PUBLIC STREETS.

MOTION by Council Member Sobon, seconded by Council Member Behiel and carried 5-0 APPROVING ALL BASE BUDGET ITEMS WITH THE EXCEPTION OF THE RELINQUISHMENT ITEM ABOVE.

The Council then reviewed the additional budget requests:

MOTION by Council Member Behiel, seconded by Council Member Morris and carried 5-0 APPROVING ADDITIONAL BUDGET ITEMS 22 THROUGH 37.

MOTION by Council Member Sobon, seconded by Council Member Morris and carried 5-0 APPROVING ADDITIONAL BUDGET ITEMS 12, 15, 17 and 19

MOTION by Council Member Behiel, seconded by Council Member Sobon and carried 5-0 APPROVING ADDITIONAL BUDGET REQUEST #8 (*Replace staircase from downtown parking lot to Main Street using metal materials*) AND APPROVING THE USE OF TOT FUNDS FOR THE PROJECT.

MOTION by Council Member Behiel, seconded by Vice Mayor Folendorf and carried 5-0 APPROVING ADDITIONAL BUDGET REQUEST #21 (*2016-2017 Road Rehabilitation Project*) AND APPROVING THE USE OF ½ GAS TAX AND ½ RELINQUISHMENT FUNDS FOR THE PROJECT.

MOTION by Council Member Sobon, seconded by Council Member Kulm APPROVING ADDITIONAL BUDGET REQUEST #1 (*ACBA Support – Downtown Beautification*). Motion failed 2-3

MOTION by Council Member Behiel, seconded by Vice Mayor Folendorf APPROVING ADDITIONAL BUDGET REQUEST #5 (*Mark Twain Badger Boosters Run*). Motion failed 2-3

MOTION by Council Member Sobon APPROVING ADDITIONAL BUDGET REQUEST #3 (*ACBA Christmas Support*) FOR \$1,000. Motion died for lack of second.

MOTION by Council Member Behiel, seconded by Council Member Sobon and carried 5-0 DENYING ALL REMAINING ADDITIONAL BUDGET REQUESTS NOT HIGHLIGHTED/RECOMMENDED BY STAFF #2, 6, 7, 9, 11, 13, 14, 16, 18.

MOTION by Council Member Behiel seconded by Vice Mayor Folendorf APPROVING \$10,000 FOR ADDITIONAL BUDGET REQUEST #4 (*DAC*). Motion failed 2-3.

MOTION by Council Member Sobon, seconded by Mayor Kulm APPROVING ADDITIONAL BUDGET REQUEST #4 (*DAC*). Motion failed 2-3.

MOTION by Council Member Sobon, seconded by Mayor Kulm APPROVING \$20,000 for ADDITIONAL BUDGET REQUEST #4 (*DAC*). Motion failed 2-3.

MOTION by Council Member Behiel APPROVING \$9,000 FOR ADDITIONAL BUDGET REQUEST #4 (*DAC*). Motion died for lack of second.

MOTION by Vice Mayor Folendorf, seconded by Mayor Kulm and carried 4-1 with Council Member Morris voting {NO} APPROVING \$15,000 FOR ADDITIONAL BUDGET REQUEST #4 (*DAC*).

MOTION by Council Member Sobon, seconded by Mayor Kulm APPROVING ADDITIONAL BUDGET REQUEST #10 (*Sales Tax Consultant*). Motion failed 2-3.

MOTION by Council Member Sobon, seconded by Vice Mayor Folendorf and carried 5-0 APPROVING ADDITIONAL BUDGET REQUEST #20 (*Fire Chief Stipend*).

MOTION by Council Member Behiel, seconded by Council Member Sobon and carried 5-0 APPROVING RESOLUTION NO. 16-35. A RESOLUTION ADOPTING THE ANNUAL BUDGET FOR THE 2016/2017 FISCAL YEAR.

3. **INTRODUCE ORDINANCE NO. 477 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**

MOTION by Council Member Sobon, seconded by Council Member Behiel and carried 5-0 ADDING CHAPTER 17.100 TO THE CITY OF ANGELS MUNICIPAL CODE CONCERNING THE ADOPTION OF FIRE PROTECTION, POLICE SERVICES, TRAFFIC AND PARKS, AND IN LIEU PARK IMPACT FEES, WAIVE READING AND BRING BACK FOR SECOND READING SEPTEMBER 20, 2016

4. **CONSIDERATION OF RESOLUTION NO. 16-34, UPDATING AND ADOPTING THE CITY'S CONFLICT OF INTEREST CODE**

It was discovered that attachments needed to review for this item were omitted from the packet.

MOTION by Council Member Behiel, seconded by Council Member Sobon and carried 5-0 ASKING STAFF TO CONTINUE THIS MEETING UNTIL SEPTEMBER 20, 2016

CALENDAR

Calendar was reviewed by City Clerk Mary Kelly

MOTION BY Council Member Sobon, seconded by Council Member Behiel and carried 5-0 ADJOURNING
THE MEETING AT 9:35 P.M.

Wes Kulm
Mayor

ATTEST:

Mary Kelly
City Clerk