

ANDERSON CITY COUNCIL MINUTES
Regular Meeting
July 21, 2009

CLOSED SESSION – 6:00 P.M.

ROLL CALL

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

Councilmembers absent: None.

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

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

6:33 p.m.: *The City Council convened to Closed Session to consider the following:*

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Pursuant to subdivision (b) of Govt. Code Section 54956.8)

Property: Assessors Parcel No. 201-010-002
Negotiators: Acting City Manager Dana Shigley and Harold & Lydia Reed
Under Negotiation: Price and terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Pursuant to subdivision (b) of Govt. Code Section 54956.8)

Property: Assessors Parcel No. 201-740-037
Negotiators: Acting City Manager Dana Shigley and Lowell Sisco
Under Negotiation: Price and terms

PUBLIC EMPLOYMENT

(Pursuant to Government Code Section 54957)

Title of position - City Manager

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Pursuant to Government Code Section 54956.9)

Significant exposure - Two Potential Cases

CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Govt. Code Section 54957.6)

Agency Negotiators: Acting City Manager Dana Shigley
and Rick Haeg, Nickolaus and Haeg, LLC
A. Teamsters Local 137
B. Anderson Police Officers Association

6:50 p.m.: *The City Council recessed.*

REGULAR SESSION 7:00 P.M.

7:00 p.m.: *The City Council reconvened.*

CLOSED SESSION ANNOUNCEMENT

Mayor Schaefer announced that the City Council sat in Closed Session to discuss real property negotiations, public employment, anticipated litigations and labor negotiations with direction given to staff.

INVOCATION

Elder Brad Manley, Anderson-Cottonwood Neighborhood Church, gave the Invocation.

PLEDGE OF ALLEGIANCE

Vice-Mayor Norma Connick led the Pledge of Allegiance.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Elaine Rutkowski, representing the Zucchini Festival gave an overview of the activities planned and invited the Council and community to attend.

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 (Hunt/Connick), and carried, the Council took the following action:

Approved the minutes of the regular meeting of July 7, 2009.

Received and filed warrant 112676 to 112738 in the amount of \$504,123.61; warrant 112739 to 112739 in the amount of \$20,000.00; warrant 112740 to 112791 in the amount of \$86,093.56; warrant 112792 to 112863 in the amount of \$122,897.26; warrant 112864 to 112937 in the amount of \$283,835.46; an ACH in the amount of \$3081.20; and a Wire Transfer in the amount of \$95.73.

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

Adopted Resolution No. 09-57 authorizing Shasta County to submit and, if approved, administer a regional California Oil Recycling Block Grant Application- 15th Cycle.

ITEMS REMOVED FROM THE CONSENT CALENDAR – None.

PUBLIC HEARINGS

ALL LEGAL NOTICES WERE GIVEN ACCORDING TO LAW

PUBLIC HEARING - RESOLUTION CONFIRMING ENGINEER'S REPORT AND LEVYING A 2009-2010 ASSESSMENT FOR LANDSCAPING AND LIGHTING DISTRICT NO. 1993-2; RESOLUTION NO. 09-58

This was the time set aside to receive public input on the Engineer's Report and proposed levying of the 2009-2010 Assessment for Landscaping and Lighting District No. 1993-2.

Acting City Manager Dana Shigley gave a staff report and answered questions from the Council.

The City Clerk read the published public hearing notice.

7:12 p.m.: The public hearing was opened. No comments were made either for or against the proposal. The public hearing was closed.

By motion made, seconded (Connick/Yarbrough), and carried the Council adopted Resolution No. 09-58 confirming the Engineer's Report and levying a 2009-2010 assessment for Landscaping and Lighting District No. 1993-2 with no rate increase or change in assessment methodology.

PUBLIC HEARING - RESOLUTION CONFIRMING ENGINEER'S REPORT AND LEVYING A 2009-2010 ASSESSMENT FOR LANDSCAPING AND LIGHTING DISTRICT NO. 2006-1; RESOLUTION NO. 09-59

This was the time set aside to receive public input on the Engineer's Report and proposed levying of the 2009-2010 Assessment for Landscaping and Lighting District No. 2006-1.

Acting City Manager Dana Shigley gave a staff report and answered questions from the Council.

7:14 p.m.: The public hearing was opened. No comments were made either for or against the proposal. The public hearing was closed.

By motion made, seconded (Hunt/Connick), and carried, the Council adopted Resolution No. 09-59 confirming the Engineer's Report and levying a 2009-2010 assessment for Landscaping and Lighting District No. 2006-1.

PUBLIC HEARING - RESOLUTION CONFIRMING ENGINEER'S REPORT AND LEVYING A 2009-2010 ASSESSMENT FOR SOUTH RIDGE TERRACE UNIT 1 LANDSCAPING MAINTENANCE DISTRICT; RESOLUTION NO. 09-60

This was the time set aside to receive public input on the Engineer's Report and proposed levying of the 2009-2010 Assessment for Landscaping Maintenance District No. South Ridge Terrace Unit 1.

Acting City Manager Dana Shigley gave a staff report and answered questions from the Council.

7:16 p.m.: The public hearing was opened. No comments were made either for or against the proposal. The public hearing was closed.

By motion made, seconded (Yarbrough/Connick), and carried, the Council adopted Resolution No. 09-60 confirming the Engineer's Report and levying a 2009-2010 assessment for South Ridge Terrace Unit 1 Landscaping Maintenance District, and approving an \$850 refund per unit to property owners who actually paid the 2007-2008 assessments.

PUBLIC HEARING - APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR A PLANNING AND TECHNICAL ASSISTANCE (PTA) GRANT AND APPROVAL OF MATCHING FUNDS; RESOLUTION NO's. 09-61 and 09-62

This was the time set aside to receive public input on the proposed grant application for a CDBG PTA grant and approval of matching funds.

Acting City Manager Dana Shigley gave a staff report and answered questions from the Council.

7:22 p.m.: The public hearing was opened. No comments were made either for or against the proposal. The public hearing was closed.

The City Clerk read the published public hearing notice.

By motion made, seconded (Webster/Connick), and carried, the Council adopted Resolution No. 09-61 approving an application for a Planning and Technical Assistance Grant for a shovel ready site inventory program, authorizing the execution of a grant agreement and any amendments thereto with the State of California for the purposes of this grant, and authorizing matching funds for the 2009/2010 CDBG Planning and Technical Assistance grant application.

By motion made, seconded (Webster/Connick), and carried, the Council adopted Resolution No. 09-62 approving an application for a Planning and Technical Assistance Grant for a Millipore building adaptive reuse study, and authorizing the execution of a grant agreement and any amendments thereto with the State of California for the purposes of this grant.

PUBLIC HEARING - ANNUAL GRANTEE PERFORMANCE REPORT FOR COMMUNITY DEVELOPMENT BLOCK GRANTS AND REVOLVING LOAN ACCOUNTS

This was the time set aside to receive public input on the annual grantee performance reports.

Acting City Manager Dana Shigley gave a staff report and answered questions from the Council.

7:29 p.m.: The public hearing was opened. No comments were made. The public hearing was closed.

By motion made, seconded (Hunt/Yarbrough), and carried, the Council received and filed Annual Grantee Performance Reports.

PUBLIC HEARING - URGENCY ORDINANCE PROHIBITING THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES, COLLECTIVES AND COOPERATIVES FOR A PERIOD OF NINETY (90) DAYS; ORDINANCE NO. 761

This was the time set aside to receive public input on the proposed moratorium on medical marijuana dispensaries, collectives and cooperatives in the City of Anderson.

Planning Director John Stokes gave a staff report and answered questions from the Council.

7:37 p.m.: The public hearing was opened.

The Clerk informed the Council that one phone call was received in opposition to the establishment of medical marijuana dispensaries in the City of Anderson from Native American Redding resident Nina Hernandez.

Joe Munday, co-owner of a new dispensary on West Center Street, stated that his wife has submitted all of the appropriate paperwork and expressed that he feels the City hasn't communicated with them and that the Council hasn't given their business a fair shake.

Gina Munday, co-owner of a new dispensary on West Center Street, stated that she and her husband have received an overwhelming response from patients who are excited about being able to obtain their medical marijuana from a safe collective instead of having to buy it off the street.

Pastor Al Rountree of Valley Christian Center stated that he, and his congregation of approximately eighty people, stand in opposition to the opening of this collective noting it's location to schools, youth hang-outs and the library, encouraged the Council to uphold federal law, and recommended placing a permanent moratorium on medical marijuana dispensaries, collectives, and cooperatives in the City of Anderson.

John Kiefer, Anderson resident and business owner, stated that the City of Anderson cannot afford to push business away and expressed his opinion that this type of business could potentially pull customers into the city that will do business with other businesses in town. He further encouraged the Council to have compassion on those who find relief from suffering through the use of medical marijuana.

Glenn Valuroso, a disabled veteran from Redding, stated that he is a member of several veteran organizations and knows that there are many veterans who need help with serious illnesses that cannot get help locally. He requested that the Council consider allowing medical marijuana collectives in Anderson so that these veterans, as well as other seriously ill patients who find relief from marijuana, can get their medication locally and not have to travel long distances for it.

Rodney Jones, Anderson resident, cautioned the Council to take time to research this subject before rushing into any decision and recommended that no moratorium be placed on the establishment of dispensaries until they have done so. He further suggested that the Council should consider allowing these dispensaries to help the seriously ill and stating that if we don't allow them, they will just go right outside the city limits and place one in the county.

Ken Prather, Corning resident, stated that currently he has to go to Sacramento to get medical marijuana if his allowable dosage runs out and further stated that he would gladly drive to Anderson to get his medication if the Council would only allow dispensaries and collectives to operate here. He further stated that as a chronic pain sufferer and a family member of others who have died from serious illnesses he feels that there is a real need for such dispensaries and requested that the Council consider rezoning part of the city to allow this use.

Bob Venable, Redding resident, commented that he has suffered many things due to illnesses and the medications that doctors use to treat them, expressed that he finds more relief through medical marijuana use than many other prescription drugs, that he feels dispensaries and collectives do not promote loitering because most of the patients who seek them out just want to pick-up their medication and go home to get relief from their pain just like they would with any pharmacy, and further stated that he currently travels to the coast to get medical marijuana.

Jody Singleton, Anderson resident, stated that she transferred her children out of Anderson school districts due to the abundance of illegal drug activity there and feels that allowing medical marijuana dispensaries is a good thing that won't make the problems Anderson has with illegal drugs worse. She further recommended that the Council research the side effects of medical marijuana versus the side effects of prescription drugs before refusing to allow dispensaries in the city.

Amy Scott, Anderson resident, stood in opposition to allowing medical marijuana dispensaries in the city limits and stated that she has three children living in an apartment complex where a neighbor has a medical marijuana recommendation from a doctor, that the smell of marijuana infiltrates their apartment and her children are exposed to this drug on a regular basis. She further expressed that she feels there is no need for this type of collective as each person who has a recommendation can grow their own product and if they need a prescription dose, one is available in pill form from the regular pharmacy. She further stated that allowing dispensaries sends the wrong message to children and recommended that the Council take a stand against the establishment of dispensaries and requested that they consider all the citizens when making this decision and not just a few.

Mike Cole, Happy Valley resident, stated that federal authorities and President Obama have stated that they will not pursue opposing medical marijuana dispensaries as they are more interested in the large illegal manufacture of marijuana. He further stated that he feels this is a good thing and that since marijuana use is here anyway, it is better to have it in a controlled environment.

Rodney Jones, requested to speak again and stated that not everyone can grow medical grade marijuana and individuals who grow the product at home don't always get what they need and further recommended that the Council not oppose this business but treat it like any other business coming to town.

Daniel Krug, Shasta Lake City resident, stated that the use of medical marijuana has made it possible for him to hold his children again, to sleep without pain, and to reduce the amount of harmful prescription drugs he's required to take.

Jason King, stated that he feels it would be compassionate to allow dispensaries in the community to help those who need medical marijuana, and reiterated that President Obama has stated he will not pursue prosecution of dispensaries, and that this is an allowable use under the state law.

Al Rountree, asked if this is a time to submit questions.

Barbara Rountree, requested time to ask questions regarding this subject matter and asked the following questions: Can any doctor recommend medical marijuana use or only specific doctors? Can children get prescriptions? If the proposed dispensary and garden center are together, will children be allowed inside the store or garden center?

Kim Chamberlain, Anderson resident, stated that she has compassion for those with serious illnesses as she has experienced such serious illness with her late husband, but feels that this is not something we should allow in the city of Anderson. She further expressed that two separate doctors told her and her late husband that there is no database substantiating the claim that marijuana has any real medical benefit to seriously ill patients and would not recommend its use for her husband. She further stated that, while this is a business, it is not the kind of business we want in our town and that with eight dispensaries now open in Redding people could go there to get their marijuana.

Shay Finks, Anderson resident, stated that she feels marijuana helps more than it hurts and that the Council members appear to not want to understand. She further stated that her doctor believes in it and it has helped her.

Joe Munday, responding to questions asked by Barbara Roundtree, stated that the garden center and the dispensary will be separate and that no one under the age of eighteen will be allowed in the store; that many doctors recommend medical marijuana and that the dispensary personnel have to call and verify the recommendations with the doctor's offices prior to releasing any marijuana. Mr. Munday invited Council and citizens to come by the store and check it out.

Ken Prather, reiterated his opinion that this is a safe avenue for dispensing a needed drug for medical reasons and stated that doctors give recommendations and give out information on medical marijuana. He further recommended that the Council consider changing their zoning laws to make this an allowable use in a location that does not include residential.

8:38 p.m.: No other comments were received either for or against the proposal and the Public Hearing was closed.

8:45 p.m.: *The City Council recessed.*

8:53 p.m.: *The City Council reconvened.*

By motion made, seconded (Hunt/Yarbrough), and carried by a 5-0 vote, the Council enacted Urgency Ordinance No. 761 adding Chapter 9.15 to the Anderson Municipal Code prohibiting the establishment of medical marijuana dispensaries, collectives and cooperatives for a period of ninety (90) days.

The City Clerk read Ordinance No. 761 by title only.

REGULAR AGENDA

CITY MANAGER

CITY MANAGER OFFICE STAFFING PLAN; RESOLUTION NO. 09-63

Acting City Manager Dana Shigley gave a staff report and answered questions from the Council.

By motion made, seconded (Webster/Connick), and carried, the Council adopted Resolution No. 09-63 amending the City of Anderson Position Classification and Compensation Plan.

PROPOSED ESTABLISHMENT OF VINEYARDS AT ANDERSON COMMUNITY FACILITIES DISTRICT NO. 2009-1 PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982; RESOLUTION NO.'S 09-64, 09-65, 09-66, AND 09-67

Acting City Manager Dana Shigley gave a staff report and answered questions from the Council.

Roger White, representing the development, gave an overview of the project and answered questions from the Council.

Rebecca Eickley, Nollenberger Capitol, introduced Ken Ough and Mark Wren, and answered questions from the Council.

Cameron Weist, The Weist Law Firm, introduced himself, gave a brief resume of his experience with Community Facilities Districts, and answered questions from the Council.

Hank Willms, the property owner, answered questions from the Council.

Mark Wren, Nollenberger Capitol, answered questions from the Council.

By motion made, seconded (Webster/Comnick), and carried, the Council adopted Resolution No. 09-64 a Resolution of Intention to Establish Community Facilities District 2009-1, amended to set the next public hearing for 6:30 p.m., August 25, 2009.

By motion made, seconded (Comnick/Webster), and carried, the Council adopted Resolution No. 09-65 a Resolution of Intention to Incur Bond Indebtedness, amended to set the next public hearing for 6:30 p.m., August 25, 2009.

By motion made, seconded (Hunt/Yarbrough), and carried, the Council adopted Resolution No. 09-66 a resolution selecting The Weist Law Firm as Bond Counsel.

By motion made, seconded (Yarbrough/Hunt), and carried, the Council adopted Resolution No. 09-67 a resolution selecting Nollenberger Capital Partners as Bond Underwriter.

PUBLIC WORKS DEPARTMENT

AWARD OF BID FOR THE DEMOLITION OF THE CITY GRILL; RESOLUTION NO. 09-68

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

By motion made, seconded (Yarbrough/Comnick), and carried, the Council adopted Resolution No. 09-68 finding this project categorically exempt pursuant to CEQA Section 15332 Class 32, In-Fill Development. demolition of a non-historic building in preparation for future redevelopment of the property; awarding the contract for the demolition of the City Grill to the lowest responsible bidder; and authorizing the City Manager to execute the contract upon receipt of required insurance certificates and payment and performance bonds.

AUTHORIZATION TO BID THE MANTER LANE LIFT STATION ABANDONMENT PROJECT

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

9:59 p.m.: ***Councilmember Webster left the room.***

By motion made, seconded (Hunt/Yarbrough), and carried by a 4-0 vote, the Council approved the Plans, Specifications, Estimates and Contract Documents for the Manter Lane Lift Station Abandonment Project, instructed the Public Works Director to advertise for bids, and authorized the opening of bids at 2:00 p.m., August 26, 2009, in the office of the City Clerk.

10:01 p.m.: ***Councilmember Webster returned and took his place on the dais.***

Mayor Schaefer reversed the order of the next two items on the agenda.

APPROVAL OF THE STATE WATER RESOURCES CONTROL BOARD ORDER 2006-0003 SANITARY SEWER MANAMGENT PLAN; RESOLUTION NO. 09-69

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

By motion made, seconded (Comnick/Yarbrough), and carried, the Council adopted a Resolution No. 09-69 approving the Final Sanitary Sewer Management Plan (SSMP) as required by the State Water Resources Control Board Order No. 2006-0003-Statewide General Waste Discharge Requirements (WDR) for Sanitary Sewer Systems.

AUTHORIZATION TO BID THE BARNEY STREET STORM DRAIN IMPROVEMENT PROJECT

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

By motion made, seconded (Hunt/Yarbrough), and carried, the Council approved the Plans, Specifications, Estimates and Contract Documents for the Barney Street Storm Drain Improvement Project, instructed the Public Works Director to advertise for bids, and authorized the opening of bids at 3:00 p.m., August 26, 2009, in the office of the City Clerk.

RESOLUTION SUPPORTING AN APPLICATION FOR ARRA TIGER FUNDS FOR THE DESCHUTES INTERCHANGE PROJECT

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

By motion made, seconded (Hunt/Comnick), and carried, the Council adopted a Resolution No. 09-70 supporting an application for ARRA Tiger Funds for the Deschutes Road Interchange Project.

STAFF REPORTS

Police Chief Dale Webb gave a report on National Night Out and locations of neighborhood outings.

10:15 p.m.: ***The City Council adjourned to August 18, 2009.***

Butch Schaefer, Mayor

ATTEST:

Juanita Barnett, City Clerk