



Internal Affairs Committee Report

DATE: February 4, 2010
TO: CITY COUNCIL
FROM: INTERNAL AFFAIRS COMMITTEE

File : [Comm Binder](#)

RE: **REPORT ON INTERNAL AFFAIRS COMMITTEE MEETING HELD JANUARY 12, 2010**

<u>Committee present:</u> Chair Nickell Councilmember Holcombe Councilmember Walker	<u>Staff present:</u> City Manager Burkland Assistant City Manager Rucker City Attorney Barker Building & Dev. Services Dir. McKinley Capital Project Services Director Varga	Administrative Services Director Pierce Interim Planning Services Director Wolfe Principal Planner Vieg Sr. Civil Engineer Greenlaw Associate Civil Engineer Jukkola Assistant Civil Engineer West Administrative Assistant Sevier
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ITEMS REQUIRING COUNCIL ACTION

Chair Nickell announced at the beginning of the meeting that Item A will be limited to one hour due to the size of the agenda.

- A. **Medical Marijuana** - The Committee discussed potential regulations for the cultivation of medical marijuana. After discussion, the Committee formulated a recommendation for the City Council regarding whether and how the cultivation of medical marijuana should be regulated. **(Report - Lori Barker, City Attorney)**

Clyde Bensen, Ken Fleming, Juanita Sumner, and Robin Indarr addressed the Committee on this issue.

Dan Herbert and Randy Coy, representatives of North Valley Property Owner's Association, and Steve Depa addressed the Committee in opposition of an indoor growth ordinance.

Quintin Colgan, Ken Prather, David Kasakove, and Dillon Tellison submitted documents to the Committee.

Committeemember Holcombe noted that the County Board of Supervisors concurrently held a meeting regarding putting an emergency 45-day moratorium on dispensaries. He stressed that the City's approach to medical marijuana should be from a zoning perspective and requested the Committee agree to direct staff to come up with appropriate zones for dispensaries.

City Attorney Barker reiterated the State Law that allows a qualified patient to possess whatever is necessary, whereas the Medical Marijuana Program Act putting a limit on the number of plants allowed, was found to be an unconstitutional amendment to the Passionate Use Act. She explained that cities are free to regulate marijuana from a zoning perspective by limiting what can be grown, but not what a person can possess.

Committeemember Walker expressed his concerns with residential grows, stating cultivation should require owner's permission as they have a right to protect their property. He also noted the regulations should include distances from schools and daycare facilities.

Chair Nickell discussed setback regulations for residential grows, as well as limiting the size of the plants and the visibility from passersby. He suggested regulating the number of plants per household, not by individual and added the City should have a copy of a valid ID card on file, with owner's written permission or rental property agreement. He concluded that multi-family housing should not be allowed to have indoor grows, due to increased potential for fire and safety hazards.

Committeemember Holcombe made the following motion. Committeemember Walker seconded and the motion carried 3-0.

Recommendation - The Internal Affairs Committee recommended (3-0) forwarding the consideration of a medical marijuana ordinance to Council regarding regulation of cultivation of medical marijuana grown in residential districts and zoning regulations for dispensaries.

- B. **1st and 2nd Street Couplet Presentation** - As a result of continued efforts between the City of Chico and the California State University Chico, the City is exploring the idea of making modifications to the First and Second Street corridors to enhance safety, promote alternate modes of transportation, provide additional parking and to help revitalize underutilized portions of the business district. **(Report - Fritz McKinley, Building and Development Services Director)**

Recommendation - The Building and Development Services Director recommends the Committee forward this project to the Council for approval and implementation.

Charlie Pruesser, Juanita Sumner, Matt Lucena, co-owner of Collier's, Mike Trolinder, Katrina Davis-Woodcox, Denise Rolls, Ken Fleming, and Katie Simmons addressed the Committee.

The Committee requested the Bicycle Advisory Committee give an official opinion of the plan before it goes forward to Council. Staff reassured the Committee that the couplet will provide dedicated bike lanes with painted stripes on the roadway and added the University had estimated a contribution of \$282,000, but that amount could still fluctuate with the scope of the project.

Committeemember Walker questioned why the plan needed Wall Street to become 2-way, after 1-way traffic was so sought-after with this plan, to which staff replied Wall Street would provide a turn-around for traffic to circulate around the block. Staff added the only necessary changes on Wall Street would be to re-stripe the parking lanes. Committeemember Walker added that this plan would take away a nearly impossible left turn onto Broadway and Main Streets, but questioned whether the reconstruction would eliminate any bicycle parking. Staff indicated the bulbing would create additional nooks that would be adequate for bike parking and would be included in the design.

Committeemember Walker asked if the diagonal parking would provide a net loss or gain. Staff explained the initial estimate would provide a 25% gain, however the design of the bulbing may reduce the available parking on the corners.

Committeemember Holcombe made the following motion. The motion was seconded by Committeemember Walker and carried 3-0.

Recommendation: The Internal Affairs Committee recommended (3-0) forwarding the 1st and 2nd Street Couplet to the City Council for full Council approval and if approved, subsequent implementation, with the caveat for the Bicycle Advisory Committee to weigh in on the project.

The Committee concurred (3-0) to extend the meeting 15 minutes to allow the discussion for Item C and tabled Item D for the February 9th meeting.

- C. **Consideration of Tres Hombres Proposed Street Improvements** - Tres Hombres proposed an outdoor dining area next to its building. The proposal is within the 1st and 2nd Street couplet project and opportunities for joint improvements may be considered. **(Report Tom Varga, Capital Project Services Director)**

Recommendation - Provide staff with comments or direction regarding the Tres Hombres proposal.

Tres Hombres owner, Mike Thomas, addressed the Committee regarding the permanent fencing requirement imposed by Alcohol Beverage Control to allow outdoor alcohol service.

Ken Fleming, Mike Trolinder, and Katrina Davis-Woodcox addressed the Committee.

Committeemember Holcombe commented on the staff report, indicating a loss of 5 parking spaces, but noted if the couplet project is approved by Council, the project would only realize a loss in 3 parking spaces due to the introduction of corner bulbing at this location. Staff confirmed bicycle parking would not be affected by this transition.

Committeemember Holcombe then questioned the payment and cost of this project and whether allowing this project would create a precedent. Staff responded that the approach the City takes would define how future projects are handled.

Committeemember Holcombe made the following motion. The motion was seconded by Committeemember Walker and carried 3-0.

Recommendation: The Internal Affairs Committee endorsed (3-0) the Tres Hombres concept and recommended the project move forward for full Council approval.

ITEMS NOT REQUIRING COUNCIL ACTION

Item D was tabled to the February 9, 2010 Internal Affairs meeting for lack of time.

- D. **Annual Update on the Status of the Enloe Medical Center Century Project (DA 03-03)** - At its meeting of 03/21/06, the City Council certified a Final EIR, approved a Development Agreement, approved amendments to land use designations, and rezoned various properties within the Enloe Medical Center (Enloe) campus to provide for the expansion of Enloe Hospital. Per the Development Agreement, dated 5/19/06, Enloe is required to provide an annual report to the City detailing the project's compliance. **(Report Brendan Vieg, Principal Planner and Tom Varga, Capital Project Services Director)**
- E. **Business from the Floor.** Members of the public may address the Committee at this time on any matter not already listed on the agenda, with comments being limited to three minutes. The Committee cannot take any action at this meeting on requests made under this section of the agenda.
- TJ Glenn addressed the Committee regarding the economic benefit of 54 more seats provided by the Tres Hombres proposal.
- F. **Adjournment and Next Meeting.** The Committee adjourned at 10:15 a.m. to its next regularly scheduled meeting on Tuesday, February 9, 2010, at 8:00 a.m. in Conference Room No. 1.

Laurie Sevier, Administrative Assistant

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