

**MINUTES OF A REGULAR MEETING OF  
THE CITY OF ANGELS CITY COUNCIL  
Tuesday, May 1, 2018**

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**Council Members Present:** Amanda Folendorf, Linda Hermann, Scott Behiel, Veronica Metildi, Joseph Oliveira  
**Council Members Absent:** None  
**Staff Present:** Melissa Eads - City Administrator  
Douglas White - Churchwell White, LLP  
Susan Wenger - Deputy City Clerk  
Todd Fordahl - Police Chief  
Milton Sargent - Interim Finance Officer  
David Myers - City Engineer  
Nathan Pry - Fire Marshall

**REGULAR MEETING WAS CALLED TO ORDER AT 5:30 P.M. BY MAYOR FOLENDORF**

- 1. ROLL CALL**
  - 2. PUBLIC COMMENT**  
None
  - 3. ADJOURN TO CLOSED SESSION**
    - a. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO §54956.9(b): 1 case**
  - 4. ADJOURNMENT OF CLOSED SESSION**
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**6:00 p.m. REGULAR MEETING**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

- 1. ROLL CALL**
- 2. REPORT OUT OF CLOSED SESSION FROM 4-17-2018**
  - a. PURSUANT TO CALIFORNIA CODE SECTION 54957: PUBLIC EMPLOYMENT - TITLE: SERGEANT**  
**ACTION:** DIRECTION WAS GIVEN TO STAFF
- 3. REPORT OUT OF CLOSED SESSION**
  - a. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to §54956.9(b): 1 case**  
**ACTION:** DIRECTION WAS GIVEN TO STAFF
- 4. APPROVAL OF THE AGENDA**  
**ACTION:** MOTION BY VICE MAYOR HERMANN, SECOND BY COUNCIL MEMBER OLIVEIRA, AND PASSED 5-0, TO PULL ITEM 7c, A RESOLUTION SUBMITTING A BALLOT MEASURE TO THE CITY'S QUALIFIED VOTERS AT THE NOVEMBER 6, 2018 STATEWIDE GENERAL ELECTION TO AUTHORIZE THE CTIY TO IMPOSE A BUSINESS LICENSE TAX ON THE GROSS RECEIPTS OF CANNABIS BUSINESSES, IF SUCH BUSENESSES ARE PERMITTED, IN AN AMOUNT NOT TO EXCEED FIFTEEN PERCENT(15%).

**ACTION:** MOTION BY COUNCIL MEMBER BEHIEL, SECOND BY COUNCIL MEMBER OLIVEIRA, AND PASSED 5-0, TO ADD TO THE AGENDA AN EMERGENCY ITEM 7d, EMERGENCY REPAIR REQUEST IN THE AMOUNT OF \$16,307.50 WITH SUBSEQUENT APPROVAL FOR THE BUDGET ADJUSTMENT, TO PURSUE REPAIRS TO THE CITY'S FIRE ENGINE, E-211.

**ACTION:** MOTION BY COUNCIL MEMBER BEHIEL, SECOND BY COUNCIL MEMBER OLIVEIRA, AND PASSED 5-0, TO APPROVE THE AGENDA AS AMENDED.

## 5. PUBLIC COMMENT

**Debbie Ponte**, Executive Director, Destination Angels Camp (DAC), read a resolution from DAC Board of Directors in support of Measure A for the Mark Twain Health Care District.

**Lance Reinke** requested that the City Council and Mayor put an item on the agenda to review and vote on a permanent ban to the Urgency Ordinance enacted earlier this year.

**Vicki Reinke** addressed the confusion on the Cannabis Tax item (7c) and asked that notifications be made well in advance of Council meetings and that the permanent ban be established.

**Anne Forrest** wanted to make the Council and public aware that there is currently an opening on the Museum Commission and another is expected later this year. In addition, the Museum needs volunteers and docents.

**Jack Lynch** asked for clarification of public comment on Regular Agenda Item 7c.

**Bill McManus**, Chairman of the Committee to Ban Commercial Cultivation, told the Council that it was hard to keep the public informed when something as incendiary as a marijuana is going to be on the agenda. He suggested it not be on future agendas. Move on to a permanent ban. The things that happen in Angels Camp are a bellwether for the County.

## 6. CONSENT AGENDA

**ACTION:** MOTION BY COUNCIL MEMBER OLIVEIRA, SECOND BY COUNCIL MEMBER BEHIEL, AND PASSED 5-0, TO APPROVE THE CONSENT AGENDA.

- a. Approval of the April 17, 2018 Regular Meeting Minutes.
- b. Adoption of Resolution 18-19. A Resolution Approving the Temporary Closure of Monte Verda Street and Peri Street for the Annual Calaveras County Jr. Frog Jump and Jr. Miss Calaveras.
- c. Adoption of Resolution 18-20. A Resolution Approving Road Closure of State Route 49 in the City of Angels Historic District for the 2018 Mark Twain Wild West Festival.
- d. Authorization to Advertise for Contractors for the Mark Twain Road Water Main Repair Project.
- e. Approval of the Delegated Maintenance Agreement Between Caltrans and the City of Angels and Authorization to the Mayor and City Administrator to sign on behalf of the City.
- f. Adoption of Resolution 18-21 A Resolution Approving Caltrans Local Assistance Procedures Manual Chapter 10 for Procuring Consultant Contracts.

## 7. REGULAR AGENDA

- a. Approval of a Contract Between the City of Angels and Citygate Associates, LLC in the Amount not to exceed \$65,000.00 for the Completion of An Organizational Review and Budget Stabilization Study.

### **PUBLIC COMMENT:**

**Lance Reinke** expressed concern over \$65,000 being spent on an organizational and budget review for a small city of 3,000 people. He does not understand why that isn't the City Manager's job and responsibility.

**ACTION:** MOTION BY COUNCIL MEMBER OLIVEIRA, SECOND BY COUNCIL MEMBER METILDI, AND PASSED 5-0, TO APPROVE THE CONTRACT BETWEEN THE CITY OF ANGELS AND CITYGATE ASSOCIATES, LLC AN AMOUNT NOT TO EXCEED \$65,000.00 FOR THE COMPLETION OF AN ORGANIZATIONAL REVIEW AND BUDGET STABILIZATION STUDY.

- b. Resolution 18-22. A Resolution Submitting a Ballot Measure to the City's Qualified Voters at the November 6, 2018, Statewide General Election to Impose a One Half (0.5) Percent Sales Tax on the Gross Receipts of Any Retailer From the Sale of All Tangible Personal Property Sold in the City.

**PUBLIC COMMENT:**

**Jack Lynch** asked the Council why it was the City Attorney that wrote the request to have it put on the ballot rather than a Financial person or Administrative person on City Staff. He also asked for clarification on why we are needing \$400,000 projected revenue when our recent losses have been \$20,000 and \$100,000.

Mayor Folendorf, City Administrator Melissa Eads and Deputy City Attorney Goldstein responded Mr. Lynch's first question telling him that the City doesn't currently have a full time Finance Officer and that the information in the staff report was provided to the City Attorney by City Staff and legal counsel was tasked with ensuring compliance with all Elections Office requirements.

Mr. Lynch then suggested completing the Organizational Review and identifying the City's financial needs before pursuing the tax measure.

**Debbie Ponte**, Executive Director, DAC, shared that DAC has been doing outreach seeking input from business owners and residents of Angels Camp. Impacts to essential public and safety services are noticeable. DAC is in support of this measure.

**Council Member Behiel** indicated that actual deficits have been less than budget deficits every year. The budgets don't include many capital improvements such as a roof on City Hall; Utica Park; Police Officer, Public Works, Administrative and Fire positions; unfunded CalPERS liability. The tax will help sustain services that we'd all like to see.

**ACTION:** MOTION BY COUNCIL MEMBER BEHIEL, SECOND BY COUNCIL MEMBER OLIVEIRA, AND PASSED 5-0, TO ADOPT RESOLUTION 18-22 SUBMITTING A BALLOT MEASURE TO THE CITY'S QUALIFIED VOTERS AT THE NOVEMBER 6, 2018 STATEWIDE GENERAL ELECTION TO IMPOSE A ONE HALF (0.5) PERCENT SALES TAX ON THE GROSS RECEIPTS OF ANY RETAILER FROM THE SALE OF ALL TANGIBLE PERSONAL PROPERTY SOLD IN THE CITY.

- c. Resolution 18-23. A Resolution Submitting a Ballot Measure to the City's Qualified Voters at the November 6, 2018 Statewide General Election to authorize the City to impose a business license tax on the gross receipts of cannabis businesses, if such businesses are permitted, in an amount not to exceed fifteen percent (15%) **was pulled from the agenda.**

**PUBLIC COMMENT:**

**Trisha Frazier** spoke against anything that has to do with marijuana.

**Jack Lynch** reminded the Council and Staff that the City voted against Proposition 64 in 2016. That same year the Council voted to ban marijuana in the City. Mayor Folendorf reminded Mr. Lynch that public comment was limited to the Ballot Measure and not the ban. Clarification on the matter was provided by Deputy City Attorney Goldstein. Mr. Lynch asked why we would be voting on a measure to tax marijuana when we've already banned it. He feels the Council and Staff are unwilling to have an open discussion on the matter.

**Susan Morris** asked why we would tax the gross receipts of marijuana businesses, if such businesses are permitted, when we have no such businesses.

**Gina Gonzalez** told the Council there was no reason for a tax and she hopes there will not be a reason for a tax. She stressed the need for each person to educate themselves on the issue.

**Bill McManus** felt the City Attorney was trying to pressure the Council in to putting the item on the ballot. He told the Council that the City does not have to comply with what the State tells it to do on certain issues such as land use.

**Dan Pinnell** stated he was confused that the State might make us impose a tax on a product that we don't sell. And if that's true he recommends a 1,000% sales tax to make it clear to anyone who wants to sell it here that it would be so costly that it's not worth coming.

d. Resolution 18-24. A Resolution Authorizing the purchasing authority in the amount of \$16,307.50 to R.L. Righetti Enterprises for the Engine Rebuild for Fire Truck E-211 and subsequent budget adjustment.

**ACTION:** MOTION BY COUNCIL MEMBER BEHIEL, SECOND BY COUNCIL MEMBER METILDI, AND PASSED 5-0, TO ADOPT RESOLUTION 18-24 AUTHORIZING THE PURCHASING AUTHORITY IN THE AMOUNT OF \$16,307.50 TO R.L. RIGHETTI ENTERPRISES FOR TH EENGINE REBUILD FOR FIRE TRUCK E-211 AND SUBSEQUENT BUDGET ADJUSTMENT.

## 8. CONSOLIDATED STAFF REPORT

## 9. COUNCIL REPORTS

**Council Member Metildi** - No Report

**Vice Mayor Hermann** - Attended a tour of the Cal Waste facility and was quite impressed with the operation.

**Council Member Oliveira** - Attended a Museum Commission. He reminded Council and the public that the Museum Commission is looking for Commissioners. Has applied for membership on the Solid Waste Task Force, but no meetings have been held in the last 8 months. UWPA meeting was canceled.

**Council Member Behiel** - No Report

**Mayor Folendorf** - Attended Legislative Action Day and told the public how to access the video presentations. Attended Museum Carriage Event. Attended the Celebration of the Life of Barden Stevenot where she presented the City's Proclamation for Barden Emile Stevenot to his wife, Annie.

## 10. CALENDAR

Calendar was read by the Deputy City Clerk

## 12. ADJOURNMENT

The Regular City Council Meeting was adjourned at 7:01.

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Amanda Folendorf  
Mayor

ATTEST:

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Susan Wenger  
Deputy City Clerk