

**PORTOLA CITY COUNCIL  
MEETING MINUTES  
January 13<sup>th</sup>, 2016  
6:00 p.m.**

**1. CALL TO ORDER**

Mayor Powers called the meeting to order at 6:00 pm.

**2. PLEDGE OF ALLEGIANCE**

Mayor Powers led the Council in a moment of silence and the reciting of the pledge of allegiance.

**3. ROLL CALL**

Councilmembers Gault, Oels, and VanDahlen were present. Mayor Pro Tem Larrieu and Mayor Powers also responded to roll call. City Manager Robert Meacher, City Planner Karen Downs, Finance Officer Susan Scarlett and City Clerk Melissa Klundby were also in attendance. City Attorney Steve Gross was in attendance via conference phone.

**4. PUBLIC COMMENT**

Richard Hardy read the Council a statement regarding his history as a teacher and athletic coach in the area and encouraged the Council to discourage drug use and production in the City limits.

Larry Douglas read the Council a statement regarding economic development and promoted introducing Northern Pike and or other alien species back into Lake Davis as an alternative fishery.

**5. CITY COMMUNICATIONS**

**A. City Council/Committee Reports**

Mayor Pro Tem Larrieu reported on his attendance at the Plumas LAFCo and the Transportation Commission meetings; noting that the issues discussed did not pertain directly to the Eastern County and Portola.

Councilmember Oels reported on his attendance at the Plumas County Board of Supervisors meeting.

Councilmember VanDahlen thanked Public Works Director Todd Roberts for all his hard work making the annual tree lighting event a success.

Mayor Powers reported on his attendance at the Juvenile Justice and Delinquency Prevention meetings and gave information regarding a youth focused mental health policy which will be before the Plumas County School Board. Mayor Powers also reported on the status of the committee looking at abandoned school buildings in Plumas County and the forming of a committee to look at Co-Gen plants; which could help eliminate forest fuels through biomass utilization.

## B. Staff Communications

City Manager Robert Meacher introduced the new Community Services Officer, Charles Brashear and asked Julie Ruiz to update the Council on the Status of the woodstove change out program. Julie reported that the details are still being determined but that the air quality board expects to announce the program soon.

Robert Meacher also reported on the status of the Ponderosa Bowl fire debris cleanup and announced the current Plumas County Forest Supervisor is leaving and noted that a group is forming with the help of Plumas County Supervisor Jeff Engle to discuss the importance of making sure the new Forest Supervisor is aware of the importance of outdoor recreation is to Plumas County.

## 6. CONSENT CALENDAR

- A. **Minutes** - Adopt the minutes of the City Council special meeting held on December 9<sup>th</sup>, 2015.
- B. **Claims** - Adopt Resolution No. 2269 authorizing payment of claims for the period of December 5<sup>th</sup>, 2015 through January 8th, 2016.
- C. **Resolution No. 2270** - Adoption of Resolution No. 2270, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTOLA AUTHORIZING SUBMITTAL OF APPLICATION FOR PAYMENT PROGRAM AND RELATED AUTHORIZATIONS.
- D. **Proclamation of Local Emergency Due to Drought Conditions in Portola, California** – Review Proclamation. Discussion and possible action.

Finding no Council or public comment, Mayor Pro Tem Larrieu made a motion to adopt the minutes City Council special meeting held on December 9<sup>th</sup> 2015, adopt Resolution No. 2269 authorizing payment of claims for the period of December 5<sup>th</sup>, 2015, through January 8th, 2016; adopt Resolution 2270, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTOLA AUTHORIZING SUBMITTAL OF APPLICATION FOR PAYMENT PROGRAM AND RELATED AUTHORIZATIONS and to ratify the Proclamation of Local Emergency Due to Drought Conditions in Portola, California. Councilmember Gault seconded the motion and it was unanimously approved.

## 7. ORDER OF BUSINESS

- A. **Mayor's Committees** – The Mayor will make appointments to committees, boards and commissions. Discussion, possible action.

Mayor Powers read the existing list of committees, boards and commissions and established a new committee called the Emergency Services Policy Committee, to assist the Portola Volunteer Fire Department with the development of policies and procedures. Mayor Powers appointed himself and Councilmember VanDahlen to the committee and asked the Council if any members would like to change or make recommendations to change members on the listed committees, boards and commissions. Finding no Council or public comment Mayor Powers appointed the committees, boards and commissions as presented.

- B. **Solid Waste Collection and Recycling** - Consider adoption of Ordinance No. 342, An Ordinance of the City Of Portola, Amending Chapter 8.04 of the City of Portola Municipal Code Providing for Regulation of Solid Waste Collection and Recycling. Discussion and possible action.

City Manager Meacher reported that as the final procedural step to adoption of Ordinance No. 342, as introduced and discussed at the December 9<sup>th</sup>, 2015 City Council meeting, the Council needs to formally adopt the Ordinance. Mayor Powers asked for public and Council comment. Finding no comment, Councilmember Oels made a motion to adopt Ordinance No. 342, An Ordinance of the City Of Portola, and Amending Chapter 8.04 of the City of Portola Municipal Code Providing for Regulation of Solid Waste Collection and Recycling as presented. Councilmember VanDahlen seconded the motion and it was unanimously approved during a roll call vote.

C. **Consider Requiring Fire Insurance for Commercial Properties** – Per request of Councilmember Phil Oels, consider requiring fire insurance for commercial properties. Discussion, possible action and direction to staff.

City Planner Karen Downs reported that she had been requested to research this issue by Councilmember Oels. Councilmember Oels reported that he would like to see a requirement that all commercial properties show proof of fire insurance. The Council and staff discussed the difficulties of making this a requirement; which included complication of administering these restrictions and the practical and financial limitation of insuring older commercial building. The Council discussed community outreach in coordination with the fire department and city staff to inspect commercial building for fire safety issues and determined that they would not like staff to actively pursue a requirement of fire insurance for commercial properties. There was no direction to staff to further research this issue.

D. **Medical Marijuana Regulation** - Consider preparing an Ordinance Regarding Medical Marijuana Regulation. Discussion and possible action.

City Manager Robert Meacher reported that the State of California had adopted a comprehensive package of bills (AB 266, AB 243, and SB 643) to establish a regulatory structure around the medical marijuana industry that could directly affect the City. Mr. Meacher reported that the Portola Municipal Code does not expressly prohibit nor expressly regulate cultivation of medical marijuana or delivery services and that due to the changes in state law if the City does not take action, beginning March 1, 2016, the State Department of Food and Agriculture will be the sole licensing authority for medical marijuana cultivation applicants. The City Manager noted that if the City Council wants to be able to regulate marijuana cultivation in the City, then the City must adopt a land use ordinance regulating or prohibiting the commercial cultivation of medical marijuana effective by February 28, 2016.

Mayor Powers noted that this is a very complex issue and spoke about some of the financial benefits to allowing commercial cultivation, delivery and dispensaries. Mayor Powers noted the success of several small communities, which had previously been reliant on lumber, who profited substantially from commercial medical marijuana cultivation and delivery.

Sheriff Hagwood addressed the Council and urged the City Council to get as much public input as possible before coming to a decision on this issue. Sheriff Hagwood also encouraged the Council when making a decision to remember how their decision may affect law enforcement in the area.

Mayor Powers asked for public comment and the following comments were made:

Leonard Ross, former County supervisor and City Councilmember, strongly requested that the Council ban commercial cultivation and delivery of medical marijuana in the City limits.

Ralin Klundby, Pastor and long term are resident addressed the council and expressed his concerns over medical marijuana cultivation in the City limits and noted that he hoped the Council would pass a ban on commercial cultivation and delivery.

Bret Fey, commercial medical marijuana grower, requested that that the Council pass a program allowing commercial medical marijuana growing. Bret noted that grows would occur indoors in discrete commercial buildings and that distribution would occur through the correct channels. Bret stated residents and visitors would never know that medical marijuana was being commercially grown in the City.

Robert Yegge, Portola resident, stated that he has chosen to raise his family in this area and that the City and its residents would know what was being grown inside the walls of a commercial medical marijuana manufacturing building. Mr. Yegge also noted he does not believe the City Council should profit from the manufacturing of drugs and asked the Council to consider other economic stimulus in the area.

Valerie Sampo identified herself as a medical marijuana user and Portola area resident, and requested that the City Council ban commercial cultivation and delivery of medical marijuana because of its use of chemicals for growing. Valerie noted that she is in favor of individuals growing but against commercial grows.

Jason (last name unidentified) stated that he is also a medical marijuana user and encouraged the City Council to allow commercial cultivation and delivery to give more people to opportunity to purchase medical marijuana.

Terri Woods, resident and business owner said she does not approve of commercial cultivation in the City limits and that it is a high risk industry that is difficult to insure.

Larry Douglas, Portola resident, stated that the negatives of commercial medical marijuana cultivation and delivery in the City limits are far greater than any benefits.

Bob Morton, Portola resident, asked the Council to vote for a ban on medical marijuana cultivation and delivery in the Portola City limits.

The Council further discussed the urgency to act on this item and conferred with City Attorney, Steve Gross. Mr. Gross explained that currently the City needed to act to have an ordinance in place by March 1<sup>st</sup>, but also noted that the California legislature is currently reviewing AB21, which would remove the March 1<sup>st</sup> deadline.

Following further discussion Mayor Pro Tem Larrieu made a motion requesting staff set a special City Council meeting to gather further public input on this issue and to continue this agenda item. Councilmember Oels seconded the motion and it was unanimously approved.

E. **Eastern Plumas Health Care** - Review proposed Lot Line Adjustment application and consider approval of partial reconveyance of existing City loan.

City Planner Karen Downs reported that Eastern Plumas Health Care (EPHC) has submitted an application for a lot line adjustment (LLA) on a property that the City is the holder of a second loan on. The 34-acre parcel in question is proposed to be adjusted to 29 acres if the LLA is approved the City's loan would be for a smaller portion of the property. Karen requested that the Council consider approval of the partial

reconveyance of the loan, and that the LLA application will then be forwarded to the Planning Commission for consideration.

Finding no Council or public comment Mayor Pro Tem Larrieu made a motion to approve a partial reconveyance of the existing City loan on the property presented and owned by Eastern Plumas Hospital. Councilmember Van Dahlen seconded the motion and it was unanimously approved.

- F. **Fire Department Media Policy** – Review proposed fire department media policy. Discussion and possible action.

City Planner Karen Downs presented the Council with a Social Media Policy for the Portola Volunteer Fire Department. Karen noted that the policy had been reviewed and approved by the City Attorney, Steve Gross, the Portola Fire Department Chief, Henry Johnson and the Fire Department Medical Captain, Leah Turner. The Council reviewed the document and asked for public comment. Finding no public comment Councilmember Gault made a motion to adopt the Fire Department Social Media Policy as presented. Councilmember Oels seconded the motion and it was unanimously approved.

## 8. CLOSED SESSION

- A. **Existing Litigation** - Pursuant to Government Code Section 54956.9(d)(1), City of Portola vs. State of California Department of Fish & Game, Case No. CV09-00065.

The Council took a five minute recess and reconvened in closed session. There was no reportable action from the closed session.

## 9. ADJOURNMENT

Mayor Pro Tem Larrieu made a motion to adjourn the meeting at 8:06 p.m. Councilmember Oels seconded the motion and it was unanimously approved.

Respectfully Submitted,

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Melissa Klundby, City Clerk