

**CITY COUNCIL**

Dennis G. Hoffman, Mayor  
Bruce T. Roundy, Vice Mayor  
James Paschall, Sr.  
Charles Gee  
Salina Edwards

# CITY OF ORLAND

INCORPORATED 1909

815 Fourth Street  
ORLAND, CALIFORNIA 95963  
Telephone (530) 865-1600  
Fax (530) 865-1632



**CITY MANAGER**

Peter R. Carr

**CITY OFFICIALS**

Angela Crook  
Assistant City Manager/City Clerk  
Pamela Otterson  
City Treasurer

If anyone wishes to address the City Council on an item to be considered at this meeting, please complete a Speaker Request Form and submit to the City Clerk before the meeting begins. (optional)

Meeting Place: Carnegie Center  
912 Third Street  
Orland, CA 95963

**AGENDA**  
**REGULAR MEETING, ORLAND CITY COUNCIL**  
**Tuesday, January 3, 2017**

- 1. CALL TO ORDER – 7:00 p.m.
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. ORAL AND WRITTEN COMMUNICATIONS

A. Citizen Comments:

Members of the public wishing to address the Council on any item(s) not on the agenda may do so at this time when recognized by the Mayor; however, no formal action or discussion will be taken unless placed on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. **(Oral communications will be limited to three minutes)**

B. Presentation:

- 1. Public Works Department Annual Review – Ed Vonasek, Public Works Director
- 2. Engineering Department Annual Review - Ken Skillman, City Engineer

5. **CONSENT CALENDAR**

- A. Approve Warrant List (payable obligations).

**Comments from the public are welcome. The Mayor will announce the opportunity for comments related to Public Hearings and each action item on the agenda. Please limit your comments to three minutes per topic, and one comment per person per topic. Once the public comment period is closed, please allow the Council the opportunity to continue its consideration of the item without interruption.**

**6. PUBLIC HEARING –**

Conduct a public hearing and upon conclusion introduce first reading by title only and consider passage of first reading of Ordinance No. 2017-XX to amend Title 5 (Business Licenses and Regulation) and Title 17 (Zoning) of the Orland Municipal Code regarding Marijuana Distribution Facilities, such amendment to prohibit marijuana distribution facilities.

**7. ADMINISTRATIVE BUSINESS**

1. Discuss and review fiscal year City Projects and Objectives – Pete Carr, City Manager
2. Request sale of old Orland Police Department patches to the Orland Police Officers Association.  
J.C. Tolle, Chief of Police

**8. CITY COUNCIL COMMUNICATIONS AND REPORTS**

**9. ADJOURN**

**CERTIFICATION: Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on December 29, 2016.**

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street in Orland or on the City's website at [www.cityoforland.com](http://www.cityoforland.com) where meeting minutes and audio recordings are also available.

In compliance with the Americans with Disabilities Act, the City of Orland will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's Office 865-1601 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

5.A.

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## WARRANT LIST

January 3, 2017

WARRANT	12/28/16	\$	221,339.58
PAYROLL	12/21/16	\$	59,232.16
PAYROLL	12/21/16	\$	26,402.24
<b>TOTAL</b>		<b>\$</b>	<b><u>306,973.98</u></b>

APPROVED BY

\_\_\_\_\_  
Dennis Hoffman, Mayor

\_\_\_\_\_  
Bruce Roundy, Vice-Mayor

\_\_\_\_\_  
James E. Paschall Sr., Councilmember

\_\_\_\_\_  
Salina J. Edwards, Councilmember

\_\_\_\_\_  
Charles Gee, Councilmember

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
045796	12/15/16	POS00	POSTMASTER	192.67	.00	192.67	16/17H	Business license postage
045797	12/19/16	DAY00	DAY MANAGEMENT CORPS	1937.90	.00	1937.90	420946H	PW/truck radio
045798	12/19/16	TIM01	Timios Title Company	118791.00	.00	118791.00	121916H	Grants/homebuyer assistan
045799	12/22/16	POS00	POSTMASTER	200.36	.00	200.36	122216H	FD/pager shipping
045800	12/28/16	ABD00	ADVANCED DOCUMENT	26.18 229.73	.00 .00	26.18 229.73	674455 4199;74	BD;Plan/copies Copies&finisher repair
			Check Total.....:	255.91	.00	255.91		
045801	12/28/16	AMA01	Amazon	1166.24	.00	1166.24	12/10/16	Lib/books;sound system
045802	12/28/16	AME05	American River College	103.00	.00	103.00	Jan2017	PD/reg for training
045803	12/28/16	AME09	American Fidelity Assuran	477.16	.00	477.16	550012	Supplemental Ins
045804	12/28/16	ASB00	WORLD OIL ENVIROMENTAL SE	120.00	.00	120.00	25408	PW/used oil pick-up
045805	12/28/16	ATT06	A T & T	1.71 19.75 916.84 298.19	.00 .00 .00 .00	1.71 19.75 916.84 298.19	89969 89975 121316 12-20-16	PW/WH lift station PW/Railroad well Phone usage PW/well communications
			Check Total.....:	1236.49	.00	1236.49		
045806	12/28/16	ATT07	A T & T	22.74	.00	22.74	12-7-16	PW/shop well
045807	12/28/16	BAM01	Bambauer Towing	367.00	.00	367.00	38904;801	PD/'10Crown Vic tow
045808	12/28/16	BAS00	Basic Laboratory, Inc	237.25	.00	237.25	57;85;31	PW/lab svcs
045809	12/28/16	BRA03	MICHAEL BRANSON	500.00	.00	500.00	1/2017	PD/training per diem
045810	12/28/16	BRY02	BRYANT ENTERPRISES, LLC	6665.00	.00	6665.00	12/7/16	FD/radios for 26
045811	12/28/16	BUT09	E. ANN BUTLER	240.00	.00	240.00	Nov/Dec16	Plan;EDC/transcription sv
045812	12/28/16	COM07	Comcast	109.95	.00	109.95	12/22/16	FD/internet svcs
045813	12/28/16	COM10	Tom Combs	165.00	.00	165.00	11/10/16	PW/physical reimb
045814	12/28/16	COR04	CORBIN WILLITS SYSTEMS	479.02	.00	479.02	B612151	MultiDepts/software suppo
045815	12/28/16	CRO00	ANGIE CROOK	300.00	.00	300.00	Dec 2016	City Clerk Stipend
045816	12/28/16	CSA00	CSAC-EIA	296.82	.00	296.82	1-3/2017	Employee Asst Program
045817	12/28/16	CSG00	CSG CONSULTANTS, INC.	304.97	.00	304.97	C201632	BD/inspection svcs
045818	12/28/16	DEF01	PAT DEFRIES	50.00	.00	50.00	12-19-16	Rec/seniorsize instructor
045819	12/28/16	EDW00	Salina Edwards	240.00	.00	240.00	Dec 16	Councilmember services
045820	12/28/16	FIN03	FINANCIAL PACIFIC LEASING	1426.08	.00	1426.08	302;303	PW/VehicleLease&Blue Frog
045821	12/28/16	FLE04	FLEMING, JOHN	915.00	.00	915.00	12/22/16	BD/contract svcs
045822	12/28/16	GEE00	CHARLIE GEE	240.00	.00	240.00	Dec 16	Councilmember services
045823	12/28/16	GLS01	GLENN CO. FLEET SERVICES	5084.56	.00	5084.56	12/16/16	PD/vehicle lease
045824	12/28/16	GOL10	GOLDEN STATE RISK MNGT.	32874.00	.00	32874.00	12151609	Health insurance
045825	12/28/16	HOF00	DENNIS G. HOFFMAN	260.00	.00	260.00	Dec 16	Councilmember svcs
045826	12/28/16	MIL09	DARYL MILLS	115.54	.00	115.54	12-19-16	PD/training reimb.
045827	12/28/16	ORL12	Orland-Laurel Masonic Hal	400.00	.00	400.00	Jan 2017	AC/gallery rent
045828	12/28/16	OTT00	PAM OTTERSON	175.00	.00	175.00	Dec 2016	Treasurer Stipend
045829	12/28/16	PAS02	James Paschall Sr.	240.00	.00	240.00	Dec 16	Councilmember services
045830	12/28/16	PER00	STATE OF CALIF PERS	15682.47	.00	15682.47	122016-4	PERS PAYABLE
045831	12/28/16	PGE00	PG&E	52.58 53.48 18.70 89.96	.00 .00 .00 .00	52.58 53.48 18.70 89.96	12-16-16 12-19-16 12/09/16 12/19/16	PW/traffic control Rec/LelyPark lights PW/Walker St pedestal PW/RdMM lift station
			Check Total.....:	214.72	.00	214.72		
045832	12/28/16	QUI02	QUILL CORP.	626.26	.00	626.26	45345	PD/cleaning;office suppli

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
045832	12/28/16	QUI02	QUILL CORP.	24.42	.00	24.42	1964863	PW/business card case
			Check Total.....:	650.68	.00	650.68		
045833	12/28/16	ROL00	ROLLS, ANDERSON & ROLLS	21095.50	.00	21095.50	122116	ContSvcs/Engineering
045834	12/28/16	ROU00	BRUCE T. ROUNDY	240.00	.00	240.00	Dec 16	Councilmember services
045835	12/28/16	SBR00	SBRPSTC	140.00	.00	140.00	Dec 2016	PD/registration for FTO s
045836	12/28/16	SIM05	Bryan Simpson	50.51	.00	50.51	12/17/16	PD/headlights
045837	12/28/16	SOL03	Solar City	1121.00	.00	1121.00	164;186	BD/building permit refund
045838	12/28/16	STO04	STONYCREEK PEST CONTROL	195.00	.00	195.00	12-9-16	Pest control svcs
045839	12/28/16	THO05	THOMAS HYDRAULIC AND	1513.06	.00	1513.06	383302	PW/seal kit;shaft
045840	12/28/16	TRA02	TRANSAMERICA	511.50	.00	511.50	Jan 2017	Life insurance
045841	12/28/16	VAN00	VANTAGE POINT TRANSFER AG	2834.48	.00	2834.48	440;437	DefComp#304591
045842	12/28/16	VER03	Verizon Wireless	287.43 146.94	.00 .00	287.43 146.94	47853 47854	Cell phone usage BD;Rec/cell phone usage
			Check Total.....:	434.37	.00	434.37		
045843	12/28/16	WEL02	Wells Fargo Vendor Fin Se	268.75 198.88	.00 .00	268.75 198.88	116223 66112802	Multi/copier lease BD;Plan/copier lease
			Check Total.....:	467.63	.00	467.63		
			Cash Account Total.....:	221339.58	.00	221339.58		
			Total Disbursements.....:	221339.58	.00	221339.58		
			Cash Account Total.....:	.00	.00	.00		

# CITY OF ORLAND

## CITY COUNCIL AGENDA ITEM #: 6.

**MEETING DATE: January 3, 2017**

**TO:** Honorable Mayor and Council  
**FROM:** Pete Carr, City Manager  
**SUBJECT:** **Orland Municipal Code Modification to Marijuana Regulation**  
(Public Hearing -- Action)

---

City Council will modify language in the Orland Municipal Code to update the code relative recent passage of State Proposition 64 (AUMA -- Adult Use of Marijuana Act).

### **BACKGROUND**

Proposition 64 was passed by California votes November 8<sup>th</sup>, making it legal statewide to grow up to 6 plants for household for personal (not commercial) use, possess up to 1 oz, and use up to 1 oz where not otherwise prohibited in non-public places. The State's 15% sales tax on recreational marijuana will generate revenue for grants intended to mitigate the potential negative effects in communities that do not ban cultivation and sales.

### **DISCUSSION**

Staff briefed City Council on December 5<sup>th</sup> about the impact of Prop 64 as it relates to Orland policy and municipal code (OMC). Council directed staff to prepare necessary adjustments to OMC to clarify that the local ban on cultivation and sales of marijuana includes recreational as well as medical marijuana.

Attachment: Draft ordinance.

### **RECOMMENDATION:**

Conduct public hearing and introduce first reading of Ordinance by title only modifying OMC language consistent with AUMA and Council intent to prohibit the cultivation and sale of marijuana in Orland.

**Fiscal Impact of Recommendation:** N/A.

**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 MARIJUANA DISTRIBUTION FACILITIES**

**WHEREAS**, in 2012, the City Council of the City of Orland amended Titles 5 and 17 of the Orland Municipal Code prohibiting medical marijuana distribution facilities in the City of Orland; and,

**WHEREAS**, in 2016, the voters of the State of California approved Proposition 64, known as the Adult Use of Marijuana (“AUMA”) legalizing personal use and cultivation of nonmedical marijuana under certain circumstances; and,

**WHEREAS**, the AUMA and established law permits local jurisdictions to prohibit the distribution of marijuana, both medical and non-medical; and,

**WHEREAS**, the City Council intends and by this ordinance hereby makes clear that the distribution prohibition extends to recreational and medical marijuana; and,

**WHEREAS**, an ordinance prohibiting marijuana distribution facilities and collectives and prohibiting the issuance of any permits or entitlements for marijuana distribution facilities is necessary and appropriate to maintain and protect the public health, safety and welfare of the citizens of Orland; and,

**WHEREAS**, the City Council finds and determines that the enactment of this Ordinance is exempt from environmental review pursuant to California Environmental Quality Act Guidelines Section 15061(b)(3) in that there is nothing in this Ordinance or its implementation that could have a foreseeable significant effect on the environment; and,

**WHEREAS**, the City held a duly noticed public hearing on this Ordinance on Tuesday, January 3, 2017.

**NOW, THEREFORE, the City Council of the City of Orland does ordain as follows:**

**Section 1.** The above-listed findings are true and correct.

**Section 2.** Chapter 5.30 (Medical Marijuana Distribution Facilities) of the Orland Municipal Code is amended as follows:

Chapter 5.30 - ~~Medical~~ Marijuana Distribution Facilities

Section 5.30.010 - Definitions.

Section 5.30.020 - Prohibition.

Section 5.30.010 - Definitions.

A. “Marijuana” and “medical marijuana” shall be as defined in Orland Municipal Code section 8.24.020. Where applicable, “marijuana” shall include “medical marijuana.”

B. “Marijuana distribution facility” is (1) any facility or location, whether fixed or mobile, where marijuana is made available, sold, transmitted, given or otherwise provided to any person; (2) any facility or location, whether fixed or mobile, where marijuana is made available, sold, transmitted, given or otherwise provided to two or more persons with identification cards or qualified patients, or primary caregivers, as defined in California Health and Safety Code section 11362.5 et. seq. as amended from time to time, or (3) any facility where two or more qualified patients, persons with identification cards or primary caregivers meet or congregate collectively and cooperatively to cultivate or distribute marijuana for medical purposes under the purported authority of California Health and Safety Code section 11362.5 et. seq.

“Marijuana distribution facility” includes any location in the City to which any marijuana is delivered pursuant to any commercial transaction.

~~“Medical marijuana distribution facility” is (1) any facility or location, whether fixed or mobile, where marijuana is made available, sold, transmitted, given or otherwise provided to two or more persons with identification cards or qualified patients, or primary caregivers, as defined in California Health and Safety Code section 11362.5 et. seq. as amended from time to time, or (2) any facility where two or more qualified patients, persons with identification cards or primary caregivers meet or congregate collectively and cooperatively to cultivate or distribute marijuana for medical purposes under the purported authority of California Health and Safety Code section 11362.5 et. seq.~~

Section 5.30.020 – Prohibition.

- A. ~~Medical marijuana~~ Marijuana distribution facilities are prohibited in the City of Orland, and no person shall operate or locate a ~~medical~~ marijuana distribution facility in the City of Orland. The City shall not issue, approve, or grant any permit, license, or other entitlement for the establishment or operation of a ~~medical~~ marijuana distribution facility in the City of Orland.
- B. This Chapter does not apply where preempted by state or federal law.

**Section 3.** Chapter 17.14 (Medical Marijuana Distribution Facilities) is amended as follows:

Chapter 17.14 - ~~Medical~~ Marijuana Distribution Facilities

Section 17.14.010 - Definitions.

Section 17.14.020 - ~~Medical~~ Marijuana Distribution Facilities.

Section 17.14.010 - Definitions.

~~“Medical marijuana~~ Marijuana distribution facility” has the same meaning as set forth in section 5.30.10 of this Code.

Section 17.14.020 – ~~Medical~~ Marijuana Distribution Facilities



- A. ~~Medical marijuana~~ Marijuana distribution facilities are prohibited in the City of Orland, and no person shall operate or locate a ~~medical~~ marijuana distribution facility in the City of Orland. The City shall not issue, approve, or grant any permit, license, or other entitlement for the establishment or operation of a ~~medical~~ marijuana distribution facility in the City of Orland.
- B. This Chapter does not apply where preempted by state or federal law.

**Section 4. Severability.** If any section, subsection, phrase or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

**Section 5.** This Ordinance shall take effect thirty (30) days after passage and approval by the City Council.

**Section 6.** The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance with fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

PASSED AND ADOPTED by the City Council by the City of Orland this \_\_\_\_\_th day of \_\_\_\_\_, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Dennis Hoffman, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Angela Crook, City Clerk

\_\_\_\_\_  
Gregory Einhorn,  
City Attorney

**CITY OF ORLAND OBJECTIVES FY16-17  
PROJECTS AND PRIORITIES**

Item No.: 7.1  
Adopted July 5, 2016  
Update report: Oct 1, 2016

Priorities	More Important	Less Important
<b>More Urgent</b>	Replace WWTP influent line, install aerators. 15%	Install water meters at parks 0%
	Plan replacement sewer main CR MM 0%	Provide ADA accessibility for restrooms at City Pool; restore castle restrooms MM 5%
	Identify funding and proceed with plans for water storage. 0%	Upgrade softball fields – lighting, fencing, grading... 0%
	Body cams provided for all police officers 75%	Install energy efficiency upgrades and solar 10%
	Architectural plans for 824 Fourth Street as city hall 5%	Revise political/off-site/temporary signage city code 75%
	Develop stipend system for OVFD. 0%	Establish “Active Underground Conversion Plan” for utilities 10%
	Complete installation of new well 50%	Review/revise land development fees 0% Reconsider MMJ/RMJ business licensing post-election 0%
<b>Less Urgent</b>	Establish plan with funding agreements for industrial ponds 5%	Complete architectural plans for community center/rec center expansion, seek funding 10%
	Finalize canal agreement with OUWUA 95%	Plan funding for Linwood to Lely bike/ped pathway, start phase 1 0%
	Security cameras for library, parks, shop 15%	Whitehawk Maintenance Assessment District surplus funds disposition 0%
	Proceed with westside annexation 5%	Replace Lely Park basketball court 5%
	Rebuild Central St well house 5%	Construct group picnic shelter[s] 5%
	ADA Compliance Audit (admin analysis) 25%	Install library Broadband 20%
	Flood & Fire Hazard Gen Plan Edit 0%	Broadband feasibility and plan for City 10%
	Re-establish an advisory Tree Committee 35%	GIS inventory for Public Works infrastructure 0% Redesign/update for City website 0% Banner pole signs 10%

## CITY OF ORLAND

### CITY COUNCIL AGENDA ITEM #: 7.2

**MEETING DATE: January 3, 2017**

**TO:** Honorable Mayor and Council  
**FROM:** J.C. Tolle, Chief of Police  
**SUBJECT:** Sale of old OPD shoulder Patches to OPOA

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The Chief of Police is seeking permission to sell the older version of the PD's shoulder patch to the (OPOA) Orland Police Officer's Association for a fundraiser for them.

#### **BACKGROUND**

Since the late 1990's the Orland Police Departments shoulder patch has had the city seal on it. Several months ago, the City changed the seal therefore our patch wasn't relevant anymore.



Working with PD members and the Arrowhead Emblems we came up with a new design.



#### **DISCUSSION**

The OPOA has requested the opportunity to purchase the remainder of the old patches at cost. They would like to sell the patch to official patch collectors as a fundraiser for the association.

We have 180 Patches remaining; 180 @1.99ea = \$358.20

#### **RECOMMENDATION:**

Move to allow the sale of remaining shoulder patches to OPOA.