

Meeting called to order by Mayor Elliott. Meeting opened with the pledge of allegiance.

## ROLL CALL

Councilmembers present: Paul Barr, Bruce Roundy, Jim Paschall and Mayor Wade Elliott

Councilmembers absent: Reggie Olney

Staff present: Bob Pasero, Nancy Sailsbery, Angie Crook, Tom Andrews, and Paul Poczobut

## ORAL AND WRITTEN COMMUNICATIONS

### Citizen Business:

Angus Saint-Evens, 6825 County Road 15, advised he was concerned by a recent article in the Valley Mirror dated December 5, 2009, stating two TAC committee members contacted two County agencies requesting written comments to find there is no issue regarding the plume and the proposed Crystal Geyser Bottling Company. Mr. Saint-Evens stated this is contradictory to the impartial status of the TAC committee and stated the implications are vast. Mr. Saint-Evens stated he wanted his concerns brought to the attention of Council and stated this is exhibit "A" on why the City needs to reinstate the Planning Commission.

John Noffsinger, 4261 County Road MM, stated he was also disappointed with the two TAC Committee members request for letters from two County agencies. Mr. Noffsinger stated the TAC committee's job is to protect the citizens of the community first. Mr. Noffsinger stated a letter to the TAC committee member dated October 16<sup>th</sup> from the Glenn County Director of Health Services recommended the plume issue be addressed in an Environmental Impact Report.

Dalene Shippelhouette, 4300 County Road N, advised she agreed with Mr. Saint-Evens and Mr. Noffsinger's comments.

Trish Saint-Evens, 6825 County Road 15, stated she was also disappointed with the newspaper article and the actions from the two members of the TAC committee. Mrs. Saint-Evens stated the City should not be operating this way and should predominantly keep our citizens in mind and not an outside company.

Judie Noffsinger, 4261 County Road MM, stated she submitted a letter to Council at City Hall earlier in the day. Mrs. Noffsinger reiterated that the SOWR Committee and those directly not involved want a complete independent Environmental Impact Report done by Crystal Geyser Bottling Company.

Grace Marvin, Chico, CA, stated the concerns of the proposed Crystal Geyser issue is a major regional issue.

Byron Denton, 127 Tanner Way, advised Council in regards to the new staff seating arrangements that he would rather see their faces than their backs.

Presentation:

Grants Administrator Janet Wackerman and Mireille Mariansky, Mercy Housing gave a presentation on the First Time Home Buyer and City Housing Rehabilitation Programs. Grants Administrator Wackerman stated the City of Orland has had a housing rehabilitation program since 1987 and a down payment assistance program since 1999. The program is utilized for bringing mortgage payments to an affordable level for targeted income groups. To date the City has received a total of almost eight million dollars in housing related funds. The housing rehabilitation and down payment assistance represents over 115 households that have been assisted. Most of these funds will return (or have) to the City to be used again. The City has been very proactive in applying for State funds and providing staff time to oversee the funding and maintenance of the loans. Ms. Mariansky thanked the City for allowing them to assist in their joint efforts in the programs to benefit the citizens of Orland. Mayor Elliott presented Certificates of Appreciation to Ms. Wackerman and Ms. Mariansky for their dedicated efforts towards the housing programs. Chris Westlake, Deputy Director of California Department of Housing and Community Development presented Mayor Elliott with a check in the amount of \$800,000 for the Home Program to the City.

Appointments:

Mayor Elliott advised due to a lack of applications received for various city commission vacancies, the deadline to apply has been extended until December 14, 2009.

Councilmember appointments were made to the following Boards and Commissions:

***Commissions***

***Appointees 2010***

Golden State RMA

Reggie Olney  
Jim Paschall, alternate

Fire Department Commissioner

James Paschall  
Reggie Olney, alternate

Airport Land Use Commission

Paul Barr  
Bruce Roundy, alternate

OBIA

Paul Barr  
Reggie Olney, alternate

Orland Area Chamber of Com.

Wade Elliott  
Reggie Olney, alternate

Orland Unit Water Users' Assoc  
Voting delegate

Wade Elliott

RC&D

Bruce Roundy

**Advisory to City Commissions**

Library	Bruce Roundy Wade Elliott, alternate
Public Works	Paul Barr Jim Paschall, Alternate
Parks & Recreation	Reggie Olney Bruce Roundy, alternate
Safety	Jim Paschall Reggie Olney, alternate
Arts	Bruce Roundy Wade Elliott, alternate
Economic Development	Bruce Roundy Paul Barr, alternate

**Special Assignments**

City Selection Committee/ Mayor	Wade Elliott, Chairman
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**City Selection Committee**

LAFCO	City of Orland, Alternate for 2010 Each city alternates each year Bruce Roundy (member) Wade Elliott (alternate)
Waste Management JPA	Paul Barr Bruce Roundy Jim Paschall, alternate
Local Transportation Comm	Bruce Roundy Paul Barr, alternate
Transit Committee	Bruce Roundy Paul Barr
Joint Task Force Facility & Community Centers	Bruce Roundy Paul Barr Jim Paschall, alternate

## 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 November 16, 2009.
- C. Approve Warrant List.
- D. Approve Economic Development Commission minutes for September 8, 2009.
- E. Approve Arts Commission minutes for November 18, 2009.

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

## PUBLIC HEARING

1. Determine whether the moratorium imposed by the existing Interim Ordinance No. 2009-02 prohibiting medical marijuana dispensaries, collectives or cooperatives should be re-enacted, to take effect immediately for a new 45-day period, after which it could be extended for an additional period of time, of up to a total of 24 months; or
2. Consider adoption of a proposed Ordinance relative to the operation of medical marijuana dispensaries, collectives and cooperatives.

City Attorney Andrews stated Interim Ordinance No. 2009-02 previously adopted by Council has expired as of November 19, 2009. Since the implementation of the interim ordinance, staff has conducted further research on the issue. A number of lawsuits have been initiated throughout the state for a variety of reasons. City Attorney Andrews has prepared two options for Council to consider. A draft ordinance for Council to consider would establish administrative procedures relative to the operation of medical marijuana, dispensaries, collectives and cooperatives within the City of Orland. City Attorney Andrews stated the unregulated proliferation and operation of such facilities creates the potential for security issues that may require additional police services and may create negative impacts to other businesses and residences from the odors, loitering, noise and other activities associated with their operation. The other option Council may consider is a moratorium imposed by the existing interim ordinance which could be re-enacted, to take effect immediately for a new 45-day period, after which it could be extended for an additional period of time, of up to a total of 24 months. City Attorney Andrews recommends the Council to reinstate the moratorium. The Public Hearing opened for comments at 8:15 p.m. Byron Denton, 127 Tanner Way advised Council to consider the City Attorney's recommendation. Brandy Branzelle, 322 Byron Way, advised she liked both proposals but suggests Council to reinstate the 45-day moratorium. With no further comments the Public Hearing closed at 8:19 p.m. Councilmember Roundy advised his main concern was whether we can control where marijuana is grown in the City and the criminal element that goes along with that. City Attorney Andrews stated cultivation is a separate issue and is being addressed in some communities, but is not without its problems. Councilmember Barr advised he had the same concerns regarding growth issues. City Attorney Andrews stated an ordinance could possibly be drafted to encompass all areas, such as: cultivation, storage and collective distribution. Vice Mayor Paschall stated his concern was whether an ordinance that is adopted could become unenforceable.

Councilmember Roundy moved, seconded by Vice Mayor Paschall to adopt Interim Zoning Ordinance No. 2009-03 prohibiting medical marijuana dispensaries, collectives or cooperatives. Motion carried with no abstentions and Councilmember Olney absent.

**ORDINANCE NO. 2009-03**

**AN INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLAND PROHIBITING MEDICAL MARIJUANA DISPENSARIES, COLLECTIVES OR COOPERATIVES**

City Attorney Andrews advised the matter will be revisited at the regularly scheduled Council meeting of January 19, 2009.

**ADMINISTRATIVE COMMUNICATIONS**

City Attorney:

City Attorney Andrews brought forward request for second reading and adoption of Ordinance No. 2009-04 amending Title 2 of the Orland Municipal Code to establish new residency requirements for members of various city commissions. City Attorney Andrews advised at the last Council meeting on November 16, 2009 it was suggested the ordinance be revised in Section 2.32.030 – Planning Commission to add the following language: ‘The applicants shall be interviewed by a panel consisting of the City Manager, Community Services Director, the City Engineer and a member of the City Council’. Council discussed the purpose of having an interview panel for the Planning Commission. City Manager Poczobut stated the panel would screen and determine an applicant’s ability to comprehend the planning commission role, rules and regulations and/or their experience in planning. The panel would allow for a more efficient appointment process by the Council. Vice Mayor Paschall stated the interview panel process may deter some individuals from applying to a commission when there is already a lack of applicants. Mayor Elliott noted a portion of some language is missing from Section 2.32.030 which should state: “*to make a recommendation to the Mayor and Council*”. City Attorney noted the language can be revised in the ordinance. Councilmember Barr moved, seconded by Councilmember Roundy to adopt Ordinance No. 2009-04 amending Title 2 of the Orland Municipal Code to establish new residency requirements for members of various city commissions and revise language in the ordinance to state “*to make a recommendation to Mayor and Council*”; there were no abstentions and Councilmember Olney was absent.

**ORDINANCE NO. 2009-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLAND ESTABLISHING NEW RESIDENCY REQUIREMENTS FOR MEMBERS OF VARIOUS CITY COMMISSIONS**

City Manager:

City Manager Poczobut request to adopt Resolution No. 2009-29 designating the “Alta Schmidt House” located at 936 Fourth Street as one of local historical significance. Councilmember Barr moved, seconded by Councilmember Roundy to adopt Resolution No. 2009-29 designation the

“Alta Schmidt House” located at 936 Fourth Street as one of local historical significance. Motion carried with no abstentions and Councilmember Olney absent.

**RESOLUTION NO. 2009-29**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND DESIGNATING THE  
“ALTA SCHMIDT HOUSE” LOCATED AT 936 FOURTH STREET AS ONE OF LOCAL  
HISTORICAL SIGNIFICANCE**

**CITY COUNCIL COMMUNICATIONS**

Mayor Elliott request discussion to consider changing the date and time of City Council meetings and consider reviewing it annually. Mayor Elliott stated he would prefer the meeting time changed to earlier in the evening and perhaps meeting on Tuesday evenings. Councilmember Barr advised the date of the meeting was changed a few years ago by a previous Council to accommodate another meeting conflict for one councilmember. Councilmember Roundy stated the date and time of the meeting should be in the best interests for our citizens. Vice Mayor Paschall stated he did not have a preference; earlier may be fine. City Attorney Andrews advised the Ordinance does need to indicate a specific date and time Council meetings will be held. City Manager Poczobut stated the Economic Development Commission does meet prior to Council on the first Monday of each month and may cause a problem if the Council meetings were earlier. City Manager Poczobut noted that meeting Tuesdays would not be an issue for staff. Trish Saint-Evens advised on behalf of the citizens of Orland the meetings should not begin before 6:00 p.m. No direction was given on the matter.

Mayor Elliott request discussion to consider reestablishing the Planning Commission. Mayor Elliott felt there is value in having a citizen seated Planning Commission. Councilmember Roundy advised in the past Council has discussed and agreed that a Planning Commission should be reinstated for the future. Mayor Roundy questioned if a Planning Commission was really necessary at this time, due to staff time, costs, and little development activity. Councilmember agreed with Councilmember Roundy’s comments. Vice Mayor Paschall stated he had concerns of not having a Planning Commission in place when activity does begin. Vice Mayor Paschall advised commissioners need to be made aware of their role as serving at the pleasure of the City Council. Mayor Elliott stated it’s important for commissioners to receive training to understand their role in the process of government. Angus Saint-Evens stated it is time to establish a Planning Commission. Byron Denton clarified the fact that a Planning Commission has no bearing on the TAC Committee. No direction was given on the matter.

Councilmember Roundy advised the last Centennial Ceremony will take place with the Time Capsule on December 13<sup>th</sup>, 3:00 p.m. at Library Park. Councilmember Roundy gave a report from the Transit Committee meeting regarding the new bus fares that were established for the circular bus route to begin in February for the City of Orland. The Arts Commission is planning to move downtown in the near future (old Bank of America building). Councilmember Roundy advised a Farmers Market is planned to begin in June and run though August in Library Park.

Councilmember Barr gave a report from the Solid Waste Committee. The County is applying for repermitting to allow for additional tonnage and plans are moving forward for land acquisition of the solid waste property.

Vice Mayor Paschall thanked the Orland Police Department and VIPS for helping with the Lighted Christmas Parade.

Mayor Elliott thanked Patricia Coshow, Orland Business Improvement Association, and the C. K. Price Band for their efforts at the downtown Tree Lighting Ceremony. Mayor Elliott stated the Citizen Panel did a great job in assisting with the interview process for the Chief of Police position.

Chief of Police Pasero thanked the Glenn Choral for their outstanding performance this past weekend.

ADJOURN

Meeting adjourned at 9:25 p.m.

\_\_\_\_\_Clerk

\_\_\_\_\_Mayor