

# DRAFT

**ANDERSON CITY COUNCIL MINUTES  
Regular Meeting  
June 1, 2010**

**REGULAR SESSION - 7:00 P.M.**

The Regular City Council meeting was called to order at 7:00 p.m.

**ROLL CALL**

Councilmembers present: Councilmember Yarbrough  
Councilmember Schaefer  
Councilmember Webster  
Vice-Mayor Hunt  
Mayor Comnick

Councilmembers absent: None.

Also present: City Manager Dana Shigley, City Attorney Michael Fitzpatrick, and City Clerk Juanita Barnett.

**INVOCATION**

Amarjit Singh from the Sikh Centre gave the Invocation.

**PLEDGE OF ALLEGIANCE**

Vice Mayor Hunt led the Pledge of Allegiance.

**PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** – None.

**COUNCIL REPORTS**

Councilmembers used this time to report on community activities they participated in and to announce upcoming events.

**CONSENT AGENDA**

By motion made, seconded (Webster/Schaefer), and carried, the Council took the following action:

Approved the minutes of the regular meeting of May 18, 2010.

*The City of Anderson is an Equal Opportunity Provider*

Received and filed warrant 116019 to 116089 in the amount of \$99,672.64; warrant 116090 to 116169 in the amount of \$187,559.58; an ACH in the amount of \$3,081.20; and a Wire Transfer in the amount of \$67.00.

Waived reading, except by title, of any ordinances under consideration at this meeting for either introduction or passage per Government Code Section 36934.

**ITEMS REMOVED FROM THE CONSENT CALENDAR** – None.

By motion made, seconded (Webster/Schaefer), the Council moved Item 8.6b regarding Cultivation of Medical Marijuana up on the agenda to be discussed at this point.

**REGULATION CONCERNING THE CULTIVATION OF MEDICAL MARIJUANA IN THE CITY OF ANDERSON**

Development Services Director John Stokes gave a staff report and answered questions from Council.

A letter from Rod Jones was submitted to the Council by Development Services Director John Stokes stating his opposition to adopting an ordinance governing the cultivation of medical marijuana.

Rick Levin encouraged the Council to be aware of what the constitution actually states regarding changing of laws, specifically Article 2 § 10 (c), in regard to matters concerning dealing with Prop. 218 and medical marijuana and further emphasized that this is a serious matter which should not be taken lightly or influenced by personal opinion, stating that following the Constitution should be their first concern.

Mary T. Nelson opined that she feels that all residents of Anderson need to respect each others' rights and air space, stating that we should be able to uphold the law and still allow those who need medical marijuana to get it when necessary. Ms. Nelson further stated that she supports strict regulations for the cultivation, medical use, and personal consumption of marijuana.

Gina Munday submitted a letter from Joel Ankerich which discussed medical marijuana discrimination and expressed his opinion that the Council is discriminating against patients if they place restrictions of the cultivation of this plant. Ms. Munday further expressed her desire to work together with the City and the citizens of Anderson to come to a mutually acceptable solution to the problem created by Prop. 218 and still provide much needed medication to the patients who need it.

Nathan Weems stated that medical marijuana is the medication that works best for him and opined that the Council should consider all the citizens in the City in regard to this issue

and to treat the matter fairly, not discriminately. Mr. Weems further volunteered to participate in any citizen committee that might be established to consider this issue.

Councilmember Webster made a motion to prohibit the cultivation of marijuana in residential neighborhoods and allow larger-scale growing in appropriate zoning district (agricultural districts, etc.). The motion died for lack of a second.

By motion made, seconded (Hunt/Yarbrough), and carried by a 3-2 vote, the Council directed staff to utilize our currently adopted nuisance abatement codes and procedures to pursue enforcement of marijuana-related neighborhood nuisances, to return to the Council with recommendations regarding imposition of administrative fees and penalties for code enforcement actions, and to bring the matter of marijuana cultivation back to the Council after the November 2010 election.

Vote: Ayes: Councilmembers Hunt, Yarbrough, and Mayor Connick.  
Noes: Councilmembers Schaefer and Webster.

**PUBLIC HEARING**

**ALL LEGAL NOTICES WERE GIVEN ACCORDING TO LAW**

**PUBLIC HEARING - WATER AND SEWER USER CHARGES; RESOLUTION NO'S. 10-29 AND 10-30**

This was the time set aside to receive public input on the proposed increase in water and sewer user charges.

Finance Office Manager Liz Cottrell gave a staff report and answered questions from Council.

**8:13 p.m.:** The Public Hearing was opened. No comments were received either for or against the rate increase. The Public Hearing was closed.

By motion made, seconded (Yarbrough/Webster) and carried, the Council adopted Resolution No. 10-29, increasing water consumption charges by 3% effective October 1, 2010 and again by 2% effective October 1, 2011; and adopted Resolution No. 10-30, increasing monthly sewer user charges by 2% effective July 1, 2010 and again by 2% effective July 1, 2011.

**PUBLIC HEARING - VINEYARDS AT ANDERSON FINAL ENVIRONMENTAL IMPACT REPORT, SPECIFIC PLAN AND FIRST READING OF VINEYARDS PLANNED DEVELOPMENT ORDINANCE; RESOLUTION NO.'S 10-31 AND 10-32; ORDINANCE NO. 766**

This was the time set aside to receive public input on the Final Environmental Impact Report, Specific Plan and proposed Planned Development ordinance on the Vineyards project.

Development Services Director John Stokes gave a staff report, introduced Mark Teague of PMC who went over the EIR, and together they answered questions from Council.

**8:25 p.m.:** The Public Hearing was opened. No comments were received either for or against the proposed action. The Public Hearing was closed.

By motion made, seconded (Schaefer/Yarbrough), and carried, the Council adopted Resolution No. 10-31, certifying the Final Environmental Impact Report (FEIR) for the Vineyards at Anderson Project; and

By motion made, seconded (Schaefer/Webster), and carried, the Council adopted Resolution No. 10-32 adopting the Vineyards at Anderson Specific Plan (SP).

By motion made, seconded (Schaefer/Yarbrough), and carried, the Council introduced Ordinance No. 766 (first reading) amending Chapter 17.33 deleting in its entirety the Planned Development Ordinance known as "The Sanderson Subdivision" and adding Vineyards Planned Development (VPD) Sections 17.33.010 through 17.33.110; revising the zoning map for the City of Anderson rezoning approximately 525 acres located within the City limits from Low Density Residential/Hillside Slopes (331 acres) and Planned Development (194 acres) to VPD and pre-zoning the remainder of the specific plan area outside of the City limits to a designation of VPD; and placed the ordinance on the June 15, 2010, City Council agenda for enactment (second reading).

**REGULAR AGENDA**

**CITY CLERK**

**RESOLUTION CALLING FOR A GENERAL MUNICIPAL ELECTION; RESOLUTION NO. 10-33**

City Clerk Juanita Barnett gave a staff report and answered questions from Council.

By motion made, seconded (Hunt/Yarbrough), and carried, the Council adopted Resolution No. 10-33, calling for a General Election on November 2, 2010, for the purpose of electing two Council members to four-year terms.

**FINANCE DEPARTMENT**

**RESOLUTIONS OF INTENTION TO RENEW LANDSCAPE & LIGHTING DISTRICT 93-2, LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 2006-1 FOR THE VINEYARDS AT ANDERSON, SOUTH RIDGE TERRACE – UNIT 1 LANDSCAPING MAINTENANCE DISTRICT, AND SANITARY SEWER MAINTENANCE DISTRICT 01-09, SILVERGATE-SUBDIVISION FOR THE FISCAL YEAR 2010-2011; RESOLUTION NO.'S 10-34, 10-35, 10-36, AND 10-37**

Finance Office Manager Liz Cottrell gave a staff report and answered questions from Council.

By motion made, seconded (Webster/Yarbrough), and carried, the Council adopted Resolution No. 10-34, a Resolution of Intention to renew Landscape and Lighting District No. 93-2 assessments for 2010-2011 with no rate increase or change in assessment methodology.

By motion made, seconded (Webster/Schaefer), and carried, the Council adopted Resolution No. 10-35, a Resolution of Intention to renew Landscape and Lighting Assessment District No. 2006-1 for the Vineyards at Anderson.

By motion made, seconded (Webster/Yarbrough), and carried, the Council adopted Resolution No. 10-36, a Resolution of Intention to renew, South Ridge Terrace – Unit 1 Landscaping Maintenance District with no rate increase or change in methodology.

By motion made, seconded (Webster/Schaefer), and carried, the Council adopted Resolution No. 10-37, a Resolution of Intention to renew Sanitary Sewer Maintenance District 01-09, Silvergate-Subdivision.

**DEVELOPMENT SERVICES DEPARTMENT**

**GROUND LEASE OF A PORTION OF THE CITY OWNED PROPERTY LOCATED AT THE CORNER OF NORTH AND OAK STREETS FOR A PRIVATE DRIVE-THRU COFFEE KIOSK**

Development Services Director John Stokes gave a staff report and answered questions from Council.

By motion made, seconded (Schaefer/Yarbrough), and carried, the Council authorized the City Manager to enter into a lease for approximately 12,000 square feet of land located on the northeast end of the City owned property on the corner of North and Oak Streets.

**PUBLIC WORKS DEPARTMENT**

**AUTHORIZATION TO BID THE SR273/3<sup>RD</sup> STREET TRAFIC SIGNAL PROJECT;  
RESOLUTION NO. 10-38**

Public Works Director Jeff Kiser gave a staff report and answered questions from Council.

By motion made, seconded (Hunt/Schaefer) and carried, the Council adopted Resolution No. 10-38, approving the Plans, Specifications, Estimates and Contract Documents for the SR273/3<sup>rd</sup> Street Traffic Signal Project, instructing the Public Works Director to advertise for bids; and authorizing the opening of bids at 2:00 p.m. June 30, 2010 in the Office of the City Clerk.

**STAFF REPORTS** - Finance Office Manager Liz Cottrell updated the Council on changes in computer support services.

**CLOSED SESSION**

**Public Comment on Closed Session Item(s):** - None.

**8:47 p.m.:** *The City Council convened to Closed Session.*

**CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**

[Pursuant to Govt. Code 54956.9(a)]

Name of Case: City of Anderson vs. Sanderson Company, Inc. et al  
(Shasta Co. Case 166881)

**CONFERENCE WITH LABOR NEGOTIATOR**

(Pursuant to Govt. Code Section 54957.6)

Agency Negotiators: City Clerk Juanita Barnett  
and Rick Haeg, Nickolaus and Haeg, LLC  
A. Management and Confidential Employees  
B. Teamsters Local 137  
C. Anderson Police Officers Association

**9:10 p.m.:** *The City Council reconvened to Open Session.*

**CLOSED SESSION ANNOUNCEMENT**

Mayor Comnick announced that the City Council sat in Closed Session to confer with legal counsel on existing litigation and to confer with labor negotiators with direction given.

**ADJOURNMENT**

**9:11 p.m.:** ***The City Council adjourned to June 15, 2010.***

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Norma Comnick, Mayor

ATTEST:

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Juanita Barnett, City Clerk