

**CITY OF ANGELS
CITY COUNCIL
AGENDA
Tuesday, January 17, 2017**

Mayor	Scott Behiel	BRET HARTE HIGH SCHOOL THEATER
Vice Mayor	Amanda Folendorf	323 South Main
Council Members	Linda Hermann	Angels Camp, CA
	Veronica Metilde	209-736-2181
	Susan Rudolph	
City Administrator	Mary Kelly	City Attorney Derek Cole

City Council appreciates your interest and encourages your participation. Regularly scheduled meetings are held the 1st and 3rd Tuesday of each month. The Agenda is divided into two sections:

CONSENT AGENDA: These matters include routine financial and administration actions and are usually approved by a single majority vote.

REGULAR AGENDA: These items include significant financial and administration action of special interest, hearings and work sessions.

NOTE: The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Council Members. **All questions shall be directed to the Mayor who, at his/her discretion, will refer to staff.**

6:00 p.m. REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

STAFF UPDATES - Informational item only – No action will be taken
Consolidated Staff Report

COUNCIL UPDATES

Informational item only – No action will be taken

PUBLIC COMMENT

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda. **State law prohibits the City Council from acting upon matters not listed on the agenda.** Matters raised by the public will be automatically referred to Staff or placed on the next meeting's Agenda. Each speaker has a maximum of three minutes for public comment. The Mayor may reduce the amount of time based on the number of persons wishing to speak. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not disrupt the meeting or use profanity.

FEATURE BUSINESS PRESENTATIONS

Edward Jones - Tim Oskey, Financial Advisor

Destination Angels Camp – Introduction of new Executive Director, Debbie Ponte, by Chairman Larry Cornish.

CONSENT AGENDA

The following Consent Agenda items are expected to be routine. They will be acted upon by the Council at one time without discussion. Any Council Member, staff member or interested person may request that any Consent items be removed for discussion.

- a. Approve Minutes of Regular meeting for January 3, 2017
- b. Adopt Resolution amending the annual budget for FY 2016/17 for completion of the wastewater aeration digester project.

REGULAR AGENDA

1. **PUBLIC HEARING – APPEAL OF PLANNING COMMISSION ACTION DENIAL OF A MEDICAL MARIJUANA DISPENSARY LOCATED AT 206 N. MAIN STREET, SUITE B –**

ITEM TO BE CONTINUED TO THE FEBRUARY 7, 2017 CITY COUNCIL MEETING

2. **PUBLIC HEARING CONTINUED FROM OCTOBER 18, 2016: ADOPT ORDINANCE NO. 478. AN ORDINANCE ADDING CHAPTER 8.26 OF THE CITY OF ANGELS MUNICIPAL CODE REGULATING SMOKING WITHIN THE CITY OF ANGELS – Cota Cole, L.L.P., City Attorney**

Council Action: ADD CHAPTER 8.26 TO THE CITY OF ANGELS MUNICIPAL CODE REGULATING SMOKING WITHIN THE CITY OF ANGELS

3. **VARIOUS BOARD AND COMMISSION APPOINTMENTS – Mayor Behiel**
Council Action: APPOINT COUNCIL MEMBERS TO VARIOUS BOARDS, COMMITTEES AND/OR COMMISSIONS

CALENDAR

ADJOURNMENT

Anyone wishing to receive City Council agendas may submit a self-addressed stamped envelope or your email address to City Hall and agendas will be mailed or emailed to you. This request must be renewed at the beginning of each calendar year. For further information, please contact the City Clerk at City Hall 736-2181, or email marykelly@angelscamp.gov. Availability of Public Records: All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the City Clerk's Office, 584 S. Main St., Angels Camp 72 hours prior to the scheduled meeting. In compliance with Title II of the Americans With Disabilities Act, 28 CFR Part 36, if you require any disability related modification or accommodation, including auxiliary aids or services in order to participate in this meeting, please contact City Hall at (209)736-2181 or fax your request to Mary Kelly at (209)736-0709. Notification must be made **72 hours in advance** of the meeting to ensure accessibility. Agendas and other writings may also be requested in alternative formats, as outlined in Section 12132 of the Americans with Disability Act.

CONSOLIDATED REPORT

CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

FOR THE MEETING OF: January 17, 2017

TITLE: STAFF UPDATE, HIGHLIGHT REPORT

BY: Mary Kelly, City Administrator

APPROVED: MK

HIGHLIGHTS

ADMINISTRATION

- Re-advertised vacancy for Planning Commissioner.
- Processed paperwork for terminated employee.
- Attended Destination Angels Camp Board of Director's Meeting.
- Additional training of staff on the website.
- Met with staff to discuss administration reorganization.

FINANCE

- All final schedules were provided to auditor. The final audit report is under review and responses to the internal control management report will be drafted within this week. We are expecting an unqualified (i.e., positive) report, which will be presented the first week in February.
- Supported documentation submitted to Council for two budget amendments.
- New copy machines were installed at both City Hall and the Police Department, with expected savings to the City.
- Statistical information was put together and submitted to consultants in order to create an information packet for banks who will be bidding on the Wastewater debt refunding.
- TOT audit is near completion, with information from the final vender being submitted to the auditors. Results are expected to be presented in February.
- Performed final payroll reconciliations, prepared and submitted all payroll tax forms (941, DE9, DE9c, W-2's, and W-3) for calendar year 2016.
- Prepare Annual W-2's - Complete.

PUBLIC SAFETY

- On 01/01 an unknown suspect entered Rite Aide and removed keys from an employee locker, and then drove off in an employee's vehicle. An investigation is ongoing.
- Staff has taken several reports of items being taken from locked and unlocked vehicles, at various locations throughout the City. Investigative work is being completed, and we also issued a reminder to residents to lock their vehicles and store valuables elsewhere if possible.

- **The walls of the squad room at the police department are painted, and the donated furniture has been moved in. We had two surplus police cars removed from City property, that were purchased by an auto salvage company in Lodi. Four additional surplus vehicles are scheduled to go to auction within the month.**
- **Due to staffing issues, as of 01/11 the police department lobby will only be open periodically throughout the day. There is a call box outside our lobby that rings directly to the dispatch center, so people may request assistance if the lobby is closed.**
- **On 01/13 Chief Fordahl will attend a routine meeting of the Community Corrections Partnership (CCP), related to issues associated with AB 109 and the CCP plan for our County.**
- **On 01/17-01/18, staff will receive some training and information from the coordinator for the Calaveras County Veteran's Services Program. This program was implemented by the County BOS, as a resource to local Veterans that may need assistance in various forms, and the presentation to us will detail the services available.**
- **The Fire Department responded to a total of 52 calls for service between 12-27-16 and 1-10-17. A detailed incident report is attached to this staff report.**
- **The Fire Department increased staffing during the recent storms. Crews helped to monitor waterways, assist residents with flooding, remove trees from roadways, and unclog storm drains. Fire Department staff met with County OES and stayed current on County wide storm status. A transfer truck load of additional sand was brought in and is on standby in case the need arises and flooding worsens.**
- **The Fire Department plans to start hydrant flushing next week. We had planned to start earlier, however with recent storms it wasn't appropriate to add additional water into storm drains.**

COMMUNITY DEVELOPMENT

- **Staff completed administrative duties, such as approved Home Occupation Permits, Sign Permits, Department Bills, business licenses and review building permit applications for setbacks and lot coverage issues.**
- **Staff has received the Draft Relinquishment Agreement and will be reviewing with the City Attorney.**
- **Staff will be attending an additional meeting for the Regional Transportation Plan.**
- **Staff attended a Management Meeting for the Sustainability Grant. The purpose was to discuss alternatives and the next steps with meeting with Stakeholders.**
- **Staff has completed the Staff Report and Environmental Document for Dollar General.**
- **Staff has completed the Staff Report and Environmental Document for a small recycling facility in Angels Camp.**
- **Staff has completed the Staff Report and Environmental Document for two sign applications.**
- **Staff met with Calaveras Council of Government (CCOG) Staff regarding the Murphys Grade Road and Project Initiation Document (PID) for the operational improvements to north 4/49**
- **Staff has received a draft of the Project Information Document for the North 4/49 Intersection improvement .**

ENGINEERING AND PUBLIC WORKS

- The weather has gone from freezing to heavy rainfall and the crews have been very busy in preparing for the storm and in efforts as a result of the rain. The crews working on the roads and storm drainage were able to keep the drains clear and the damage was minimal. There was a tree that fell, but it too was not damaging.
- The sewer collection system in the City suffers from a large amount of Inflow & Infiltration (I&I). The Sewer Master Plan noted that the flow into the sewer plant is normally about .4 mgd million gallons a day (mgd), but during large storms it can increase substantially. This recent storm increased the flow to the plant to over three times the normal flow (about 1.3 mgd). This flow is too large for the normal procedures and so a bit of the partially treated sewage was sent to Holman Reservoir since all the other storage sites at the plant were already full. This is an acceptable practice except that treated effluent in the reservoir has to be disposed at the sprayfields now; it cannot be disposed in the creek or on the golf course. This procedure is not automated and so the plant had to be staffed all day and all night.
- The City has worked to control the sewer collection system I&I by performing video inspections and making repairs to the main pipelines, however the large amount of I&I from this last storm is a good indication that extra efforts are required. In the past the City has hired a consultant to perform smoke testing of the lines and that method is still a good possibility.
- I thank all the crews for working on the weekend and for working all through the night; it is their extra effort that makes it safe for the City and it is appreciated.
- The storm also caused the public to stock up on sandbags. The City provides free sandbags and many people took advantage of this service. On the Friday before the storm, over 1000 sandbags and four truckloads of sand were provided. We did run out of bags on that Friday, we purchased more sandbags and replenished the sand on Monday.
- Although it is the wrong season because of the rain and mud, the Council is always invited to visit the water treatment or sewer treatment plant and staff will explain the plant operation. The best time to visit is during the weekdays.

MUSEUM

- Angels Camp Museum proudly served 8,203 people in 2016, an 18% increase from 2015 in the number of people served.
- Of that total number of people served, 699 were schoolchildren who toured the Museum in seventeen groups led by the Museum's four docents. The four docents volunteered 386 hours in 2016.
- In 2016, the Museum Staff secured non-school tour groups that not only visited the museum, but also ate lunch in the City and had time to shop. A total of 161 people with tour groups and antique car clubs in nine tours visited last year. The Museum is a destination and strives to bring tourists to Calaveras County.

CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

- **Museum staff and volunteers aim to provide an overall visitor experience - from front lobby and gift shop, to bathrooms and parking, to museum facilities and grounds - that is safe, consistent, relevant, educational, and promotes return visitation. Key to sustaining visitorship is offering learning opportunities for visitors of all ages via new educational programming and exhibits, *and* maintaining a facility that people perceive as thriving. 2016 educational programming included special new exhibit and tree trek guided tours, six lectures, a free family festival, two preschool story time programs, two summer camp sessions, six living history days and two exhibit opening receptions.**
- **The Museum has renewed its annual institutional memberships to the nationwide professional organizations American Alliance of Museums and American Association of State and Local History, as well as the statewide professional organization California Association of Museums. Participation in these organizations help the museum to build networks and partnerships, take advantage of multi-level training opportunities, and practice standards of excellence.**
- **Many thanks to: David Maritwick for donating a replica mine cart for the museum's education collection; Wayne Callen for donating an 1896 framed illustration of a mine cart by Angels Iron Works; and Jack and Gladys Dillashaw for donating a 1960s Sierra Club Restaurant menu.**
- **47 people attended the museum lecture on January 8 despite the pouring rain.**
- **Museum staff reprogrammed the gift shop cash register to decrease the sales tax on January 1, 2017. The statewide sales tax rate decreased one quarter of one percent (0.25%) from 7.50 percent to 7.25 percent.**

LOOK AHEAD

ADMINISTRATION

- All three (3) bargaining unit's terms for their agreements expire on June 30, 2017. Staff should begin the process of entering into negotiations in the next couple of months in advance and in concert with the development of the FY17/18 Budget.
- The Cal Waste Franchise Agreement is coming due in 2018. While it is early, the City Attorney and City Administrator should begin to review the existing agreement and current trends in Franchise Fees for Solid Waste/Recycling Services.
- The Finance Officer and City Engineer will focus efforts on the financial information needed for the NV5 Water/Wastewater Impact Fee Study. Potential scenario's has Council consideration of model options in February.
- The City Attorney and the City Administrator should continue to research the terms and conditions of the lease for the Downtown Post Office.
- Administrative staff and the City Attorney will be reviewing and updating "outdated" ordinances based on either the current City structure and/or future City structure. It is clear that there needs to be a review and update of the following ordinances (just a sampling)
 - Volunteer Fire Department
 - Civil Defense

CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

- Animal Control/Licensing
- Elected City Clerk
- Elected City Treasurer

FINANCE

- Please note that target dates below are based on my preliminary review of the workload and may be changed as I gather more information on each of them. I have listed them in order of priority (subject to further management direction):
 - Support impact fee study for water – In Progress.
 - Support impact fee study for wastewater – In Progress.
 - Support rate study for Wastewater – In Progress.
 - Support rate study for Water – In Progress.
 - Assist TOT audits for fiscal year 2015 – In Progress.
 - Assist Sales/Use tax audits for fiscal year 2015 – Ongoing.
 - Assist Business License Tax services for fiscal year 2015 – In Progress.
 - Development of updated OPEB (Other Post-Retirement Employee Benefits) Actuarial Report and Analysis of Prefunding Options– In Progress.
 - Prepare annual 1099's – Target January 2017.
 - Prepare Annual City Transaction Report for State – Target January 2017.
 - Prepare Annual Us Tax Return – Target January 2017.

COMMUNITY DEVELOPMENT

- Staff is bringing the Right to Farm Ordinance to the City Council.
- Staff will be bringing the final Rezone and Zone Ordinance Text Amendment as a clean-up item to the permitted and conditional use chapter of the Zoning Ordinance of the City of Angels.
- Staff will be attending the CCOG Board Meeting and the Planning Commission meeting.

ENGINEERING AND PUBLIC WORKS

- **Staff will attend the UWPA tabletop emergency planning exercise scheduled for January 25th.**
- **The Highway 4 Corridor meeting will be February 2nd, 4 p.m. at UWPA.**

MUSEUM

- Docents will guide a tour for 12 Red Hat ladies on January 13.
- The Museum will be open for Martin Luther King Jr. Day on January 16.
- **Lecture scheduled on February 5 by Adrian Nestor who will speak about "Italians in the Mother Lode."**
- **The Museum will be open for Presidents Day on February 20.**
- **Living History Day on March 11. History comes alive on the second Saturday of March, April and May as docents demonstrate their craft in the artisan's exhibits, including carpentry, print shop and weaving.**
- **The Museum will be open for Presidents Day on February 20.**

CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

- **Lecture scheduled on March 5 by Lindy Miller for Women's History Month. Lindy will speak about the "Sole Trader Act."**
- **Living History Day on March 11. History comes alive on the second Saturday of March, April and May as docents demonstrate their craft in the artisan's exhibits, including carpentry, print shop and weaving.**
- **Lecture scheduled on April 2 by Jeff Olsen who will speak about the "History of the Angels Theatre and Movies Filmed in the Gold Country."**

ATTACHMENT 1

Incident by Incident Type With Detail

Date Range: From 12/27/2016 To 1/10/2017

Incident Type	Incident Count	Used in Ave. Resp.	Average Response Time HH:MM:SS	Total Loss	Total Value
EMS/Rescue					
Medical assist, assist EMS crew	35	33	00:04:34		
Motor vehicle accident with no injuries	1	1	00:09:00		
Total EMS/Rescue:	36	34	00:04:42		
Hazardous Condition					
Accident, potential accident, other	1	1	00:04:00		
Total Hazardous Condition:	1	1	00:04:00		
Service Call					
Assist police or other governmental agency	1	1	00:11:00		
Assist invalid	5				
Total Service Call:	6	1	00:11:00		
Good Intent					
Dispatched & cancelled en route	9				
Total Good Intent:	9	0			
Total Incident Count:	52	36			

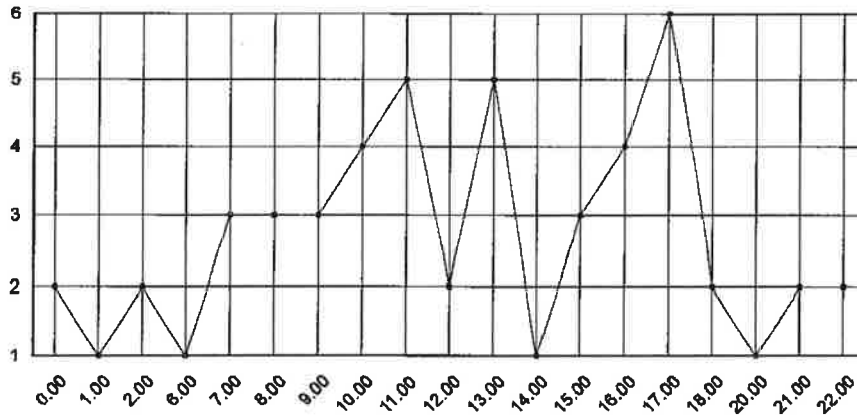
Note: The incident count used in averages does not include the following:
 Not completed incidents, Mutual Aid Given, Other Aid Given, Cancelled in Route, Not Priority, Fill-In Standby, No arrival and Invalid Dates/Times.

Incidents by Time of Day

Date Range: From 12/27/2016 To 1/10/2017

<u>Time of Day</u>	<u>Number of Incidents</u>
00:00:00 to 00:59:59	2
01:00:00 to 01:59:59	1
02:00:00 to 02:59:59	2
06:00:00 to 06:59:59	1
07:00:00 to 07:59:59	3
08:00:00 to 08:59:59	3
09:00:00 to 09:59:59	3
10:00:00 to 10:59:59	4
11:00:00 to 11:59:59	5
12:00:00 to 12:59:59	2
13:00:00 to 13:59:59	5
14:00:00 to 14:59:59	1
15:00:00 to 15:59:59	3
16:00:00 to 16:59:59	4
17:00:00 to 17:59:59	6
18:00:00 to 18:59:59	2
20:00:00 to 20:59:59	1
21:00:00 to 21:59:59	2
22:00:00 to 22:59:59	2

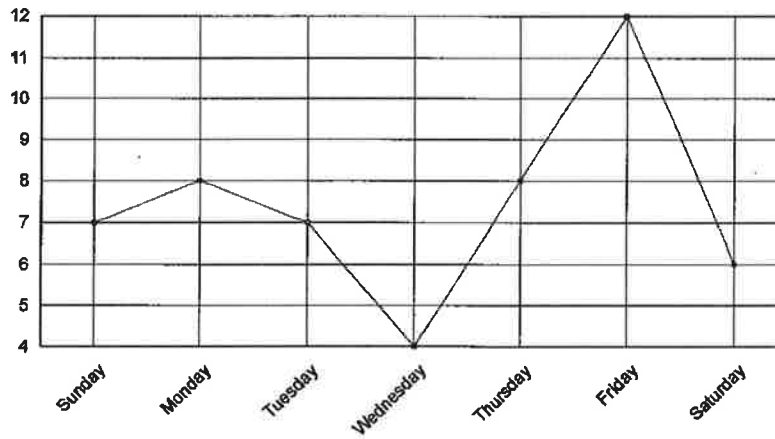
52



Incidents by Day of Week

Date Range: From 12/27/2016 To 1/11/2017

Day of the Week	Number of Incidents
Sunday	7
Monday	8
Tuesday	7
Wednesday	4
Thursday	8
Friday	12
Saturday	6



ATTACHMENT 2

City of Angels Complaint Log 2016

CE: Code Enforcement
 Bldg: Building Department
 Engr: Engineer
 FD: Fire Department
 Plan: Planning Department
 PD: Police Department
 PW: Public Works
 W/W-W: Water or Waste Water

1/11/2017

City Administrator 

No.	Date	Area of Complaint	Complaint	Dept	Closed
16-21	12-Dec 11-Jan	Bret Harte Rd. No response from Code Enforcement.	Safety Issues	CE	
16-20	6-Dec 27-Dec	N. Main St. Police Chief has attempted to contact complainant with no response, will continue.	Arrest by Police Officer	PD	
16-18	17-Oct 8-Nov 12-Dec 11-Jan	S. Main St. No report at this time per Code Enforcement Officer. Phone messages are not being returned. Fire Marshal & Code Enforcement will be investigating property together. No response from Code Enforcement.	Safety Issues	CE	
15-17	08/04/15 10-Nov	Lode Motel Pursuant to last follow-up on 9/9/15 on the Lode Hotel. Staff sent a registered letter, the Property Owner scheduled an interior inspection for 11/10/15. Staff will follow-up with Property Owner regarding findings at which time the City will then make a decision regarding a type of receivership or work with the Property Owner to complete the repairs to the building. Dave H.		CE/Plan	
STATUS:	21-Dec 12-Jan 9-Feb 4-Mar 12-Apr 9-May 14-Jun 13-Jul 10-Aug 5-Oct 15-Oct 8-Nov 12-Dec 11-Jan	Community Development is still in the process of exploring putting this property into receivership with the courts. Steve and Derek are working on that now. Building has been Red Tagged, PG&E meters have been pulled, still no response from property owner. Next step is a meeting with the Fire Marshal and Fire Chief along with the City Attorney regarding how to proceed. Owner to meet with Code Enforcement by 2/19 with a proposal to abate all issues stated in Notice. Building has been secured, new chains & locks, back door boarded up. Next step, a meeting with owner on issues at the front of the building. Owner is testing for lead paint on front of building tomorrow per requirement. Removed surface boards to address lead element, all other hazzards from front of building have also been removed. Painting unpainted boards as requested, ongoing. Code Enforcement is continuing to monitor ongoing progress. Code Enforcement is investigating roof line at this time. Code Enforcement keeping open at this time. Code Enforcement had a conversation with Mr. Ashlock on Oct 17th. Per Code Enforcement, the City must proceed with civil action to demolish the building. No report at this time per Code Enforcement Officer. Another Notice to Abate will be served upon advisement of attorney. Next step will probably be legal action. Will be discussed in Closed Session at 2nd meeting in February.			

ATTACHMENT 3

December Payments

Check Date	Vendor Name	Amount
12/8/2016	Ameripride Services, Inc.	\$147.91
12/8/2016	American Fidelity Assurance Co.	\$1,718.28
12/8/2016	Attn: Flex Account Administration	\$674.99
12/8/2016	Angels Camp Veterinary Hospital	\$34.18
12/8/2016	AT&T- CLETS	\$375.80
12/8/2016	Rodrick Baker	\$105.00
12/8/2016	John Benoit	\$4,153.43
12/8/2016	Black Water Consulting Engineers, Inc.	\$1,720.00
12/8/2016	Calaveras Lumber Co, Inc.	\$424.70
12/8/2016	Calaveras County - Administration	\$127.80
12/8/2016	Campora	\$181.83
12/8/2016	Centro Print Solutions	\$345.56
12/8/2016	Cingular Wireless	\$153.16
12/8/2016	City of Angels - UPA account	\$1,745.00
12/8/2016	City of Angels-LLD	\$134.61
12/8/2016	Eaton Interpreting Services, Inc.	\$1,740.50
12/8/2016	New Frontier Auto Supply	\$55.21
12/8/2016	Gateway Press	\$265.26
12/8/2016	General Plumbing Supply	\$212.95
12/8/2016	Hach Company	\$1,231.69
12/8/2016	Hunt & Sons, Inc.	\$594.27
12/8/2016	Christina Juarez	\$10.00
12/8/2016	Kollar Electric	\$80.15
12/8/2016	McMaster-Carr	\$137.69
12/8/2016	Fernando Miranda	\$5.00
12/8/2016	MotherLode Answering Service, Inc.	\$97.16
12/8/2016	Mountain Oasis Water	\$21.50
12/8/2016	Robert Swanson	\$89.00
12/8/2016	O'Reilly Automotive Stores, INC.	\$66.08
12/8/2016	Pace Supply Corp.	\$23.79
12/8/2016	Pitney Bowes Global Financial Services LLC	\$229.32
12/8/2016	Safe-T-Lite	\$107.50
12/8/2016	Sonora AircoGas & Gear	\$6.60
12/8/2016	Spence Ranch Feed-Supply	\$55.89
12/8/2016	Staples Credit Plan	\$682.13
12/8/2016	Sunrun	\$150.00

December Payments

Check Date	Vendor Name	Amount
12/8/2016	Swendeman Hardware	\$127.77
12/8/2016	Towne Communications, INC	\$154.80
12/8/2016	Anderson, Robin	\$20.83
12/8/2016	USABlueBook	\$789.18
12/8/2016	US Postmaster	\$800.00
12/8/2016	W.J. Fawell Co.	\$600.00
12/14/2016	Angels Camp Police Officer's Association	\$392.01
12/14/2016	Sate of California Board of Equalization	\$356.14
12/14/2016	California State Disbursement Unit	\$180.46
12/14/2016	City of Angels Employee Association	\$360.91
12/14/2016	Valic	\$1,624.80
12/14/2016	Ameripride Services, Inc.	\$437.13
12/14/2016	Beehee Enterprises	\$3,240.00
12/14/2016	Breathing Air Systems	\$433.02
12/14/2016	Calaveras Lumber Co, Inc.	\$157.23
12/14/2016	Calaveras County - Animal Services	\$30.00
12/14/2016	Calaveras County - Historical Society	\$100.00
12/14/2016	Calaveras Visitors Bureau	\$40,000.00
12/14/2016	Calaveras County - Administration	\$127.80
12/14/2016	Campora	\$282.16
12/14/2016	Ferguson Ent. Inc #686	\$235.06
12/14/2016	Camps Restaurant	\$998.46
12/14/2016	CDK Supply	\$108.04
12/14/2016	CVT Central Valley Toxicology	\$479.00
12/14/2016	Centro Print Solutions	\$169.74
12/14/2016	COMCAST Business	\$231.73
12/14/2016	Kristopher Jack	\$50.00
12/14/2016	Condor Earth Technologies, Inc.	\$612.11
12/14/2016	Corrpro Companies, Inc.	\$655.00
12/14/2016	Cota Cole LLP Attorneys	\$9,590.93
12/14/2016	Calaveras Power Agency	\$14,985.41
12/14/2016	CWEA	\$520.00
12/14/2016	De Lage Landen Public Finance	\$2,824.10
12/14/2016	Foothill Portable Toilets	\$320.00
12/14/2016	Goldrush/Motherlode Internet, LLC	\$89.85
12/14/2016	Helix Laboratories, Inc.	\$1,205.51

December Payments

Check Date	Vendor Name	Amount
12/14/2016	Jennifer Herndon	\$15.00
12/14/2016	Industrial Electrical Co.	\$4,207.38
12/14/2016	Laura L. Boire	\$90.00
12/14/2016	Motherlode Investors, LLC	\$7,725.00
12/14/2016	MCI	\$64.79
12/14/2016	McMaster-Carr	\$183.72
12/14/2016	Nash Service Inc.	\$90.00
12/14/2016	Robert Swanson	\$89.00
12/14/2016	Pacific Gas & Electric Co	\$398.02
12/14/2016	Ray A Morgan Inc	\$1,037.75
12/14/2016	Spence Ranch Feed-Supply	\$111.78
12/14/2016	SWRCB Accounting Office	\$17,017.00
12/14/2016	Top Dog K9 Training & Consulting	\$450.00
12/14/2016	Carol Venolia	\$169.84
12/21/2016	Ameripride Services, Inc.	\$139.81
12/21/2016	Angels Food Market	\$12.64
12/21/2016	AT&T - wireless	\$352.90
12/21/2016	AT&T - regular phones	\$4,696.60
12/21/2016	Black Water Consulting Engineers, Inc.	\$10,477.50
12/21/2016	Calaveras Lumber Co, Inc.	\$63.36
12/21/2016	Campora	\$284.62
12/21/2016	COMCAST Business	\$138.82
12/21/2016	Kristopher Jack	\$165.00
12/21/2016	Critical Reach	\$145.00
12/21/2016	ERS Industrial Services, Inc	\$44,284.67
12/21/2016	FEDEX	\$3.12
12/21/2016	Foothill-Sierra Pest Control, Inc	\$320.00
12/21/2016	General Plumbing Supply	\$204.22
12/21/2016	Hunt & Sons, Inc.	\$2,322.77
12/21/2016	Municipal Asset Management, Inc.	\$1,219.10
12/21/2016	Northstar Chemical	\$3,159.64
12/21/2016	O'Reilly Automotive Stores, INC.	\$44.83
12/21/2016	Ray A Morgan Inc	\$163.06
12/21/2016	Scott's Distributing	\$141.95
12/21/2016	Simonds Machinery Co.	\$476.50
12/21/2016	SWRCB Accounting Office	\$14,945.01

December Payments

Check Date	Vendor Name	Amount
12/21/2016	US Bank - Credit Card	\$1,001.52
12/28/2016	AT&T - U-verse	\$55.00
12/28/2016	Calaveras County Library	\$975.00
12/28/2016	Cal/OES 1122 Program	\$128.68
12/28/2016	Cartvertisin	\$350.00
12/28/2016	CB Merchant Services	\$15.00
12/28/2016	Centro Print Solutions	\$493.64
12/28/2016	U.S. Postal Service	\$300.00
12/28/2016	Kristopher Jack	\$50.00
12/28/2016	Horizon Water and Environment, LLC	\$1,062.50
12/28/2016	Hunt & Sons, Inc.	\$734.23
12/28/2016	Laura L. Boire	\$100.00
12/28/2016	Chas. F. Marangio Distrib	\$196.39
12/28/2016	Pacific Gas & Electric Co	\$2,774.35
12/28/2016	Sun Ridge Systems, Inc	\$2,588.00
12/28/2016	UNIVAR USA INC	\$1,076.83
12/28/2016	Angels Camp Police Officer's Association	\$392.01
12/28/2016	Sate of California Board of Equalization	\$370.94
12/28/2016	California State Disbursement Unit	\$180.46
12/28/2016	City of Angels Employee Association	\$360.91
12/28/2016	Valic	\$275.00

CONSENT AGENDA 'a'

-DRAFT-
CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, January 3, 2017

Council Members Present: Mayor Scott Behiel, Vice Mayor Folendorf, Council Members Linda Hermann, Veronica Metilde and Susan Rudolph

Staff Present: Michael McHatten, Dave Hanham, , Nathan Pry, Dave Myers, Todd Fordahl, Steve Flaigg and Mary Kelly

4:30 p.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

OATH OF OFFICE

Deputy City Clerk Susan Wenger administered the Oath of Office to newly seated City Council Members Linda Hermann, Veronica Metilde and Susan Rudolph. This was a ceremonial swear-in as the Council Members were given the oath of office at an earlier date at City Hall.

ACTION TAKEN IN CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9
Council Action: Direction given to City Attorney

- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION**
Significant exposure to litigation pursuant to subdivision (a) of Government Code Section 54956.9
Council Action: Direction given to City Attorney

- C. PURSUANT TO CALIFORNIA CODE SECTION 54957: PUBLIC EMPLOYMENT – CITY ADMINISTRATOR**
Council Action: City Administrator appointed, contract approval under open session.

APPROVAL OF AGENDA

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

STAFF UPDATES

Vice Mayor Folendorf presented a plaque of appreciate to outgoing City Administrator Michael McHatten

COUNCIL UPDATES

Scott Behiel

Attended UWPA and IRWMP – no action items were presented.

Amanda Folendorf

Attended League of California Cities holiday dinner.

PUBLIC COMMENT

There were no comments from the public in attendance

CONSENT AGENDA

MOTION by Council Member Metilde, seconded by Council Member Rudolph and carried 5-0 APPROVING THE CONSENT AGENDA AS PRESENTED:

- a. Adopt Resolution No. 17-01 Accepting the Canvass of the General Election
- b. Permission for Police Department to apply for grant

REGULAR AGENDA

-
1. **MAYOR APPOINTMENT**
MOTION by Vice Mayor Folendorf, seconded by Council Member Metilde and carried 5-0 APPOINTING SCOTT BEHIEL AS MAYOR FOR A ONE YEAR TERM

 2. **VICE MAYOR APPOINTMENT**
MOTION by Council Member Metilde, seconded by Council Member Hermann and carried 5-0 APPOINTING AMANDA FOLENDORF AS VICE MAYOR FOR A ONE YEAR TERM

 3. **APPROVAL OF CITY ADMINISTRATOR AGREEMENT**
MOTION by Vice Mayor Folendorf, seconded by Council Member Metilde and carried 5-0 APPROVING THE AT-WILL EMPLOYMENT AGREEMENT BETWEEN THE CITY OF ANGELS AND MARY KELLY FOR CITY ADMINISTRATOR SERVICES EFFECTIVE JANUARY 6, 2017

 4. **PUBLIC HEARING: ADOPT ORDINANCE NO. 479 APPROVING AN AMENDMENT TO THE BUILDING CODE**
Public Hearing Opened - 6:12 p.m.
Mayor Behiel asked if there were any members of the public wishing to comment on this item. There being none, the public hearing was closed.
Public Hearing Closed – 6:12 p.m.
MOTION by Council Member Hermann, seconded by Vice Mayor Folendorf and carried 5-0 ADOPTING ORDINANCE NO. 479 AMENDING BUILDING CODE SECTION 15-04 OF THE CITY OF ANGELS MUNICIPAL CODE.

 5. **ADOPT RESOLUTION NO. 17-02 AMENDING ANNUAL BUDGET FOR WEBSITE MANAGEMENT AND MAINTENANCE**
MOTION by Council Member Hermann, seconded by Council Member Rudolph and carried 5-0 ADOPTING RESOLUTION NO. 17-02. A RESOLUTION AMENDING THE ANNUAL BUDGET FOR THE 2016/2017 FISCAL YEAR FOR WEBSITE MANAGEMENT AND MAINTENANCE AND AUTHORIZE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH WORKINGARTS MARKETING TO PROVIDE THIS SERVICE

 6. **ADOPT RESOLUTION APPROVING A CONTRACT WITH DRAKE HALGAN & ASSOCIATES TO COMPLETE THE DESIGN & ENVIRONMENTAL COMPONENTS OF THE CITY’S CONGESTION MITIGATION AIR QUALITY PROJECTS**
MOTION by Vice Mayor Folendorf, seconded by Council member Rudolph and carried 5-0 ADOPTING RESOLUTION NO. 17-03. A RESOLUTION APPROVING THE CONTRACT WITH DRAKE HALGAN & ASSOCIATES TO COMPLETE THE DESIGN & ENVIRONMENTAL COMPONENTS OF THE CITY’S CONGESTION MITIGATION AIR QUALITY PROJECTS WHICH INCLUDE TWO SIDEWALK SEGMENTS AND THE FIRST PHASE OF THE ANGELS CREEK TRAIL, PARK AND RIDE LOT AND TRANSFER FACILITIES
-

CALENDAR

Calendar was reviewed by City Clerk Mary Kelly

ADJOURNMENT

MOTION BY VICE MAYOR FOENDORF, SECONDED BY COUNCIL MEMBER RUDOLPH AND CARRIED 5-0 ADJOURNING THE MEETING AT 6:40 P.M.

Scott Behiel
Mayor

ATTEST:

Susan Wenger
Deputy City Clerk

CONSENT AGENDA 'b'

For the meeting of: **January 17, 2017**

Title: **Approval of the WWTP Aerobic Digester Repair Budget Adjustment**

By: **David Myers, City Engineer**

Approved: DM

Recommendation:

Staff is recommending that City Council approve the Aerobic Digester Repair Budget Adjustment and adopt the resolution authorizing the adjustment.

Background:

The Aerobic Digesters Repair project was completed in 2016 and the aerobic digester is in use.

Discussion:

A portion of the work performed during the repair project was omitted from the last budget by error and in order to pay for the completed work, a budget adjustment is required. The cost for the electrical upgrade necessary to install the blowers was \$47,400. A portion of the cost was paid in the FY 2015-16 budget, but the remaining \$27,400 was not included in the FY 2016-17 budget. This was an oversight and the amount is sufficient to require a budget adjustment.

Fiscal Impact

The fiscal year 2016-2017 budget for the City of Angels will be amended by adding \$27,400 from the Wastewater Capital Improvement fund to fully fund the Aerated Digester Upgrade. The remaining projected reserve balance for the Wastewater fund after funding this request is \$1,357,523.

Attachments:

1. Resolution 17-04



**CITY OF ANGELS
CITY COUNCIL**

Resolution No. 17-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANGELS AMENDING
THE ANNUAL BUDGET FOR THE 2016/2017 FISCAL YEAR FOR COMPLETION OF
WASTEWATER AERATION DIGESTER PROJECT**

WHEREAS, the City Council adopted Resolution #16-35, which adopted the budget for Fiscal Year 2016-17 and authorized spending totaling \$11,579,579, which has been subsequently amended to the amount of \$11,634,274; and

WHEREAS, the City has completed the aerated digester project for the Wastewater system at a cost of \$27,400 higher than the carryover line item provided in the 2016-2017 approved budget.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Angels amends the budgetary spending to \$11,658,974 for Fiscal Year 16-17, an increase of \$20,400 for the completion of the aerated digester project from the Wastewater Fund.

ON A MOTION BY Council Member _____, seconded by Council Member _____, the foregoing resolution was duly passed and adopted this 17th day of January, 2017 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Scott Behiel
Mayor

ATTEST:

Susan Wenger
Deputy City Clerk



HOME OF THE JUMPING FROG

AGENDA ITEM 1

ITEM CONTINUED TO FEBRUARY 7, 2017

AGENDA ITEM 2

**CITY OF ANGELS
CITY COUNCIL
ORDINANCE NO. 478**

**AN ORDINANCE ADDING CHAPTER 8.26 OF THE CITY OF ANGELS
MUNICIPAL CODE REGULATING SMOKING WITHIN THE CITY OF ANGELS**

THE CITY COUNCIL OF THE CITY OF ANGELS DOES ORDAIN AS FOLLOWS:

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health challenge, and

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard, as evidenced by the following:

The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke and separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposure of nonsmokers to secondhand smoke; and

1. The California Air Resources Board placed secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure; and
2. The California Environmental Protection Agency included secondhand smoke on the Proposition 65 list of chemicals known to the state of California to cause cancer, birth defects, and other reproductive harm; and

WHEREAS, the City of Angels Camp and Calaveras County have not only received an "F" on the American Lung Association's Annual State of Tobacco Control Report, they rank in last place (tied only with Modoc county) out of 58 California Counties who have zero points by having absolutely no measureable smoking prevention provisions in place; and

WHEREAS, the rate of teen and youth smoking within the City of Angels Camp and Calaveras County is significantly higher than the State average. According to the 2014 Calaveras County Community Health Needs Assessment, 21% of 11th graders in the county report cigarette use compared to 13% in California. Adult use is estimated to be 20.2% compared to the California average of 13.6%; and

WHEREAS, smoking or smoking materials caused approximately 90,000 fires in the United States in 2011 and 540 civilian deaths, and

1. According to the California Department of Forestry and Fire Protection 2013 Wildfire Activity Statistics, 101 wildland fires across the state were caused by smoking, up from 72 smoking-caused fires in 2012. The true figure is likely much higher because 1094 fire causes were "undetermined" and smoking material evidence is easily destroyed by the fires it causes.

2. The Tuolumne-Calaveras Region of Cal Fire reported 16 smoking-caused fires in the five-year period from 2009 to 2013. Forest fires are the largest single disaster threat in rural areas and rapidly increasing hazard insurance premiums affect everyone.

WHEREAS, the City of Angels Camp has branded itself "The Base Camp for Mountain Sports in the Sierra" and continues to invest significant funds and efforts into promoting this brand, yet smoking is the antithesis of health and wellness. Furthermore, the 2015 Buxton Tourism and Business Expansion Study commissioned by the City has identified the areas from which Angels Camp's best visitor spending prospects originate. Most of these areas have already adopted Comprehensive Smoke Free Ordinances, therefore demonstrating that Smoke Free air is a priority for the very people that the City is working so hard to draw to the community; and

WHEREAS, exposure to secondhand smoke causes death and disease, as evidenced by the following:

1. Secondhand smoke is responsible for an estimated 50,000 deaths among nonsmokers each year in the United States; and

2. Exposure to secondhand smoke increases the risk of coronary heart disease and stroke by about 20% to 30%, causes lower respiratory tract infections such as pneumonia and bronchitis in as many as 300,000 children in the United States under the age of 18 months each year, and exacerbates childhood asthma; and

WHEREAS, tobacco use and exposure to secondhand smoke impose great social and economic costs, including increased healthcare expenditures, medical costs, and lost productivity; and

WHEREAS, exposure to secondhand smoke anywhere has negative health impacts, increases air pollution levels, and does occur at significant levels outdoors, and

WHEREAS, cigarette butts are a major and persistent source of litter; pose a health threat to young children; frequently end up in storm drains that flow into streams, rivers, creeks, and ultimately the ocean; adversely impact the health of both pets and wildlife, and can take up to several years to degrade; and

WHEREAS, electronic smoking devices often mimic conventional tobacco products in shape, size, and color, with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products; and are marketed in such a way to appeal to young children with candy-like flavors and packaging; and

WHEREAS, recent alarming studies have indicated that use of electronic smoking devices among children has increased three-fold in the last year, reversing decades of declining tobacco use among children and teens; and

WHEREAS, existing studies on electronic smoking devices' vapor emissions and cartridge contents have found a number of dangerous substances, and conclude that exposure to vapor from electronic smoking devices may cause passive or secondhand vaping; and

WHEREAS, society is becoming less tolerant and less accepting of smoking, particularly in Angels Camp, where a majority of participants in surveys and community meetings indicated a need to regulate smoking within the City limits; and

WHEREAS, though widely perceived as a comprehensive smoke-free air law, the state smoke-free workplace law (California Labor Code section 6404.5) still has several exemptions and loopholes that permit smoking in a wide variety of workplaces, disproportionately impacts low-income and minority populations, and does not expressly prohibit the use of electronic smoking devices in enclosed workplaces; and

WHEREAS, California cities and counties have the legal authority to adopt local laws that make indoor places of employment nonsmoking; and

WHEREAS, laws restricting smoking and the use of tobacco products have recognizable benefits to public health and medical costs, and

WHEREAS, state law prohibits smoking within 20 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions; and

WHEREAS, there is no Constitutional right to smoke; and

WHEREAS, this proposed Ordinance will preserve and enhance the environment within the City of Angels Camp and is exempt from the requirements of the California Environmental Quality Act ("CEQA"), as amended, pursuant to Section 15061(b)(3) or Section 15308 of the CEQA Guidelines; and

WHEREAS, the Angels Camp 2020 General Plan contains an Air Quality Element pursuant to CEQA and Appendix G of the CEQA Guidelines, and adoption of this Ordinance will demonstrate the City's commitment to implement programs to improve Air Quality within the City.

NOW THEREFORE, the City Council of the City of Angels Camp does hereby ordain as follows:

Section I: Chapter 8.26 of the Angels Camp Municipal Code is added as follows:

Section 8.26.010 Purpose.

To protect the public health, safety and general welfare by providing a smoke-free and vapor-free environment in public where nonsmokers may be exposed to secondhand smoke and vapor; and to guarantee the right of nonsmokers to breathe smoke-free and vapor-free air, and to recognize that

the need to breathe smoke-free and vapor-free air has priority over the desire to smoke or use vapor products.

Section 8.26.020 Definitions.

Unless the context otherwise requires, the definitions and general provisions set forth in this section shall govern the construction of this chapter:

A. "Business" means any sole proprietorship, partnership, non-profit corporation, for-profit corporation, landlord or other entity, including retail, professional, charitable and educational entities and establishments, where goods or services are sold or provided, whether the entity has employees or not.

B. "Chief of Police" means the City of Angels police chief or his or her designee.

C. "City Administrator" means the city administrator of the City of Angels or his or her designee. In the event the office of the city administrator shall be vacant, it shall mean the City of Angels police chief.

D. "Common Area" means any area of a Multi-Unit Residence that residents of more than one unit of the Multi-Unit Residence are entitled to enter or use; including but not limited to, halls, paths, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages, parking lots, restrooms, laundry rooms, cooking areas and eating areas.

E. "Multi-Unit Residence" means any property containing two (2) or more residential units, including but not limited to apartment buildings, condominium complexes, senior and assisted living facilities and long term health care facilities. Multi-Unit Residences do not include a hotel or motel that meets the requirements of California Civil Code Section 1940(b)(2) or a mobile home park. A single family residence with a detached or attached in-law or second unit *is* considered a Multi-Unit Residence for purposes of this ordinance if the second unit is rented or leased separately from the main dwelling.

F. "Outdoor Sports and Recreation Areas" means any area open to the general public for recreational purposes, regardless of any fee or age requirement; including, but not limited to athletic fields, sports complexes, parks, pools, courts, trails, path, tracks, ski runs, skateboard parks or other areas intended for athletic activity or exercise and includes areas intended for use by athletes and spectators. The playing areas of privately owned golf courses, including tees, fairways, greens, roughs, fairways, sand traps, and cart paths, are not included in this definition. However, clubhouses, buildings, and structures associated with the golf courses shall be considered "public places" as defined below.

G. "Public Place" means any area, publicly or privately owned, in which the public is invited or in which the public is permitted, including, but not limited to: businesses, places of employment, banks, educational facilities, health facilities, public transportation facilities, reception areas, restaurants, outdoor dining areas, retail food production and marketing establishments, retail stores, theaters and waiting rooms. Public places shall also include elevators, stairways, hallways and restrooms appurtenant to the areas commonly used by the general public and entryways, courtyards,

sidewalks or paths leading to exits and entrances of areas commonly used by the general public. Retail or wholesale tobacco shops and private smoker's lounges, as defined in California Labor Code Section 6404.5(e), are not included in this definition.

H. "Service Area" means any publicly or privately owned area, including streets and sidewalks, that is designed for, or regularly used by one or more persons to receive a service, wait to receive a service, or make a transaction, whether or not such service or transaction includes the exchange of money. The term "Service Area" includes, but is not limited to, areas adjacent to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, mobile vendor lines, or taxi stands.

I. "Smoking" means engaging in an act that generates smoke, including but not limited to: possessing a lighted pipe, a lighted hookah pipe, a lighted cigar, an operated Electronic Smoking Device or a lighted cigarette of any kind, 'vaping' or vaporizing; or lighting or igniting a pipe, a hookah pipe, a cigar or a cigarette of any kind and any other type of unit devised for the purpose of burning any substance for human inhalation.

J. "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition or vaporization, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of the byproducts. The term "Smoke" includes, but is not limited to, tobacco smoke, Electronic Smoking Device vapors, marijuana smoke, crack cocaine smoke and smoke generated by any other weed, plant or other type of organic or inorganic substance.

Section 8.26.030 Smoking Prohibitions.

Smoking is prohibited in all of the following places and areas within the City:

- A. Public Places and within twenty (20) feet of all Public Places.
- B. City Buildings and Facilities and within twenty (20) feet of all City buildings and facilities.
- C. Entrances, Exits and Operable Windows of all Public Places and within twenty (20) feet of any entrance, exit or operable window of any Public Place.
- D. Outdoor Sports and Recreation Areas and within twenty (20) feet of such areas.
- E. Sidewalks or Paths owned by the City of Angels Camp or designated for use by the General Public and within twenty (20) feet of Sidewalks or Paths.
- F. Common Areas of Multi-Unit Residences and within twenty (20) feet of such areas.

Discarding of smoking materials or waste, including, but not limited to, cigarette butts, whole or partially smoked cigarettes, cigarette packages, e-cigarette cartridges, cigars, mouthpieces, and any other device, remnant, portion or part of any smoking apparatus or device upon or within the ground, street, sidewalk, planter box, landscaping or in any trash receptacle that is not specifically designed for disposal of burning materials shall be considered a violation of this section. Smoking materials are to be transported in a fireproof container to an appropriate waste

facility by the person who consumed them. Every piece of litter shall be considered a separate violation under this title.

Section 8.26.040 Places Where Smoking is Not Prohibited.

A. Private residential property developed and occupied with single-family detached housing, with the consent of the owner, unless such residential property is used as a child care or a health facility, provided the smoking does not occur within 20 feet of another property or single-family residence. Nothing in this ordinance shall require an owner or occupant of private residential property to allow smoking on their property.

B. In up to 20 percent of guest rooms in any hotel or motel, if the hotel or motel permanently designates at least 80 percent of its guest rooms as nonsmoking rooms, appropriately signs nonsmoking rooms and permanently removes ashtrays and matches from them. Smoking rooms shall be segregated from nonsmoking rooms and not interspersed. Nothing in this ordinance shall require a hotel or motel to provide smoking rooms; and the owner or operator of a hotel or motel may choose to prohibit smoking throughout the property, or choose to designate more than 80 percent of guest rooms as nonsmoking.

C. Inside a private vehicle, unless there are children under the age of 18 in the vehicle.

D. Unenclosed areas on vacant, privately owned property, with the express consent of the owner, provided that all smoking activity takes place at least twenty (20) feet away from all areas described in 8.26.030 and provided that the area is free of fire hazards, such as dry grass, leaves or other combustible materials.

E. Any unenclosed area located more than thirty (30) feet away from all areas described in Section 8.26.030 in which no non-smoker is present and due to the time of day or other factors, it is not reasonable to expect another person to arrive; and provided that the area is free of fire hazards, such as dry grass, leaves or other combustible materials. If another person arrives, smoking activity should immediately cease and the person engaged in the smoking activity must remove all smoking material, butts and other refuse for disposal in a safe, sanitary manner.

F. Nothing in this section shall be construed to permit smoking in any area in which smoking is otherwise prohibited by this title, or prohibited by State law or Federal law. In the event of a conflict between this ordinance and any other law or code, the more smoking-prohibitive rule of the two shall apply.

G. Nothing in this section shall prohibit a property owner or person with legal control and authority over a property from establishing non-smoking policies that are more prohibitive than those outlined in this chapter.

Section 8.26.050 Owner, Operator, Manager or Landlord in Control of Premises.

A. No Owner, Operator, Manager or Landlord of any Business as defined in this chapter shall knowingly or intentionally permit the smoking of tobacco products in an area which is under the Business entity's control and in which smoking is prohibited.

B. No Owner, Operator, Manager or Landlord of any Business shall knowingly or

intentionally permit the presence or placement of ash receptacles, such as, without limitation, ash trays or ash cans, within an area which is under the Business entity's control and in which smoking is prohibited, including, without limitation, within 20 feet of any such area.

C Notwithstanding any other provision of this chapter, any Owner, Operator, Manager or Landlord of any Business, or other person who controls any area may declare that any part of such area in which smoking would otherwise be permitted is a nonsmoking area.

Section 8.26.060 Posting of Signs.

A "No Smoking" signs, with letters of not less than one inch in height, or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted at in or outside of every building or other place where smoking is controlled by this chapter, by the owner, operator, manager, landlord or other person having control of such building or other place. When a sign is posted on the exterior of a building to indicate no smoking, it shall include the distance limitations contained in this chapter.

B Every theater owner, manager or operator shall conspicuously post signs in the lobby stating that smoking is prohibited within the theater or auditorium, and in the case of motion picture theaters, such information shall be shown upon the screen for at least five seconds prior to the showing of each feature motion picture.

C "No Smoking" signs shall be posted on City Property and public right-of-ways at the discretion of the city administrator.

D In no case shall the absence of a sign or signs be a defense against compliance with this Chapter.

Section 8.26.070 Violations, penalties and enforcement.

A It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to the regulation under this chapter to fail to comply with its provisions

B. It is unlawful for any person to smoke in any area restricted by the provisions of this chapter.

C Any person who violates any provision of this chapter shall be guilty of an infraction, punishable by:

1. A fine not exceeding \$100, for first violation;
2. A fine not exceeding \$200, for a second violation of this chapter within one year;
3. A fine not exceeding \$500, for each additional violation of this chapter within one year; and
4. Any peace officer, public health official and/or code enforcement officer shall have the authority to enforce the provisions of this chapter. Punishment under this chapter shall not preclude punishment pursuant to any provision of law proscribing the act of littering.

D Misdemeanors. Any person who violates any provision of this article in excess of three (3) times within one (1) year shall be deemed guilty of a misdemeanor.

E Each day that a violation of this article continues shall constitute a separate violation of this article.

F In addition to other remedies provided by this article or by other law, any violation of this article may be remedied by a civil action brought by the City, including, for example, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief. In any such action, the City may seek reimbursement for the costs of any investigation, inspection or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing administrative action under this article. The foregoing remedy shall be deemed nonexclusive, cumulative and in addition to any other remedy the City may have at law or in equity, including but not limited to injunctive relief to prevent violations of this article.

G Any owner, manager, operator or employer of any establishment controlled by this chapter shall have the right to inform persons violating this chapter of the appropriate provisions thereof.

Section 8.26.080 Statutory Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unenforceable.

Section III:

The City Council determines that this ordinance is not subject to the California Environmental Quality Act ("CEQA") because the adoption of this ordinance is not a project, as defined by CEQA, but is instead an administrative action per California Code of Regulations, Title 14, section 15378(b)(2). Even if the ordinance is subject to CEQA, it is nonetheless exempt from that Act pursuant to California Code of Regulations, Title 14, Section 15060(c)(2) and (c)(3) as the activities regulated herein will not result in any direct or reasonably foreseeable indirect physical change in the environment. In addition, the ordinance is exempt under the "common sense" exemption to CEQA, California Code of Regulations, Title 14, Section 15061(b)(3), as it can be seen with certainty that the adoption of an ordinance regulating smoking within city limits will not have any significant impact on the environment.

EFFECTIVE DATE:

The foregoing Ordinance or a summary shall, before the expiration of fifteen (15) days of its passage, be published with the names of the Council Members voting for and against the same once in a newspaper of general circulation printed and published in the County of Calaveras, State of California, and said Ordinance shall take effect and be in force thirty (30) days after the passage thereof.

This Ordinance was introduced to the City Council at its regular meeting on September 20, 2016 and re-introduced on October 4, 2016 and passed and adopted at a regular meeting of the City Council of the City of Angels held on January 17, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Scott Behiel
Mayor

ATTEST:

Susan Wenger
Deputy City Clerk

STAFF REPORT

To: City Council
From: Derek Cole, City Attorney
Agenda: October 4, 2016
Re: Clarification of Concerns Regarding the Smoke-Free Ordinance

DISCUSSION

This report serves as a clarification of certain issues, raised at the last meeting, with the first iteration of the Smoke-Free Ordinance. The following is an explanation of the areas of concern:

Section 8.26.040: Places Where Smoking is Not Prohibited.

80/20 Rule for Hotels

Pursuant to California Labor Code Section 6404.5(e)(1), only “twenty percent of the guestroom accommodations in a hotel, motel, or similar transient lodging establishment” is exempt from the workplace ban on smoking in enclosed spaces. Therefore, the City is regulating no less or no more than what is currently required by law for smoking within a hotel.

30-Foot Rule

Pursuant to California Health and Safety Code Section 118910, a local governing body may completely ban the smoking of tobacco or may regulate smoking in any manner not inconsistent with state law. Therefore, cities and counties may pass secondhand smoke laws that have stricter restrictions than those imposed by the state laws. Some cities and counties have passed local laws banning smoking in areas not covered by state law, including parks, beaches, outdoor dining areas, bus stops, and areas within 20 feet of commercial building entryways. These local laws are enforced by various local agencies and impose various penalties.

As part of the Smoke-Free Ordinance, the City has imposed a ban on smoking within 30 feet from a non-smoking area. The City may enforce this ban, as described above. Notably, other cities have enforced much stricter regulations on smoking in public places.

{EMP/00046862.}



CITY OF ANGELS PO Box 667, 584 S.Main St., Angels Camp, CA 95222 P: (209) 736-2181 F: (209) 736-0709

FISCAL IMPACT UPDATE

Calaveras County Department of Health and Human Services Public Health Department has a tobacco prevention program with funds that can only be spent on tobacco prevention. They have committed to providing the City of Angels with signage and will implement a community education campaign. Therefore, the financial burden on the City is expected to be minimal, if any. Additionally, the City is likely to realize a savings long term in the maintenance budget, as there should be a significant reduction to cigarette litter in the downtown and city-owned parks.

{EMP/00046862.}



CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, October 4, 2016

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

2. **RE-INTRODUCE ORDINANCE NO. 478. AN ORDINANCE ADDING CHAPTER 8.26 OF THE CITY OF ANGELS MUNICIPAL CODE REGULATING SMOKING WITHIN THE CITY OF ANGELS**

The City Attorney outlined the changes made to the ordinance at the request of Council. The Mayor asked for comments from the public.

Jennifer Jilg, Kay Helling, Amanda Darby Davis, Siri (last name unknown), Michael Darby and another Angels Camp citizen voiced their concerns and opposed the smoking ordinance.

Public comment was closed.

Council Member Morris said she is against the ordinance and will be voting no to the ban. Mayor Kulm and Council Member Sobon both favor the ordinance. Vice Mayor Folendorf and Council Member Behiel said they would like to wait until they hear comments at the public hearing. Mr. Behiel suggested the meeting location be changed to the Bret Harte High School Theater. The City Administrator said staff will check with the school for availability and if it is not available for the next meeting, they will reserve the next available date.

MOTION by Council Member Sobon, seconded by Mayor Kulm and carried 4-1 with Council Member Morris voting {NO} ADDING CHAPTER 8.26 TO THE CITY OF ANGELS MUNICIPAL CODE REGULATING SMOKING WITHIN THE CITY OF ANGELS WAIVE READING AND SET A PUBLIC HEARING FOR OCTOBER 18, 2016.

CITY OF ANGELS
CITY COUNCIL
MINUTES

Tuesday, October 18, 2016

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

Absent: Bert Sobon

1. PUBLIC HEARING: ADOPT ORDINANCE NO. 478. AN ORDINANCE ADDING CHAPTER 8.26 OF THE CITY OF ANGELS MUNICIPAL CODE REGULATING SMOKING WITHIN THE CITY OF ANGELS

Mayor Kulm suggested continuing this item to the first Council meeting in November since this was controversial and there were only four members of the Council present. He asked the public for their opinion in postponing the meeting to a later date.

Michael Darby, James Parrish, Kristi Reeseman, Linda Cross, Shirley Powell, Dr. Dean Kelaita, Amanda Darby-Davis, Celeste Leshar, Mike Blankenberg (?), Kimberly McCarthy, Jason Conrado, Veronica Matildi, Debbie Ponte, Joanne Manesajian, and John Phipps all spoke in favor of continuing the item to a later date. There were suggestions of publicizing as much as possible before the meeting and several requests that the meeting be postponed until after the first of the year.

MOTION by Vice Mayor Folendorf, seconded by Council Member Behiel and carried 4-0 APPROVING THE CONTINUATION OF THE PUBLIC HEARING FOR APPROVAL OF ORDINANCE NO. 478. AN ORDINANCE ADDING CHAPTER 8.26 TO THE CITY OF ANGELS MUNICIPAL CODE REGULATING SMOKING WITHIN THE CITY OF ANGELS.

The City Administrator pointed out that the date of the meeting is subject to availability of a venue. The firehouse cannot hold the amount of attendees. Staff has been informed by the High School that the theater is not available the entire month of December and may only be available the first meeting in November. There is no other location that can accommodate a large crowd.

MOTION by Council Member Behiel, seconded by Council Member Kulm and carried 4-0 APPROVING THE CONTINUATION OF THE MEETING TO JANUARY 17, 2017 AT BRET HARTE HIGH SCHOOL THEATER.

The City Attorney explained that since the meeting was agenzized the public are allowed to speak on the subject. John Broeder, Finnigan Lane said he has comments but will wait until the meeting in January to voice them. He suggested others do the same.

The following persons spoke against the ban:
Steve Mills, Mike Darby, Amanda Darby-Davis, Mike (last name unknown), Kay Helling, Celeste Leshar, Jennifer Jilg, Randy Davis.

The following persons spoke in favor of the ban:
Michael Magana, David Kirkendall, Linda Wynn, Katherine Justice, and Kristee Reeseman.

Public Comment was closed.

The City Attorney advised that no further action on this item was needed.

A.S.A.P

ALLIANCE FOR SUBSTANCE ABUSE PREVENTION

Supporting a safe and healthy future for
youth, families, and individuals
CALAVERAS COUNTY

Memo

To: Angels Camp City Council
From: Alliance for Substance Abuse Prevention
RE: October 18, 2016 City Council Meeting – Agenda Item #1

This memo is submitted to address concerns raised by the Council regarding potential fiscal and operational impacts to the City as a result of adopting Ordinance #478 Regulating Smoking within the City of Angels Camp.

The Alliance for Substance Abuse Prevention (ASAP) is a standing committee of Calaveras County Public Health Services Tobacco Prevention Program (TPP), Behavioral Health Substance Abuse Prevention Program, and Tobacco Use Prevention Education Program.

Signage:

TPP's Scope of Work includes initial purchase and distribution of 10-15 no-smoking signs that support smoke-free public areas in the City of Angels Camp in accordance with California Department of Public Health (CDPH) and CTCP guidelines. Additional signage may be ordered upon quantification for the State Program. TPP is also able to research and review existing no-smoking signage from CTCP-funded projects, statewide grantees, or other Local Lead Agencies (LLA's) working on a similar objective.

TPP can work as directed by the City Council with either City representatives or Destination Angels Camp to design a sign compatible with the existing Branding Plan. Graphic design services will be provided by TPP to modify sign design as needed.

TPP will also make the signs available on the City's website for free download by business or consumers. Businesses of any size are already required to post No Smoking Signs pursuant to California law. Provision of free signs will actually save local businesses money and have no fiscal impact on the City of Angels Camp.

No Smoking Signs are exempt from Cal-Trans Sign Permit requirements (BP Section 5221)

Public Education:

TPP will undertake a community education program to inform Angels Camp businesses, residents and visitors of the benefits of the new regulation. This education program will be at no cost to the City of Angels Camp.

Burden to Law Enforcement:

The ordinance does not require the City of Angels Camp or Angels Camp Police Department to actively patrol for violations. More than 200 cities and counties in California have adopted various Smoke-Free Outdoor Air ordinances; therefore, significant data exists about the enforcement burden. Data indicates that 90% of smokers are law abiding citizens and comply with signage or verbal notification. Analysis of

Manhattan Beach's data after one year, when adjusted for population size, indicates that 1-2 citations may be expected within the first year.

Visitor/Foreign Traveler Impact:

Wyndham/Worldmark Timeshares, Travelodge Angels Camp, Best Western, and the Jumping Frog Hotel are all already 100% Smoke Free. The Gold Country Inn has only two rooms in which smoking is allowed, and the remaining 38 rooms are Smoke Free. It is likely that visitors booking smoke free accommodations will prefer smoke-free outdoor areas. There will be no adverse impact on TOT as a result of this ordinance.

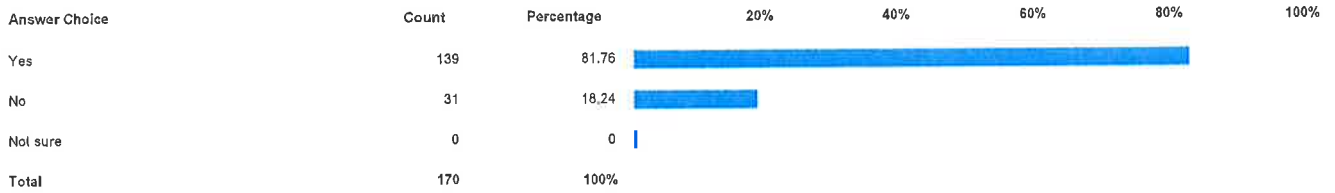
Public Works Impact:

Significant reduction in smoking material litter is anticipated throughout parks and the downtown. This is expected to reduce maintenance expenses.

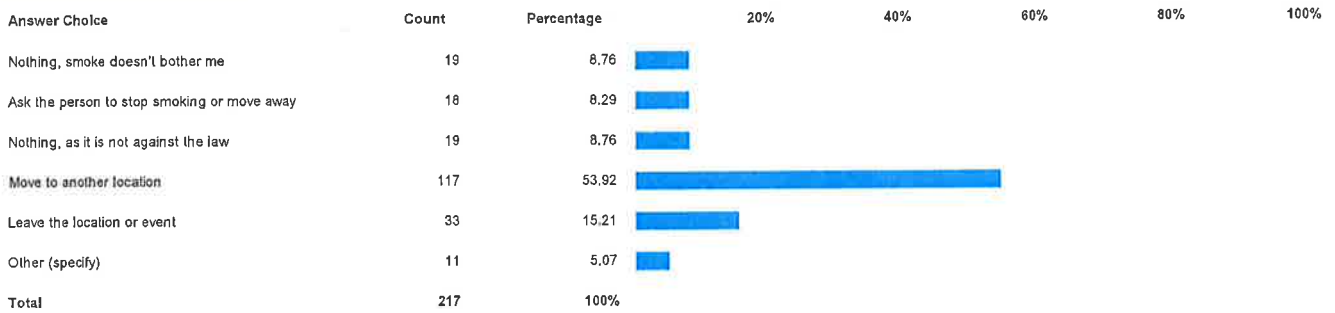
We hope this sufficiently addresses all council members' concerns regarding fiscal and operational impacts of Ordinance #478 Regulating Smoking within the City of Angels Camp.



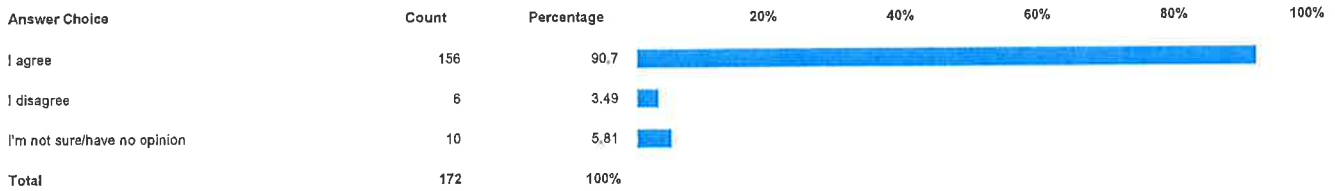
1. Have you ever been bothered by secondhand smoke while eating in a restaurant outdoor dining area or in an outdoor public place such as waiting in line to enter a theatre?



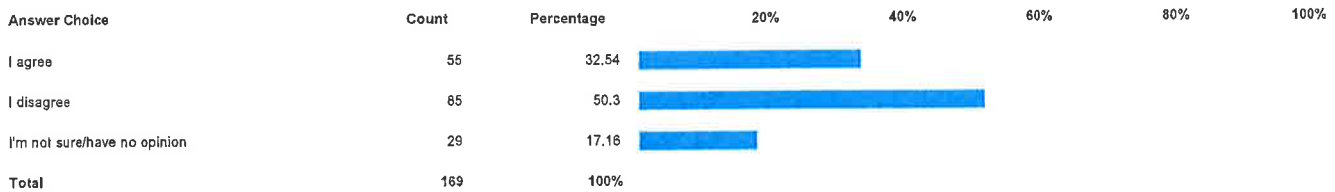
2. What do you usually do when people are smoking in an outdoor public place or outdoor dining area? (Mark all that apply)



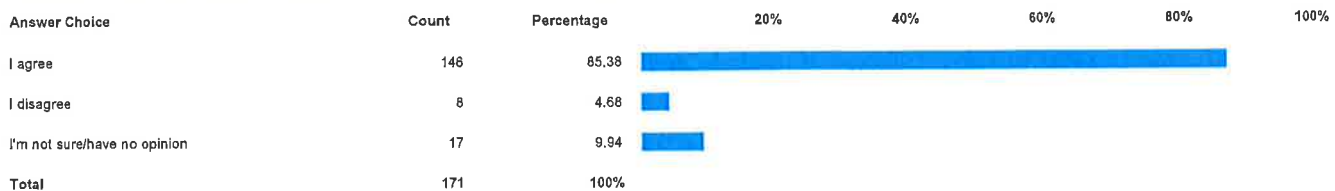
3. It is harmful to sit near someone who is smoking, even if you are outdoors.



4. People should be able to smoke outdoors in public places.



5. I prefer to visit restaurants that have smoke-free outdoor dining areas.



6. A city would attract more people to outdoor events and shopping locations if there was a smoke free policy in outdoor public areas.



I agree	101	59.41	
I disagree	28	16.47	
I'm not sure/have no opinion	41	24.12	
Total	170	100%	

7. I would be in favor of a smoke-free policy in outdoor public areas in Angels Camp.

Answer Choice	Count	Percentage	20%	40%	60%	80%	100%
I agree	129	75.44					
I disagree	28	16.37					
I'm not sure/have no opinion	14	8.19					
Total	171	100%					

8. What is your age range?

Answer Choice	Count	Percentage	20%	40%	60%	80%	100%
18-24	13	7.56					
25-34	21	12.21					
35-44	25	14.53					
45-64	79	45.93					
65+	34	19.77					
Total	172	100%					

9. What is your race/ethnicity? (choose only 1)

Answer Choice	Count	Percentage	20%	40%	60%	80%	100%
White/Caucasian	154	90.59					
Asian/Pacific Islander	1	0.59					
Hispanic/Latino	5	2.94					
Black/African American	0	0					
Native American/Indian	0	0					
Mixed or Multi-Ethnic	2	1.18					
Decline to state	7	4.12					
Other	1	0.59					
Total	170	100%					

10. What is your gender?

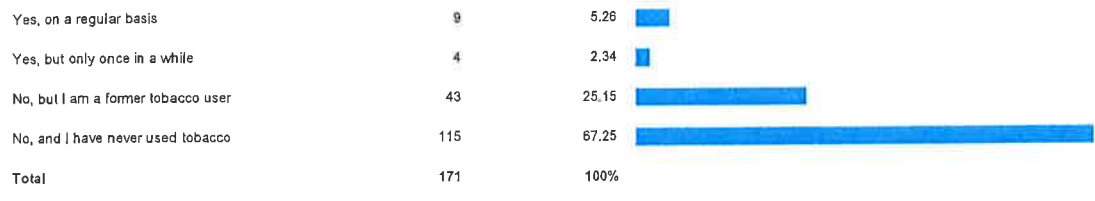
Answer Choice	Count	Percentage	20%	40%	60%	80%	100%
Female	128	74.85					
Male	41	23.98					
Other	0	0					
Decline to answer	2	1.17					
Total	171	100%					

11. Where do you live?

Answer Choice	Count	Percentage	20%	40%	60%	80%	100%
Angels Camp	72	41.86					
I am not a Calaveras County resident	17	9.88					
Other Calaveras County area:	83	48.26					
Total	172	100%					

12. Do you currently use tobacco?

Answer Choice	Count	Percentage	20%	40%	60%	80%	100%
---------------	-------	------------	-----	-----	-----	-----	------



AGENDA ITEM 3

**-DRAFT-
CITY of ANGELS
2017 COUNCIL APPOINTMENTS**

CITY COMMITTEES:

Museum Commission – 3rd Thursday @ 8:30 am @ Museum

Representative: Behiel
Alternate: Metilde

INTER-AGENCY COMMITTEES:

Calaveras Public Power Agency (CPPA) – Quarterly @ CPUD Office, San Andreas

Representative: Metilde
Alternate: Hermann

Central Sierra Planning Council and Central Sierra Economic Development District – Quarterly @ TBD

Representative: Rudolph
Alternate: Folendorf

Council of Governments (CCOG) – 1st Wednesday @ 5:00pm @ Board of Supervisors Chambers

Representatives: Folendorf & Hermann
Alternates: Rudolph

Destination Angels Camp (Exec. Committee) – 4th Thursday @ 10:30 am @ ACBA/DAC Office

Representative: Metilde
Alternate: Rudolph

(League of California Cities) Central Valley Executive Committee – Quarterly @ League Offices/Sacramento

Representative: Folendorf
Alternate: Behiel

Local Agency Formation Commission (LAFCO) – 3rd Monday @ 6 pm @ Board of Supervisors Chambers

Representatives: Folendorf & Hermann
Alternate: Rudolph

Solid Waste Management – TBD

Representative: Rudolph
Alternate: Behiel

Utica Water Power Authority (UWPA) – 4th Tuesday @ 5:30 pm @ UWPA Office

Representatives: Behiel & Folendorf
Alternate: Metilde

Calaveras Visitor's Bureau – 2nd Tuesday @ 8:30 am

Representative: Kelly
Alternates: Rudolph

Environmental Health Dept. – Date/Time/Location TBD

Representative: Behiel
Alternate: Hermann

Integrated Regional Water Management Authority (IRWMA) – Quarterly 3rd Wed. @ 1:00 @ TUD Offices

Representative: Metilde
Alternate: Hermann