REGULAR MEETING, ORLAND CITY COUNCIL, Tuesday January 3, 2012 7:30 p.m.

Meeting called to order by Mayor Elliott. Meeting opened with the Pledge of Allegiance.

ROLL CALL

Councilmembers present:	Jim Paschall, Dennis Hoffman, Bruce Roundy, Vice Mayor Charles Gee and Mayor Wade Elliott.
Councilmembers absent:	None
Staff present:	JC Tolle, Interim Chief of Police; Greg Einhorn, City Attorney; Angie Crook, Assistant City Manager/City Clerk; Gail Wingard, Interim City Manager.

ORAL AND WRITTEN COMMUNICATIONS

Citizen Business:

Byron Denton, 127 Tanner Way, requested clarification on whether the Speaker Request Form is a violation of the Brown Act. Mr. Denton advised the County Schools have a place on their agenda where anyone can speak on an agendized item without having their name called.

Lester Messina, Glenn County Department of Agricultural, advised Council of the upcoming public outreach meetings of the Northern Sacramento Valley Regional Water Management Board that will develop a valley-wide Integrated Regional Water Management Plan. The public is encouraged to attend and gather information. A survey is also available on-line.

Helen Duree, 238 Stonycreek Drive, advised she is the new president of the Orland Area Chamber of Commerce and is looking forward to serving in that capacity this year.

Trish Saint-Evens, 6825 County Road 15, advised she is the new secretary for the Orland Area Chamber of Commerce. Ms. Saint-Evens questioned why the new RHNA numbers are not being reflected in the General Plan Update.

Jane King, 330 Meadowood, stressed concerns of the original General Plan Update being brought forward with no changes.

Bob Bishop, 224 Mellane Circle, advised accordingly to the new General Plan Update the potential El Paseo Estates subdivisions as planned do not require discretionary reviews or Conditional Use Permits and asked what the consequences of these actions, as well as changes in HE-2A. Mr. Bishop asked the City Attorney if the City has any legal obligations concerning these two issues.

Sally Megordon, 301 Stonycreek Drive, advised the General Plan Update is seriously flawed and Council should consider what they want for Orland's future.

City Council Appointment:

Mayor Elliott advised Councilmember Paschall requested he no longer prefers to serve on the Local Transportation Commission. Mayor Elliott advised he would be willing to serve on that commission.

Councilmember Paschall moved, seconded by Councilmember Hoffman to appoint Mayor Elliott to the Local Transportation Commission. Motion carried with no abstentions.

Commission Reappointments/Appointments:

1. Economic Development Commission – 3 vacancies with new terms expiring Dec. 31, 2013. Applications received: Helen Duree, Angus Saint- Evens, Steven Monck and Karli Olsen

Mayor Elliott moved, seconded by Councilmember Pachall to appoint Helen Duree, Angus Saint-Evens and Steven Monck to the Economic Development Commission with terms expiring December 31, 2013. Motion carried with no abstentions.

2. Library Commission – 3 vacancies with new terms expiring Dec. 31, 2013. Applications received: Sherry Romano & Karli Olsen.

Mayor Elliott moved, seconded by Council Paschall to appoint Sherry Romano and Karli Olsen to the Library Commission with terms expiring December 31, 2013. Motion carried with no abstentions. One vacancy still remains on the Library Commission.

3. Parks & Recreation Commission – 2 vacancies with new terms expiring Dec. 31, 2013 and 1 vacancy to fill unexpired term of Dec. 31, 2012. Applications received: Casey Johnson, Shannan Ovard, Tim Boehm and Roger Hansen. .

Mayor Elliott moved, seconded by Councilmember Paschall to appoint Casey Johnson and Roger Hansen with terms expiring December 31, 2013 and appoint Shannan Ovard to fill an unexpired term through December 31, 2012. Motion carried with no abstentions.

4. Public Safety Commission – 2 vacancies with new terms expiring Dec. 31, 2013. Applications received: Gary Campbell & Debbie DeMarco.

Mayor Elliott moved, seconded by Councilmember Hoffman to appoint Gary Campbell and Debbie DeMarco to the Public Safety Commission with terms expiring December 31, 2013. Motion carried with no abstentions.

5. Public Works Commission – 2 vacancies with new terms expiring Dec. 31, 2013. Application received: William Tasto, Tim Boehm and Steven Monck.

Mayor Elliott moved, seconded by Councilmember Paschall to appoint Will Tasto and Tim Boehm to the Public Works Commission with terms expiring December 31, 2013. Motion carried with no abstentions.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Roundy recommended attending the January Art Gallery showing, which coincides with the Snow Goose Festival. Councilmember Roundy attended the Northern Sacramento Valley Integrated Regional Water meeting.

Mayor Elliott advised the Chamber of Commerce will be meeting tomorrow for their general membership meeting.

Councilmember Hoffman advised the Rent-a-Santa program netted approximately $500 which is donated to the Chamber of Commerce.

CONSENT CALENDAR

A. Waive reading except by title, of any ordinances under consideration at this meeting for either introduction or passage per Government Code §36934.
B. Approve Warrant List.
C. Receive and file Planning Commission minutes for October 20, 2011.

Councilmember Roundy moved, seconded by Vice Mayor Gee to approve the consent calendar as presented. Motion carried with no abstentions.

PUBLIC HEARING

None

ADMINISTRATIVE COMMUNICATIONS

Interim Chief of Police:

Mayor Elliott reported the Chief of Police has not yet received a full report on the Toys for Tots Drive.

City Attorney:

City Attorney Einhorn presented Council with the proposed edition to the Orland Police Officer's Association (OPOA) Memorandum of Understanding (MOU) regarding at-home K9 care compensation. The proposed language would provide, that to the extent practicable, at home-care is to be included in the K9 officer's shift, thereby avoiding overtime compensation. The OPOA agrees that 30 minutes per day is the complete and total amount of such at-home K9 care compensation. If the 30 minutes are outside of the employee's defined workday, the time will be compensated at the standard overtime rate. If the employee is responsible for at-home K9 care on a day that an employee has taken vacation or sick, the employee shall be compensated at a rate of 30 minutes each such day at their standard pay rate.

City Attorney Einhorn advised the OPOA MOU has had several amendments over the years and request an integrated document, incorporating all the amendments including the additional K9 at-home care language.

Councilmember Hoffman moved, seconded by Councilmember Paschall to approve the OPOA MOU provision for K9 at-home care compensation and approval of an integrated OPOA MOU. Motion carried with no abstentions.

City Attorney Einhorn brought forth for First Reading the proposed draft ordinance with a designated smoking area provision. Anna Hernandez, SWAT member, advised if the policy passes they look forward to getting the word out. Helen Duree stated it's admirable the students are interested in the governmental process and hopes they learn that making laws requires a very fine balance between protecting the public and respecting individual rights. Ms. Duree stated laws should only be enacted for a specific identified need; there is no need for a new law on this issue. Trish Saint-Evens, asked if there is protection for those visitors that patronize her business, but are not familiar with the ordinance. Mayor Elliott advised businesses can post signage which gives the public knowledge of the ordinance; although the business is not required to post a sign. The City can provide recommended signage. Councilmember Paschall believes it's an unenforceable law, bordering on infringement of personal rights. Councilmember Hoffman questioned how many business owners have put signs up on their own. Councilmember Hoffman also believes the ordinance is taking rights away from business owners. DeAnne Blankenship, California Health Collaborative, advised they offered signs for businesses to post, however, some business owners felt they should wait until the ordinance was in effect so it would not offend anyone. Councilmember Gee stated he is still opposed to the ordinance. Mayor Elliott advised he supports the measure as prepared, as it's a serious public health concern.

Councilmember Hoffman moved, seconded by Councilmember Paschall to approve First Reading of proposed ordinance entitled "An Ordinance of the City Council amending Title 8 of the Orland Municipal Code to regulate Smoking and Secondhand Smoke".

Roll Call Vote:
Ayes – Councilmembers Paschall, Hoffman, Roundy and Mayor Elliott
Noes – Vice Mayor Gee

Motion carried 4-1 with no abstentions.

Mayor Elliott called a brief recess at 9:46 p.m. Meeting resumed at 9:48 p.m.

Interim City Manager:

Interim City Manager Wingard brought forward for discussion and direction regarding medical marijuana dispensaries, collectives, or cooperatives. Council asked if there was a need for an ordinance. Council agreed there is a need to discourage opening dispensaries and stay in compliance with federal law. City Attorney Einhorn recommends an ordinance be in place addressing councils concerns. Council directed staff to draft an ordinance prohibiting medical marijuana dispensaries, collectives, or cooperatives, and address nuisance and public safety issues.

Meeting adjourned to Closed Session at 9:12 p.m.

CLOSED SESSION

Closed Session was held regarding Conference with Legal Counsel-Pending Litigation; Pursuant to Government Code Section: 54956.9(a); City of Orland v. Tollett; City of Orland v. Perry; City of Orland v. Western Insurance Company.

Meeting reconvened to Open Session at 9:45 p.m.

REPORT FROM CLOSED SESION

Direction was given to staff.

ADJOURN

Meeting adjourned at 9:46 p.m.

_____Clerk Mayor_____