

**MINUTES OF A REGULAR MEETING OF
THE CITY OF ANGELS CITY COUNCIL
Tuesday, June 5, 2018**

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
David Myers - City Engineer

REGULAR MEETING WAS CALLED TO ORDER AT 5:00 P.M. BY MAYOR FOLENDORF

- 1. ROLL CALL**
- 2. PUBLIC COMMENT**
None
- 3. ADJOURN TO CLOSED SESSION**
 - A. CONFERENCE WITH LEGAL COUNSEL— ANTICIPATED LITIGATION** - Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Section 54956.9: (One Potential Case).
 - B. CONFERENCE WITH LABOR NEGOTIATORS** (Govt. Code section 54957.6)
Agency Designated Representatives: Melissa Eads, City Administrator and Douglas L. White, City Attorney
Unrepresented Employee: Chief of Police
 - C. PURSUANT TO CALIFORNIA CODE SECTION 54957: PUBLIC EMPLOYMENT - FINANCE OFFICER**
 - D. CONFERENCE WITH LEGAL COUNSEL— EXISTING LITIGATION** – Pursuant to Paragraph (1) of Subdivision (d) of Government Code Section 54956.9: (Gray v. Kyle Hansen, et al, Calaveras County Superior Court Case No.: 16CV41614).

4. ADJOURNMENT OF CLOSED SESSION

6:00 p.m. REGULAR MEETING

CALL TO ORDER

PLEDGE OF ALLEGIANCE

1. ROLL CALL

2. REPORT OUT OF CLOSED SESSION OF 5-15-2018

- A. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION** - Significant exposure to litigation pursuant to §54956.9(d)(2): 1 case

ACTION: Direction was given to Staff.

3. REPORT OUT OF CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL— ANTICIPATED LITIGATION - Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Section 54956.9: (One Potential Case).

ACTION: Direction was given to Staff.

- B. CONFERENCE WITH LABOR NEGOTIATORS (Govt. Code section 54957.6)
Agency Designated Representatives: Melissa Eads, City Administrator and Douglas L. White, City Attorney
Unrepresented Employee: Chief of Police

ACTION: Direction was given to Staff.

- C. PURSUANT TO CALIFORNIA CODE SECTION 54957: PUBLIC EMPLOYMENT - FINANCE OFFICER

ACTION: Direction was given to Staff.

- D. CONFERENCE WITH LEGAL COUNSEL— EXISTING LITIGATION – Pursuant to Paragraph (1) of Subdivision (d) of Government Code Section 54956.9: (Gray v. Kyle Hansen, et al, Calaveras County Superior Court Case No.: 16CV41614).

ACTION: Direction was given to Staff.

4. APPROVAL OF THE AGENDA

ACTION: MOTION BY COUNCIL MEMBER OLIVEIRA, SECOND BY VICE MAYOR HERMANN, AND PASSED 5-0, TO APPROVE THE AGENDA.

5. PUBLIC COMMENT

Ron Rivera, Museum Commission Chairman, told the Council and public about the many volunteer opportunities at the Museum and the open Museum Commission seat that needs to be filled.

6. CONSENT AGENDA

Council Member Behiel pulled item G for discussion.

ACTION: MOTION BY COUNCIL MEMBER OLIVEIRA, SECOND BY COUNCIL MEMBER BEHIEL, AND PASSED 5-0, TO APPROVE ITEMS A THROUGH F ON THE CONSENT AGENDA.

- A. Approval of the April 17, 2018 Regular Meeting Minutes.
- B. Approval of Vacation Pay Out as Accrued to Chief of Police, Todd Fordahl.
- C. Approval of Resolution No. 18-13 Awarding a Contract Between the City of Angels and Drake Haglan & Associates in the Amount of \$198,357.32 for the Completion of Preliminary Engineering (PE) for the Murphys Grade Road Sidewalk Project.
- D. Authorization to Execute Cooperative Agreement No. 10-483 with Caltrans for Project Oversight on the State Route 49 Sidewalk and Bike Lane Improvement Project.
- E. Approval of an Easement Deed to PG&E at the Visitor Center with Authorization to the Mayor to Sign on behalf of the City.
- F. Approval of the Purchase of Ultraviolet Lamps from Xylem Water Solutions USA Inc. for the Wastewater Treatment Plant in the Amount of \$21,639.94.

Council Member Behiel personally thanked Commissioner Broeder for his continued efforts.

Commissioner Broeder told the Council that he has been on the Planning Commission for nine years and that although re-appointed for a three year term, his plan is to stay only until a replacement is found.

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

G. Approval of the Reappointment of Commissioner Jon Broeder to a full three-year term on the Planning Commission Commencing July 1, 2018 and Extending through June 30, 2021.

7. REGULAR AGENDA

A. Consideration of Adopting Resolution No. 18-25 Approving the Preliminary Engineer's Report, Declaring Its Intention to Continue Assessments for FY 2018-2019 for the Landscape & Lighting District No. 1 - Greenhorn Creek, and Notice a Public Hearing for July 17, 2018 - David Myers, City Engineer

PUBLIC COMMENT:

Jack Lynch told the Council it would be desirable to have a contract with the Golf Course operators to control aquatic plants in place to avoid past problems. He also questioned the increase in water consumption that was reported. David Myers, City Engineer, explained that the numbers were based on actual usage in the previous year.

ACTION: MOTION BY VICE MAYOR HERMANN, SECOND BY COUNCIL MEMBER BEHIEL, AND PASSED 5-0, TO APPROVE THE PRELIMINARY ENGINEERS REPORT, DECLARE THE INTENTION TO CONTINUE ASSESSMENTS FOR FY 2018-2019 FOR THE LANDSCAPE & LIGHTING DISTRICT NO. 1 - GREENHORN CREEK, AND NOTICE A PUBLIC HEARING FOR JULY 17, 2018

B. Adoption of Resolution 18-26. A Resolution Resubmitting a Ballot Measure to Impose a One Half Percent (0.5%) Transactions and Use Tax, in Response to Comments by the California Department of Tax and Fee Administration; and Increasing the Appropriations Limit of the City for Fiscal Years 2019-2023 by the Amount of Proceeds Received by the Tax - Douglas White, City Attorney

PUBLIC COMMENT:

Jack Lynch asked what percent of the vote is needed to pass that measure and does the Council have a sense of the willingness of the voters to go ahead with a sales tax increase. Douglas White, City Attorney, indicated that the vote would require 50% plus one (1) to pass. No polling of the public has been undertaken as it was felt that the cost of polling would exceed the cost of putting the measure on the ballot.

ACTION: MOTION BY COUNCIL MEMBER OLIVEIRA, SECOND BY VICE MAYOR HERMANN, AND PASSED 5-0, TO ADOPT RESOLUTION 18-26. A RESOLUTION RESUBMITTING A BALLOT MEASURE TO IMPOSE A ONE HALF PERCENT (0.5%) TRANSACTIONS AND USE TAX AND TO INCREASE THE APPROPRIATIONS LIMIT OF THE CITY FOR FISCAL YEARS 2019-2023 BY THE AMOUNT OF THE PROCEEDS RECEIVED BY THE TAX.

C. **PUBLIC HEARING:** Adoption of Ordinance #483. An Ordinance of the City Council of the City of Angels Adding Chapter 5.10, Cannabis Business Regulation, to Title 5, and Repealing Chapter 8.25, Medical Cannabis Regulations, from Title 8 of the Angels Camp Municipal Code, and Repealing Ordinance No. 480, An Urgency Ordinance Concerning the Cultivation, Commercial

and Retail Sale, Distribution, and Delivery of Marijuana and Related Land Uses, Relating to Cannabis Business Regulation - Douglas White, City Attorney

The Public Hearing was opened at 6:27 pm.

PUBLIC COMMENT:

Bill Wilson told the Council that he hopes the City Council would give priority to the three dispensaries in the County to be the suppliers of medicinal cannabis in Angels Camp. The state passed recreational marijuana and it seem ludicrous to him to try to make criminal out of people who want to do no more that the same thing that half of the people in this town probably do with a bottle of wine, a six pack of beer or a quart of Jack Daniels because its federally illegal. He also disagrees with the requirement to grow marijuana indoors, due to the waste of resources and risk of fire, mold, etc.

Craig Whitty thanked the Council for their due diligence on the topic of cannabis in Angels Camp. He believes that when the banking industry for cannabis is developed that the Council should readdress the issue of cash payments for cannabis deliveries. He also disagrees with having other entities in control of "our" businesses and taking that control away from our local police.

Dan Pinnell told the Council he appreciates their courage on the matter of cannabis. They moved here because they liked the area and they don't want it to change. He was interested in the Police Chief's perspective on which option to choose.

Chief Fordahl stated that he was opposed to allowing deliveries because it is almost unenforceable, but if the Council was going to allow it, his preference would be that we controlled all aspects of the background check process.

In conclusion, Mr. Pinnell stated his support for the Police Chief.

Jack Lynch asked what provisions have been made to cover the provisions in section 1 of Urgency Ordinance 480. He wondered if the Council had forgotten to address the issue of residents growing marijuana for recreational use. He also believes the Council needs to repeal 17.72.038 in the City's municipal code that allows medical marijuana dispensaries. He favors version number one of ordinance 483 and doubling the fines for non compliance.

Susan Morse supports the local Police Department in handling the background checks and enforcement.

Kim Huse agreed with previous speaker Bill Wilson. She stated that change is inevitable and that marijuana is a better alternative medicinally than many prescription medications.

The Public Hearing was closed at 7:07 pm.

ACTION: MOTION BY COUNCIL MEMBER BEHIEL, SECOND BY VICE MAYOR HERMANN, AND PASSED 4-1, BY THE FOLLOWING ROLL CALL VOTE, TO SELECT VERSION 1 OF ORDINANCE 483, WITH THE ADDITION OF LANGUAGE REQUIRING A CITY BUSINESS LICENSE, TO BE BROUGHT FORWARD FOR SECOND READING AND ADOPTION AT THE JUNE 19, 2018 CITY COUNCIL MEETING.

COUNCIL MEMBER METILDI - YES

VICE MAYOR HERMANN - YES

COUNCIL MEMBER OLIVEIRA - YES

COUNCIL MEMBER BEHIEL - YES

MAYOR FOLENDORF - NO

8. CONSOLIDATED STAFF REPORT

9. COUNCIL REPORTS

Council Member Metildi - Attended the Angels Camp Business Association mixer at the Museum. Attended Mark Twain St. Joseph's receipt of their permit to begin construction.

Vice Mayor Hermann - No Report

Council Member Oliveira - Attended Utica Water and Power Association meeting. Their budget reserves are diminishing and members may need to mitigate that.

Council Member Behiel - No Report

Mayor Folendorf - Attended LAFCO. Mayor Folendorf also commended staff for all the work done leading up to the fair.

10. CALENDAR

Calendar was read by the Deputy City Clerk

11. ADJOURNMENT

The Meeting was adjourned at 7:35 pm.

Amanda Folendorf
Mayor

ATTEST:

Susan Wenger
Deputy City Clerk