REGULAR MEETING, ORLAND CITY COUNCIL, Monday February 6, 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, Dennis Hoffman, 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; and Gail Wingard, Interim City Manager.

ORAL AND WRITTEN COMMUNICATIONS

Citizen Business:

Bob Bishop, 224 Mellane Circle, request Council to discuss HE-2A and its impacts at the upcoming Public Hearing for the General Plan Update. Mr. Bishop requests the City Engineer be available to answer questions on this subject.

Presentations:

David Allee, Glenn County HRA Program Manager and John Linhart, Glenn County Planning and Public Works Director gave an update on the Cities and County Economic Development Steering Committee. Mr. Allee recommended any input from the Council is suggested. Mr. Allee stated the process is completely voluntary and was designed to assist new business owners additional assistance in navigating the numerous processes required to relocate or expand, or start up a business within the County. Experienced business entities may not need the additional assistance and may opt out of the process any step along the way. Mr. Allee stated the intent of these efforts are to make Glenn County a business friendly environment with current and prospective businesses. Mayor Elliott stated he looks forward to the project moving forward.

Scott Schimke, Risk Manager, Golden State Risk Management Authority, gave a summary on GSRMA's growth and the overall stability of the pooled insurance program. GSRMA provides the City with workers compensation, liability insurance coverage, property program, as well as safety and training programs, employee health insurance products and Human Resource assistance. The City of Orland has been a member of GSRMA since 1979 and currently participates in the Loss Prevention Incentive and Subsidy Fund Program. The City received a rebate of $21,792.70 for their loss prevention activities and $891.65 awarded in subsidy funds. City of Orland employees completed 467 online safety training assignments this past year. Mr. Schimke encouraged the City to continue their efforts in these programs to assist with reduction in costs to the City.

Commission Appointment:

Library Commission – 1 vacancy with new term expiring December 31, 2013.
Application received: Trudy Waldroop

Councilmember Hoffman moved, seconded by Councilmember Paschall to appoint Trudy Waldroop to the Library Commission with a term expiring December 31, 2013. Motion carried with no abstentions.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Roundy reported on the following:
City Golf Tournament scheduled April 1, 2012 at the Glenn Golf Course.
State cut $5,000 to library budget; funding is needed for Inter-library services to continue.
Interviews for Farmer's Market Manager will take place February 9, 2012.
A grant for fire prevention assisted with the arrundo problem last year along Stony Creek; request to agendize for consideration a $5,000 match to continue program.

Councilmember Hoffman reported on the following:
Fireman's Spaghetti Feed a success.
Tickets for annual Fireman Ball to be held March 17, 2012 will be sold soon.

Vice Mayor Gee reported on the following:
Attended Chamber of Commerce meeting. A report was given on an attorney which has been inspecting businesses to see if they are in ADA compliance. Helen Duree, Chamber President, passed on additional information she received.

Mayor Elliott thanked city staff for their efforts in the Loss Prevention Program.

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 of January 3, 2012.
C. Approve City Council minutes of January 17, 2012
D. Approve Warrant List.
E. Receive and file Arts Commission minutes for November 16, 2011.
F. Receive and file Economic Development Commission minutes for December 5, 2011.
G. Receive and file City Selection minutes for January 4, 2012.
H. Receive and file resignation letter from Ulizes Meza of the Arts Commission.
I. Approve request for City of Orland sponsorship to the Orland Chamber of Commerce Best of the West Expo scheduled April 14, 2012; Diamond sponsorship $1,000 (budget already approved for $925).

Mayor Elliott moved, seconded by Vice Mayor Gee to remove Item I from the Consent Calendar. Motion carried with no abstentions.

Kevin Schindler, Orland Chamber Expo Chairman, stated the Best of the West Expo is scheduled April 14, 2012. The Chamber is requesting the City of Orland sponsor a Diamond sponsorship for $1,000.

Councilmember Roundy moved, seconded by Councilmember Paschall to approve the Consent Calendar, including Item I. Motion carried with no abstentions.

PUBLIC HEARINGS

1. By motion, consider passage of First reading by title only **"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLAND AMENDING TITLE 5 (BUSINESS LICENSES AND REGULATION) AND TITLE 17 (ZONING) OF THE ORLAND MUNICIPAL CODE REGARDING MEDICAL MARIJUANA DISTRIBUTION FACILITIES".**

City Attorney Einhorn presented Ordinance for First reading. The draft measure contained certain exemptions from the definition of Medical Marijuana distribution facilities. The exemptions have been removed. The Public Hearing opened for comments at 8:32 p.m. No comments were received. Public Hearing closed at 8:33 p.m.

Councilmember Roundy moved, seconded by Councilmember Paschall to approve First Reading of Ordinance amending Tile 5 (Business Licenses and Regulation) and Title 17 (Zoning) of the Orland Municipal Code regarding Medical Marijuana Distribution facilities. Motion carried with no abstentions.

2. By motion, consider passage of First reading by title only **"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLAND AMENDING TITLE 8 (NUISANCE) AND TITLE 14 (ENFORCEMENT/NUISANCE ABATEMENT) OF THE ORLAND MUNICPAL CODE REGARDING MEDICAL MARIJUANA CULTIVATION".**

City Attorney Einhorn presented Ordinance for First reading. The draft measure contained definite set-back requirements for the necessary accessory structure. The proposed measure provides for consideration of physical set-back constraints and for a building permit when otherwise required. The Public Hearing opened at 8:33 p.m. Larry Judkins, Valley Mirror, asked whether the California Supreme Courts reviewing of the medical marijuana controversy would affect the city's local ordinance. City Attorney Einhorn stated based on the tone of the State Supreme court, it would likely uphold local city regulations of commercial distribution and cultivation of marijuana. With no further comments, the Public Hearing closed at 8:35 p.m. Councilmember Hoffman questioned the minimum 10 foot setbacks. City Attorney advised this is the requirement, to the extent physically possible.

Councilmember Hoffman moved, seconded by Vice Mayor Gee to approve First Reading of Ordinance amending Title 8 (Nuisance) and Title 14 (Enforcement/Nuisance Abatement) of the Orland Municipal Code regarding Medical Marijuana Cultivation. Motion carried with no abstentions.

ADMINISTRATIVE COMMUNICATIONS

City Attorney:

By motion, consider passage of Second reading by title only, and final adoption of Ordinance No. 2012-01 **"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLAND AMENDING TITLE 8 OF THE ORLAND MUNICIPAL CODE TO REGULATE SMOKING AND SECONDHAND SMOKE".**

City Attorney Einhorn gave a review of the proposed Ordinance for Council to consider for adoption. Dwight Foltz, 70 E. Walker Street, suggests language in the ordinance be changed regarding playground in public or privately owned park. Mr. Foltz stated the ordinance could affect someone with a swing in their own private backyard. Mr. Foltz stated because his property is located in a commercial zone, he felt the ordinance would not allow smoking on his private property. City Einhorn stated this is not the intent of the ordinance. Helen Duree, 238 Stonycreek Drive, stated Mr. Foltz had a good point. Ms. Duree stated there is no scientific proof that secondhand smoke, by itself, harms other people. Byron Denton, 128 Tanner Way, stated it comes down to people's health; we are not taking peoples rights away. Dinesh Khalasi, Students Working Against Tobacco (SWAT) member, thanked Council for their time in considering the policy. Trish Saint Evens, 6825 County Road 15, understands the legitimate complaints on both sides; fine line with public versus private and should consider those concerns. With no further comments, the Public Hearing closed at 8:56 p.m. Mayor Elliott encouraged Council's support for the ordinance. Vice Mayor Gee advised he still has concerns with a law that cannot be enforced. Councilmember Paschall stated if the ordinance could save one life it should be supported. Councilmember Roundy stated over the years, we as a society, have realized the dangers of tobacco and secondhand smoke.

Councilmember Paschall moved, seconded by Councilmember Roundy to adopt Ordinance 2012-01, amending Title 8 of the Orland Municipal Code to regulate smoking and secondhand smoke.

Roll call vote:
Ayes- Councilmember Paschall, Roundy and Mayor Elliott
Noes – Councilmember Hoffman and Vice Mayor Gee

Motion carried 3-2, with no abstentions.

Interim City Manager:

Interim City Manager Wingard request Council to discuss and provide direction on whether to conduct an in house study to determine financial needs for adequate water and sewer services for the future.

Council gave direction to staff to do in house study to determine financial needs and rates for water and sewer services for the future.

ADJOURN

Meeting adjourned at 9:22 p.m.

_____Clerk _____Mayor