REGULAR MEETING, ORLAND CITY COUNCIL, Tuesday January 17, 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, Bruce Roundy, Vice Mayor Charles Gee and Mayor Wade Elliott
Councilmembers absent:	Dennis Hoffman
Staff present:	JC Tolle, Interim Chief of Police; Daryl Brock, Finance Director; Jere Schmitke, Public Works Director; Scott Friend, Interim City Planner; Greg Einhorn, City Attorney; Angie Crook, Assistant City Manager/City Clerk; Gail Wingard, Interim City Manager.

ORAL AND WRITTEN COMMUNICATIONS

Citizen Business:

None

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Gee advised he attended the 4-H Leader awards dinner and the Golden State Risk Management Authority meeting this past week. He advised the GSRMA HR advice line is up and running and doing well. Scott Schimke will be doing presentation at the next Council meeting.

Mayor Elliott advised members of Council and staff attended the Economic Development Forecast Conference in Oroville last week. The conference was considered very helpful.

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 City Council minutes for December 19, 2011.
C. Approve Warrant List.
D. Receive and file Public Safety Commission minutes for September 12, 2011.
E. Receive and file Public Safety Commission minutes for November 14, 2011.

Councilmember Roundy moved, seconded by Councilmember Paschall to approve the Consent Calendar as presented. Motion carried with no abstentions and Councilmember Hoffman absent.

ADMINISTRATIVE COMMUNICATIONS

Public Works Director:

Public Works Director Schmitke gave an update of the Lely Park and Bonnie Lane wells. Public Works Director stated to upgrade the Lely Park wells he received one estimate for approximately $25,000 for pump and bowls, not including P.G. & E. costs.

Public Works Director Schmitke advised the Bonnie Lane well showed signs of damage and was pulled off-line. It was noted the City was able to reline the casing to save from drilling a new well. A new pump and motor with bowls will be installed so the well can be back on-line within 2 -3 weeks. Costs for refurbishing the Bonnie Lane well will be approximately $26,000.

Finance Director:

Finance Director Brock stated it is not necessary for the City to get a loan to finance the new wells. There is an average cash balance of $356,000 available to pay for new wells. Finance Director Brock advised a water study needs to be implemented, so the City can examine its water rates and increase accordingly. Byron Denton, 128 Tanner Way, suggested a sewer study also be considered.

City Attorney:

City Attorney Einhorn brought forward for discussion and direction the following proposed draft ordinances regarding prohibition of medical marijuana dispensaries/collectives and marijuana cultivation. Chapter 5.30 would define both medical marijuana dispensaries and collectives as being prohibited in Orland, with the exception of nursing homes, residential care facilities for persons with chronic, life threatening illnesses, and hospice care. The proposed measure would also add Chapter 17.14, which prohibits such facilities/operations as banned land uses. Title 8 of the Orland Municipal Code would be amended to add a section concerning medical marijuana cultivation that would be limited to residential parcels, barred within certain distances of schools, hospitals, and other locations. Cultivation would be limited to the qualified patient or primary caregiver, and permitted only in a secure detached accessory building, with specific requirements, of no more than 50 square feet. All cultivation would be further limited by barring "sight and smell". The proposed measure would also amend Chapter 14.07; which provides an administrative notice and hearing abatement procedure intended to effect compliance promptly. The draft measure provides fines of $1,000 a day for violation after notice.

Council discussed reasons for strict requirements concerning the accessory structure and whether it is overly burdened. City Attorney Einhorn advised theft is a concern, therefore this adds more protection for the cultivator/patient. Mayor Elliott advised Westhaven Assisted Care facility did not request exception and asked whether it is necessary for this exception to apply to other care facilities in Orland. Chief of Police Tolle advised he was in favor of restrictive measures.

With Council consensus, direction was given to move forward with draft ordinances with the removal of exceptions for nursing homes, residential care facilities for persons with chronic, life threatening illnesses, licensed residential care facilities for the elderly and hospice care. The Draft ordinances will be brought forward for First Reading and Public Hearing at a future meeting.

Mayor Elliott called a brief recess at 8:22 p.m. Meeting resumed at 8:26 p.m.

Interim City Planner:

Interim City Planner Friend gave a power point presentation regarding the Draft City of Orland 2008-2028 General Plan Update. Interim City Planner Friend reviewed the chronology and

process of the General Plan, policy documents, environmental impact report and review of the Orland Planning Commission's plan recommendations. Interim City Planner Friend summarized the changes to the seven mandatory elements of the General Plan (Land Use, Transportation/Circulation, Noise, Housing, Conservation/Open Space, Air Quality, and Safety). The mandatory elements of the Plan may be amended up to a maximum of four times per year.

PUBLIC HEARING

1. General Plan Amendment #2009-01: Review, consideration and determination on the City of Orland 2008-2028 General Plan Update,
   Final Environmental Impact Report (FEIR), Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program (MMRP) and proposed Land Use Map

Staff recommended no formal City Council adoption for the draft 2008-2028 General Plan Update at this time. Staff requested authorization to send the draft general plan elements and notices, as required by law, to the necessary state and local agencies for review and comment to formally begin the General Plan adoption process. Staff is recommending continuing the Public Hearing until February 21, 2012.

It was the consensus of City Council to accept staffs recommendations and continue the Public Hearing until February 21, 2012.

Bob Bishop, 224 Mellane Circle, asked with the reduction in RHNA numbers, will the Blair project be reverted to low density. Interim City Planner Friend advised the Planning Commission made a recommendation for change to low density and staff is supportive of the modification; however final action is determined by Council decision. Interim City Planner Friend noted with the reduced RHNA numbers within the revised Housing Element, it is not necessary to offset the loss of estimated 300 dwelling units.

Trish Saint-Evens, 6825 County Road 15. read a prepared letter regarding the 2010 General Plan Update and Environmental Impact Report submitted on behalf of Angus Saint-Evens and Bob Bishop who were not in attendance.

Scott Arbuckle, owner of Orland Mobile Home & RV Park (99W), commended Planning Commission for considering concerns of possible impacts in the area of the mobile home park if redesignated heavy industrial. Mr. Arbuckle requests Council to seriously consider the Planning Commissions recommendations.

ADJOURN

Meeting adjourned at 9:23 p.m.

_____Clerk _____Mayor