

CITY COUNCIL
Charles Gee, Mayor
Dennis G. Hoffman, Vice Mayor
Bruce T. Roundy
James Paschall Sr.
Salina J. 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 fill out 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** **Monday March 4, 2013**

Closed Session – 7:00 p.m.
Regular Session – 7:30 p.m.

I. CALL TO ORDER

1. Roll Call
2. Public comment on closed session items.

II. CLOSED SESSION

Pursuant to California Government Code Sections 54950 et seq., the City Council will hold a Closed Session. More specific information regarding this meeting is indicated below.

A. CONFERENCE WITH LABOR NEGOTIATORS

Government Code Section: 54957.6
Agency Negotiator(s): City Manager Pete Carr
City Attorney Greg Einhorn

Employee Organization(s): United Public Employees of California Local #792
(Mid Management and General Units)
Unrepresented Employees (All others not in UPEC)

III. REPORT FROM CLOSED SESSION

(If the Closed Session is not completed before 7:30 p.m., it will resume immediately following the Regular Meeting).

IV. RECONVENE TO REGULAR SESSION

1. Roll Call

V. PLEDGE OF ALLEGIANCE

VI. 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:

Update on Volunteers in Police Services – Caryn Brown, Chairperson

VII. CITY COUNCIL COMMUNICATIONS AND REPORTS

VIII. CONSENT CALENDAR

- A. Approve Warrant List (payable obligations).
- B. Receive and file Economic Development Commission minutes for December 3, 2012.
- C. Receive and file Economic Development Commission Workshop minutes for January 23, 2013.
- D. Receive and file Planning Commission minutes for December 20, 2012
- E. Receive and file Arts Commission minutes for January 16, 2013.
- F. Accept and adopt Resolution No 2013-XX accepting an easement Grant Deed from Select Harvest Partners #2.

**IX. PUBLIC HEARING - None
(Public Hearing comments will be limited from three to five minutes).**

X. ADMINISTRATIVE COMMUNICATIONS

A. Finance Director – Daryl Brock

- 1. Review and accept Annual Financial Report for June 30 2012.

B. City Manager – Pete Carr

- 1. Review and discuss Arts Assessment Fee.
- 2. Update on capital improvement projects.

XI. ADJOURN

Orland City Council
March 4, 2013
Page 3

CERTIFICATION: Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on February 28, 2013.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street, Orland, CA.

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.

VIII.A.

CITY COUNCIL

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WARRANT LIST

March 4, 2013

WARRANT	2/28/13	\$	57,482.87
PAYROLL	2/21/13	\$	50,693.05
PAYROLL	2/21/13	\$	24,437.43
TOTAL		\$	<u>132,613.35</u>

APPROVED BY

Charles Gee, Mayor

Dennis G. Hoffman, Vice-Mayor

Bruce T. Roundy, Councilmember

James Paschall, Sr., Councilmember

Salina J. Edwards, Councilmember

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information-----	
							Invoice #	Description
038246	02/20/13	AAA00	AAA Medical Billing	448.80	.00	448.80	011513H	SpecImpDistrict reimb
038247	02/21/13	GLE14	GLENN COUNTY	100.00	.00	100.00	022113H	Notice of Exempt filing f
038248	02/28/13	ADV00	Advance Monument Co.	600.00	.00	600.00	3823	Plaques for Arch
038249	02/28/13	AME00	AMERICAN FAMILY LIFE	562.04	.00	562.04	Mar 2013	Supplemental insurance
038250	02/28/13	ARR00	Arrowhead Emblems	251.88	.00	251.88	10210	PD/shoulder patch
038251	02/28/13	ATT06	A T & T	15.96 15.91 15.91 852.44	.00 .00 .00 .00	15.96 15.91 15.91 852.44	9303 90885 90886 2/10/13	PW/lift station PW/lift station PW/lift station Phone usage
			Check Total.....:	900.22	.00	900.22		
038252	02/28/13	ATT07	A T & T	63.44	.00	63.44	020713	PW/well communications
038253	02/28/13	AUT00	Auto Zone Inc.	23.98	.00	23.98	4130222	FD/new ignition
038254	02/28/13	BAS00	Basic Laboratory, Inc	758.00	.00	758.00	342-674	PW/lab svcs
038255	02/28/13	BRO02	DARYL R. BROCK CPA	3748.09	.00	3748.09	2/26/13	FinDir/contract svcs
038256	02/28/13	CAL07	CALBO	215.00	.00	215.00	4/1-3/14	BD/membership dues
038257	02/28/13	CIL00	Carl Ciliax	10000.00	.00	10000.00	Final	AC/bronze statue
038258	02/28/13	COR00	CORNING LUMBER CO., INC.	413.77	.00	413.77	022513	PW/supplies
038259	02/28/13	COR04	CORBIN WILLITS SYSTEMS	479.02	.00	479.02	B302151	Multi-depts/software supp
038260	02/28/13	CRO00	ANGIE CROOK	300.00	.00	300.00	Feb 2013	CITY CLERK PROF SERVICES
038261	02/28/13	EDW00	Salina Edwards	192.00	.00	192.00	Feb 2013	CITY COUNCIL COUNCIL FEES
038262	02/28/13	FEN04	Joseph Fenske	130.98	.00	130.98	2-26-13	Rec/mileage reimb
038263	02/28/13	FOU04	Cade Fountain	267.75	.00	267.75	2-26-13	Rec/youth basketball;clea
038264	02/28/13	GAL01	GALE GROUP	42.52	.00	42.52	98681281	Lib/lg print books
038265	02/28/13	GEE00	CHARLIE GEE	208.00	.00	208.00	Feb 2013	Council member services
038266	02/28/13	GLE09	Glenn County ROP	32.25	.00	32.25	3094	Rec/golf raffle tickets
038267	02/28/13	GLE10	Glenn County Fire Chiefs	300.00	.00	300.00	13-0010	FD/repeater maint
038268	02/28/13	GLS01	GLENN CO. FLEET SERVICES	4260.97	.00	4260.97	FL1391	PD/vehicle lease
038269	02/28/13	HOF00	DENNIS G. HOFFMAN	192.00	.00	192.00	Feb 2013	Council member svcs
038270	02/28/13	INT00	INTOXIMETERS	267.44 120.15	.00 .00	267.44 120.15	383866 384271	PD/equip repairs PD/AVOID mouthpieces
			Check Total.....:	387.59	.00	387.59		
038271	02/28/13	JOH03	Sean Johnson	567.00	.00	567.00	MarTrain	PD/travel expense
038272	02/28/13	KCK00	KCKS/Radio Services	263.00	.00	263.00	34180900	PD/anti-drug announcement
038273	02/28/13	KYO00	GE CAPITAL	274.13 230.05	.00 .00	274.13 230.05	4535 58419819	Multi-depts/copier lease BD;Plan/copier lease
			Check Total.....:	504.18	.00	504.18		
038274	02/28/13	LEX00	LEXIS NEXIS	37.08	.00	37.08	42923972	Lib/book
038275	02/28/13	LON04	Jordan Long	180.00	.00	180.00	2-26-13	Rec/basketball
038276	02/28/13	MAT04	MATSON & ISOM	62.00 18.64	.00 .00	62.00 18.64	41633 0020962	Multi-depts/postini AC/newsletter update
			Check Total.....:	80.64	.00	80.64		
038277	02/28/13	NIC04	Nichols, Melburg & Rosset	685.50	.00	685.50	6372.00-2	Library expansion plans
038278	02/28/13	ORL12	Orland-Laurel Masonic Hal	300.00	.00	300.00	Mar 2013	AC/gallery rent
038279	02/28/13	OTT00	PAM OTTERSON	175.00	.00	175.00	Feb 2013	CITY FINANCE PROF SERVICE
038280	02/28/13	PAS02	James Paschall Sr.	192.00	.00	192.00	Feb 2013	Council member svcs
038281	02/28/13	PEP00	PETTY CASH POLICE DEPT	114.29	.00	114.29	Feb2013	PD/misc. expense
038282	02/28/13	PER00	STATE OF CALIF PERS	17145.63	.00	17145.63	2-2013-4	PERS PAYABLE
038283	02/28/13	PGE00	PG&E	22.01 46.25	.00 .00	22.01 46.25	021013 021513	PW/Walker St pedestal PW/traffic control

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
038283	02/28/13	PGE00	PG&E	66.37 19.71	.00 .00	66.37 19.71	022013 2/07/13	PW/RdMM lift station Rec/Lely Park lights
Check Total.....:				154.34	.00	154.34		
038284	02/28/13	QUI02	QUILL CORP.	731.11	.00	731.11	2/06-2/26	Office supplies
038285	02/28/13	RAM04	Kavi Ram	175.50	.00	175.50	2-26-13	Rec/youth&adult basketbal
038286	02/28/13	REX00	Rexel Norcal Valley Inc.	758.77	.00	758.77	62632	Globes for Arch
038287	02/28/13	ROU00	BRUCE T. ROUNDY	192.00	.00	192.00	Feb 2013	CITY COUNCIL COUNCIL FEES
038288	02/28/13	ROU01	Bruce Roundy	16.65	.00	16.65	2/21/13	Coun/mileage reimb
038289	02/28/13	SHA08	Shasta Safety Supply	125.78	.00	125.78	2013165	PW/safety supplies
038290	02/28/13	SUN03	SunTrust Equipment	3651.19	.00	3651.19	1485338	PW/sewer truck payment
038291	02/28/13	TER01	TERMINIX INTERNATIONAL	36.00	.00	36.00	405149	FD/pest control
038292	02/28/13	TRA02	TRANSAMERICA	575.00	.00	575.00	Mar 2013	Term insurance
038293	02/28/13	TUR03	Daniel Turnbull	30.00	.00	30.00	21813	AC/model fee
038294	02/28/13	ULI00	Uline	47.99	.00	47.99	49396627	PD/evidence bags
038295	02/28/13	UNI03	United Laboratories	2388.82	.00	2388.82	38899	PW/lift station maint
038296	02/28/13	USA04	USA Blue Book	666.71	.00	666.71	884475	PW/eye wash station
038297	02/28/13	VAL02	VALLEY ROCK PRODUCTS	618.90	.00	618.90	173;192	PW/Hambright waterline
038298	02/28/13	VAN00	VANTAGE POINT TRANSFER AG	1567.38	.00	1567.38	2/7-2/20	DefCompPay#304591
038299	02/28/13	VER03	Verizon Wireless	328.78	.00	328.78	64947728	Cell phone usage
038300	02/28/13	WIL06	Wilgus Fire Control Inc	295.33	.00	295.33	97547	FD/fire extinguisher main
Cash Account Total.....:				57482.87	.00	57482.87		
Total Disbursements.....:				57482.87	.00	57482.87		
Cash Account Total.....:				.00	.00	.00		

CITY OF ORLAND
ECONOMIC DEVELOPMENT COMMISSION MEETING
December 3, 2012

The meeting was called to order by Chairman Campbell at 6:00 P.M. and opened with the Pledge of Allegiance.

Commissioners Present: Mike Yalow, Helen Duree, Mike Wyser, Sarah Leydon and Gary Campbell
Commissioners Absent: None
Councilmembers Present: Bruce Roundy
Staff Present: Pete Carr and Janet Wackerman

ORAL AND WRITTEN COMMUNICATIONS

Citizens Business – None

CONSENT CALENDAR

M/S/C Yalow- Duree Approved minutes of November 5, 2012
(Passed unanimously)

ITEMS FOR DISCUSSION OR ACTION – None

STAFF REPORTS

City Manager Carr updated Commissioners on the status of lighting the water tower. He stated that from the west the tower is well lit. Chairman Campbell suggested since the idea was to light the entire tower, LED lights that shine brighter and use low power should be used. Commissioner Yalow suggested painting the “Orland” letters bigger. Commissioners Wyser and Leydon offered that they like the tower as it is presently lit. City Manager Carr offered to look into changing the present lights to LED.

City Manager Carr stated the fixtures for the lights on the Arch have been powder coated and are ready for installation. Chairman Campbell stated he has been looking into reducing costs for the installation and operating of the lights with PG&E. City Manager Carr stated that if there are extra funds available, it will be used to clean up the area around the arch.

City Manager Carr stated there has been a little more interest from businesses outside of the downtown area for the façade improvement program. He also reported he shopped at the flea market, found it a fun place and could see a potential for it to grow. The owner, Mrs. Gonzales, reported they have more non-hispanic shoppers since moving to the fairgrounds.

According to City Manager Carr, Grocery Outlet still intends to come to Orland and is presently working on obtaining a liquor license. They have requested a variance for sign height to advertise their business that will be reviewed by the Planning Commission December 20. They

intend to have a programmable sign also that can advertise City events and/or activities at the Stony Creek Square Plaza.

The City Council will be giving final approval for mobile food vending with an administrative use permit at their December 3rd meeting. An AUP will remove restrictions but ingress/egress and trash issues will still be addressed when the permit is issued.

City Manager Carr added that Orland needs events for overnight stays. The Parks Commission is proposing projects such as upgrading the city pool and a skate park as a way of drawing out of town visitors. Commissioner Duree stated that she thought skate parks are costly to construct. City Manager Carr stated it depends on the design; impact fees will be used for funding.

City Manager Carr informed Commissioners twenty-one homes are currently under construction, keeping the Building Department very busy.

A-frame signs are only allowed in the downtown area and he intends to suggest signs only be allowed in front of their respective business. This will be presented to the Planning Commission for their review. Commissioner Yalow stated he remembers not allowing these signs on Walker Street and is in favor of restrictions. Commissioner Leydon stated she would like to see signs allowed only in front of businesses but suggested a sign board be placed on Fourth and/or Fifth Streets labeled with businesses that are located there. City Manager Carr suggested this would be a good topic to discuss at the January workshop. Commissioner Leydon asked about excessive posters in the windows of businesses. City Manager Carr stated there were no regulations against it. Commissioner Wyser suggested the Chamber of Commerce hold a seminar on presenting a good front for a business. Chairman Campbell suggested resources should be used to look at other things such as rubble and abandoned cars.

Secretary Wackerman presented Commissioners a list of the different kinds of business licenses issued in 2012. A total of 400 licenses were issued, bringing in \$18,275.00. She also reported an additional \$1.00 will be collected per license in 2013, mandated by the State for ADA. Chairman Campbell asked where the license money goes. City Manager Carr stated it is deposited into the General Fund. Commissioner Yalow asked what it costs for Chamber membership. Commissioner Duree stated at present it is \$100 per year but it will be restructured on a sliding scale depending on the number of employees a business has.

All Commissioners with the exception of Chairman Campbell stated they will be attending the Center for Economic Development Conference January 17, 2013.

COMMISSIONER REPORTS

Commissioner Wyser recommended the Commission capitalize on the City's history; placing signs or plaques on buildings stating how old the building is or what business that used to be located there. For the future he suggested free hot spots so all of the community is a hot spot. He stated that if the community stays "status quo" it is not good. There are not enough people stopping and there is a need for more overnight events. He also suggested a 24-hr restaurant like Denny's that would draw freeway travelers is needed.

Commissioner Leydon recommended electrical outlets be made available in the downtown area. When she was obtaining vendors for the Christmas tree lighting event, several vendors asked if electricity was available. She would like to see businesses stay open on Sunday. She agreed with Commissioner Wyser on the community as a hot spot but also would like to see high speed internet available. She stated getting outlets, removing the cages from the trees and getting more lights on were feasible projects with a goal of a more curb side appeal for Orland. Secretary Wackerman stated they have a meeting scheduled with the City's PG&E representative and they could ask what was possible to accomplish. Chairman Campbell asked how the City of Chico paid for their lights. City Manager Carr stated stimulus money was used. Commissioner Leydon stated that the more people are invited to participate in events, the more likely they will be interested in locating their business in Orland.

Commissioner Duree stated she has heard from a lot of people interested in holding "Frontier Days" again. Commissioner Leydon suggested contacting Huell Howser to profile Orland for his show on KIXE.

Commissioner Yalow commented that Cathy Emerson was working on broadband for the area but it will be wireless. Commissioner Duree asked if the Board of Education's wireless could be used. Commissioner Yalow stated that it could be.

ADJOURNMENT – 6:54 P.M.

Respectfully submitted,

Janet Wackerman, Secretary

Gary Campbell, Chairman

CITY OF ORLAND
ECONOMIC DEVELOPMENT COMMISSION
WORKSHOP
January 23, 2013

The workshop was called to order by Chairman Campbell at 6:03 P.M. and opened with the Pledge of Allegiance.

Commissioners Present: Mike Wyser, Helen Duree, Sarah Leydon, and Gary Campbell
Commissioners Absent: Edgar Valenzuela
Staff Present: Pete Carr and Janet Wackerman
Others in Attendance: Mayor Charles Gee, Marian Smutny, Mike Yalow, Arne Gustafson and Council member Bruce Roundy

WORKSHOP

City Manager Carr introduced Arne Gustafson, hospitality consultant, who spoke on the hotel industry. Mr. Gustafson spoke on what hotel investors look for, desirable locations to place one and what travelers look for in a hotel. He handed out statistics on reviews of hotels in the Orland, Willows and Corning area he obtained from Trip Advisor.

He offered the following comments:

- Orland Inn has 100% positive reviews from customers using TripAdvisor. Other regional motels have mixed reviews.
- Travelers are looking for quick and easy access.
- Hotels cluster on one area.
- Orland is most convenient in its access to Chico but have to look at why it has not been desirable for a motel to choose as a location.
- Three kinds of demands – demonstrated, displaced and induced. For example Thunderhill Raceway and ag tourism would create an induced demand.
- Brand issues – luxury to economy. A known brand such as Marriott is expensive to develop; a second tier is less expensive but may not pull people off to stop. A known brand is not going to develop in Orland.
- Hotels don't typically develop under a sale/lease back like Auto Zone and Walgreens does.
- To make Orland more attractive, create a plan to support hotel development.
- Access and visibility from the freeway and access to amenities is important.
- Cluster full restaurant, high end gas station and hotel together; recognizable name for the restaurant; the best you can afford
- Have local participation or someone that really wants a motel here; identify a specific site and get a landowner on board.
- Have an approval process in place with any city subsidies available.
- Develop materials to contact investors
- Brands have contacts that may bring people to the table; doesn't recommend using a broker.

- Don't ignore existing motels-Empty store fronts scare off future investors. Good that Stony Creek Square is upgrading. Not uncommon for an existing motel to expand by building an additional motel nearby.
- First step maybe to get a bed and breakfast to complement ag tourism.
- Bringing in a low end hotel isn't the best.
- Offered to assist with a motel feasibility study.
- Not sure how hotels are doing along I-5 to know if they should be consulted about expanding to Orland.
- Best Western is not well represented in this area and their goal is to create a strong recognition.
- Think about why you want a motel in Orland and then decide what level you will go for.
- He recommended purchasing data from Smith Travel Research (\$500) over the last ten years.
- Suggested asking current motel owner if he has needs.

Council member Roundy arrived 6:28

Commissioner Leydon asked if all of the hotels listed from Trip Advisor were franchises. Mr. Gustafson stated they were, with local ownerships. City Manager Carr stated the owner of Orland Inn may be interested in creating another hotel on South Street, to the south.

Chairman Campbell asked if it would help if Orland had attractions. Mr. Gustafson stated the city has the art gallery and farmer's market but does not have something like a Thunderhill or a large employer that would generate a demand. For example PG&E and ag chemical companies put up employees for local work and would generate a demand.

Commissioner Duree stated there are reasons people travel to the area, for hunting, fishing, events at the Fair, etc.

Commissioner Duree suggested forming an ad hoc committee to discuss the matter further. Mr. Gustafson offered his services to the EDC as a private citizen.

Commissioner Leydon asked if data collected for the national store inquiry could be used. City Manager Carr stated it could but statistics on event attendance should also be collected.

City Manager Carr asked Mr. Gustafson who drives the request for a hotel to come to a city. Mr. Gustafson stated typically an EDC and not a Chamber of Commerce.

City Manager Carr asked about Park Mods. Mr. Gustafson replied if they are done properly they are worth looking at, but they are for a select group of travelers like a Bed and Breakfast establishment would be.

Commissioners reviewed the Comprehensive Economic Development Strategy Plan recommendations from a previous EDC that was submitted to the City Council. City Manager Carr pointed out that Priority C items, extension of Papst Avenue to the north, including underground of Lateral 40 and library building expansion are on their way to being accomplished.

Commissioners reviewed the Project Development Plans from 2009 and 2010. Commissioner Duree asked that the report from the EDC Sub-Committee on Community Enhancement Project also be reviewed.

Mayor Gee and Council member Roundy stressed it was important for the EDC to develop a plan so items they would like to see achieved could be budgeted for. Upon the consensus of the Commissioners present, the following changes were proposed:

Project 1 will be titled Strategic Plan for Bringing Additional Lodging to Orland with developing a marketing packet and utilizing the services of a consultant as subsets;

Project 2 will list projects for research and recommendation such as historical district; entertainment events and attractions, LED sign for the freeway, branding and broadband access;

Project 3 will explore industrial/commercial opportunities at the Industrial Park and expand processes of existing local products and retail sales;

Project 4 will list community enhancement projects such as façade improvement program, beautification of public and private property, code enforcement and lighting of the downtown area;

Project 5 will be titled Encourage and Support the Development of a Visitor Center at the Entryway to Orland and will list directional sign for businesses and Chamber of Commerce role and funding as subsets; and

Project 6 will remain the same as previous Plans, continuing partnerships area economic development leaders.

The draft Plan will be reviewed by the Commissioners at their February meeting and dates for completion of projects and Commissioner(s) responsible for each project will be added before it is sent to City Council for their acceptance.

City Manager Carr reported on local sales tax received. Fuel and service stations are bringing in the most with car sales at number three. A total of \$900,000 was received in 2012. Approximately \$45,000 is received per year from TOT.

Discussion was held on branding concepts. Commissioner Leydon recommended using social media to choose the brand name. City Manager Carr stated he will take the subject of branding into consideration for a future discussion.

Adjournment – 7:55 P.M.

PLANNING COMMISSION MINUTES

December 20, 2012

- I. Call to Order – The meeting was called to order by Chairman Bentz at 7:00 P.M.
- II. Pledge of Allegiance – led by Commissioner Arano
- III. Roll Call: Commissioners Present – Steven Shoop, Claire Arano, Byron Denton
Shannon Ovard and Ryan Bentz
Commissioners Absent - None

Also present: Pete Carr, Scott Friend, Councilmember Hoffman and Janet Wackerman

- IV. ORAL AND WRITTEN COMMUNICATIONS
 - A. Citizen Business – None

- V. APPROVAL OF THE MINUTES OF THE October 18, 2012 PLANNING COMMISSION MEETING

Upon motion made by Commissioner Denton and seconded by Commissioner Shoop, the minutes of October 18, 2012 were approved as presented. The motion carried unanimously by voice vote (Commissioner Ovard abstained).

- VI. PUBLIC HEARING:

Conditional Use Permit #CUP 2012093: A request by Huff Signs and Lighting to erect a new multiple tenant freeway pole sign on APN 040-270-000 further described as follows, 1006 South Street. The proposed sign would be one-hundred (100) feet in total height; twenty-eight (28) feet in total width; and, would include approximately six hundred and seventy-five (675) square feet of total advertising copy space per sign side. A Conditional Use Permit is required as the proposed sign exceeds the maximum allowable advertising copy limit established in Sections 17.78.051 and 17.78.252 of the Orland Municipal Code. Section 17.78.051 established that the Planning Commission may permit signage area in excess of that established in the Code subject to the issuance of a Use Permit issued in conformance with Section 17.80, Use Permits, of the Orland Municipal Code.

Conditional Use Permit #CUP 2012-03:

Applicant: Hupp Signs and Lighting, Inc.
70 Loren Avenue, Chico CA 95928

Landowner: AG Heritage Development, Inc.
6240 Montecito Blvd, Santa Rosa CA 95409

APN's: 040-270-000

Location: North side of South Street, west of Cortina Drive, East side of Interstate "5", - Stony Creek Shopping Plaza, Orland CA 95963

Zoning: "PD" (Planned Development) with the underlying "C-H" (Highway Commercial) Zoning District Standards.

GP Land Use: "Commercial" (C)

Environmental Review: Staff is recommending that the Planning Commission determine that the project is Exempt from further environmental review pursuant to Section 15311, *Accessory Structures*, of the State CEQA guidelines, a Class 11 exemption for accessory Structures to include, a) on-premise signs; b) small parking lots; and, c) seasonal or temporary use items.

City Planner Friend presented the Staff report. The Conditional Use Permit is required for the new freeway pole sign as the proposed sign exceeds the maximum allowable sign area of 250 square feet. He stated there are three criteria the Commission has latitude in granting the exception: if the sign is within freeway interchange properties, if the sign identifies a shopping center involving a total of at least 100,000 square feet of gross floor area and the grade of the nearest adjacent street or highway (excluding the freeway) to the proposed sign location is of an elevation ten (10) feet or more above the natural ground level of the sign site. Should the Commission elect to approve the sign as proposed, staff has incorporated these considerations into the findings for the action.

Staff recommends the Commission approve Conditional Use Permit #2012-03 to allow for a new freeway pole sign and to allow for increased signage advertise area and total height based upon the findings contained in Attachment D of the staff report.

City Planner Friend added for Commissioners consideration that the Portuguese Plaza sign is 90' and advertises for seven tenants; the Shell sign is 85' and has 700 square feet of advertising copy; Taco Bell's sign is 95' in height; Orland Inn is 45' high with 65 square feet of ad copy and Burger King is approximately 65' in height.

Commissioner Denton stated this sign is needed for the shopping center and asked if CalTrans was okay with it. City Planner Friend stated the sign will have a reader board and one of the conditions of approval is for the owner to communicate with CalTrans.

Joe, Hupp, Applicant, stated CalTrans will not require a sign permit if they construct outside of their easement. He added the tenants of the shopping center really want the sign for the visibility. Additionally, the sign will not be flashing or scrolling, per CalTrans, and will have LED internal lighting. The pole covers will have a decorative feature similar to what is in place for the Portuguese Plaza sign. The colors for the sign will tie in with what the paint color will be for the center, possibly a bronze/black.

Chairman Bentz opened the Public Hearing at 7:25 P.M. for public comments.

Wade Elliott, 347 Bell Way, commented that approving the Use Permit sends a message to businesses that they are wanted in the community.

Trish Saint-Evens, stated she echoed what was said by Mr. Elliott and likes the way the sign looks.

There were no other comments and no one stated an opposition to the Conditional Use Permit. The Public Hearing closed at 7:27 P.M.

Discussion was held on the sign. Commissioner Shoop asked if the sign will be a reader board with a message that scans across. Mr. Hupp stated CalTrans determines how a sign will display and does not allow moving or flashing of lights at more than five to ten seconds in time; this sign will be within CalTrans regulations.

(Council member Hoffman left at 7:28 P.M.)

Commissioner Shoop asked if trees could be pruned in the area of the sign to increase visibility. City Planner Friend stated the City was working with CalTrans, since the trees are in their right-of-way, to remedy this.

Commissioner Arano stated the City should allow the sign to be as visible as it can to bring in dollars to the community.

Upon motion made by Commissioner Shoop and seconded by Commissioner Ovard, the Planning Commission determined that the project is Categorical Exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) and meets the requirements of Section 15311, *Accessory Structures* of the State CEQA Guidelines as a Class 11 exemption. The motion carried unanimously upon roll call vote:

Ayes: Commissioners Shoop, Ovard, Denton, Arano and Bentz

Noes: None

Absent: None

Upon motion made Commissioner Shoop and seconded by Commissioner Denton, the Planning Commission adopted the findings contained in the staff report and presented as Attachment D, and approved Resolution PC 2012-03 approving Planned Development Conditional Use Permit #2012-03, a request to allow the construction of a freeway pole sign exceeding the height and signage area standards established in Chapter 17.78, Sign Ordinance, of the Orland Municipal Code subject to the Conditions of Approval presented as Attachment C. The motion carried unanimously upon roll call vote:

Ayes: Commissioners Shoop, Denton, Ovard, Arano and Bentz

Noes: None

Absent: None

VII. DISCUSSION

A. Update from Planning Department and review of pending projects.

City Planner Friend informed Commissioners that there are two Commission seats that will expire December 31, 2012 but since there were not enough candidates, the

Council has extended the expired terms for Commissioners Shoop and Denton for 90 days. The Chairman and Vice-Chair will be voted on when the new Commissioners are seated.

City Planner Friend stated there are no pending projects for January. He will postpone training for CEQA until the new Commissioners are present.

B. Update on ongoing and citywide projects.

City Manager Carr stated the Commission's action on approving the Conditional Use Permit sends a good message to the applicant and future applicants interested in doing business in the city.

He reported the city obtained a three year lease for a public parking lot on Fifth Street. Four businesses on the street will contribute towards the cost of the lease.

City Manager Carr asked Commissioners if "A" frame signs should be placed on the next agenda for discussion. Commissioners directed Staff to bring a report on outdoor signs to the next Commission meeting.

City Planner Friend stated he will be putting Planning work priorities for 2013 on the next Commission agenda.

City Planner Friend thanked Commissioner Denton for his time on the Commission. Commissioner Denton stated it had been rewarding for him to be on the Commission.

VIII. COMMISSIONER REPORTS

Chairman Bentz stated he reiterates what City Planner Friend stated about Commissioner Denton and was happy to see something approved this evening.

Commissioner Denton added he thinks the shopping center will be an anchor.

No other Commissioner comments were received.

IX. ADJOURNMENT – 7:50 P.M.

Respectfully submitted,

Janet Wackerman, Secretary

Ryan Bentz, Chairman

CITY OF ORLAND
ORLAND ARTS COMMISSION MEETING
Wednesday, January 16th, 2013

The January 16th, 2013 meeting was called to order by Co Chair Rae Turnbull at 7:00 p.m. at the Orland Art Center, Fourth and Colusa Streets, Orland. Commissioners present were Rae Turnbull, George Turnbull, Mary Rose Kennedy, Steve Elliott, Jane King, Pat Mullanix and city liaison Bruce Roundy. Commissioner Pam Roundy was absent.

Minutes The minutes of the meeting of November 14th, 2012, were approved as emailed. (Mary Rose Kennedy and Jane King)

Treasurer's Report

The Treasurer's report shows a balance of: \$20,288.76 as of January 15th, 2013. This *includes* ongoing donations for the Bronze Public Art project, which leaves \$4,738.76 for operating expenses.

Oral or Written Communications:
none

Commissioner Reports

(1) Commissioners Rae and George Turnbull reported on the donation drive for the Bronze Public Art Project. Pictures had been emailed to all commissioners showing the sculpture as it was being moved to the foundry where the final casting in bronze will take place. Those pictures are also on display in the Gallery, for the general public to view. Commissioners were encouraged to keep the publicity going for the few remaining donations needed. Present plans call for installing and unveiling the finished bronze in Orland at Fourth and Walker Streets on **Saturday, May 11, 2013**, one week before the Fair.

(2) It was reported that instructor Jeannie Vodden's February 3rd and 4th, workshop is full, with a waiting list of 12 more.

(3) Commissioners were given the updated list of total commissions from Gallery sales since the Gallery's inception at South Street: \$8,634. Total entry fees collected, also since the Gallery's inception at South Street: \$2,105.

(4) Commissioner Steve Elliott reported on the additional gallery lighting, informing those present that the size of the transformers was sufficient for the lighting of the gallery, and he will see that replacement bulbs will be kept on hand. An amount not to exceed \$850 for the expensive wiring and installation was already voted on at our last meeting. The final amount paid to Rancho Electric for all the installation work came to \$800, with a good portion of time *donated* by Rancho Electric so as not to exceed that amount. The commissioners expressed their appreciation for that generous gesture.

Items for Discussion or Action

(1) A bid from Cleveland Upholstery (Doris Vickers) was given to commissioners for the upholstering of the Gallery benches and chairs. Cost for the benches is \$260. Cost for the 6 chairs is also \$260. These amounts included a discount offered by Cleveland Upholstery for supporting a local business. Commissioners voted to go ahead with upholstering the benches at this time,

and will wait until a later date to have the chairs done. (Jane King and Steve Elliott) Motion carried.

(2) Co-chair Rae Turnbull announced that the first installment of the sales tax for the Bronze Sculpture had already been paid by the sculptor Carl Ciliax (he turns his taxes in quarterly) and that amount of \$1,085 had been reimbursed to Mr. Ciliax.

Adjournment

There being no further business, the meeting was adjourned at 8:00 p.m. ***The next meeting will be held Wednesday, February 20, 2013 at 7:00 p.m.***

Pat Mullanix

Secretary

CITY COUNCIL AGENDA ITEM

Item No.: VIII.F.
Date: February 26, 2013
Meeting Date: March 4, 2013
From: Kenneth G. Skillman III, City Engineer/Surveyor
Subject: Acceptance of an Easement Grant Deed to Maintain the Water Main within Future Hambright Avenue

Background:

A new 10 inch diameter water main traverses this site connecting and looping existing mains within Linwood and Whitehawk subdivisions. This main will allow us to bring the Lely Well into the City's distribution system without raising pressures too high.

Requested Action:

Adopt Resolution 2013-_____ "A Resolution of the City Council of the City of Orland Accepting an Easement Grant Deed from Select Harvest partners #2".

Attachments:

"A Resolution of the City Council of the City of Orland Accepting an Easement Grant Deed from Select Harvest Partners #2".

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL THIS DEED
AND, UNLESS OTHERWISE SHOWN
BELOW, MAIL TAX STATEMENTS TO:

Name City Clerk
City of Orland
Street
Address 815 Fourth Street
City & Orland,
State CA

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Easement Grant Deed

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ Exempt

- Computed on full value of property conveyed, or
 Computed on full value of liens and encumbrances remaining at time of sale.
 Unincorporated area: City of Orland, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Select Harvest Partners #2, A California General Partnership, hereby GRANT(S) to the City of Orland, a Municipal Corporation, a Public Service Easement as defined in Section 8306 of the State of California, Street and Highways Code, over, on and under the following described real property in the City of Orland, County of Glenn, State of California:

See Exhibit "A", Legal Description attached hereto and made a part hereof.

SELECT HARVEST PARTNERS #2, A CALIFORNIA GENERAL PARTNERSHIP

Dated: 1/17/13 By: [Signature]
Robert L. Nunes, Partner

Dated: 1/17/13 By: [Signature]
Gary W. Koehler, Partner

NORTH VALLEY NUT INC., Partner of Select Harvest Partners #2, a California General Partnership

Dated: 2-1-13 By: [Signature]
Michael R. Hart, President

Dated: 2-1-13 By: [Signature]
Dinesh Bajaj, Secretary

W & B SPYCHER PROPERTIES, L.P., Partner of Select Harvest Partners #2, a California General Partnership

Dated: 1/18/13 By: [Signature]
Joshua Spycher, General Partner

Dated: 1/18/13 By: [Signature]
Shawn Spycher, General Partner

SELECT HARVEST USA, LLC, Partner of Select Harvest Partners #2, a California General Partnership

Dated: 1/17/13 By: [Signature]
Robert L. Nunes, Manager

HARTLEY SPYCHER AND JOANNE SPYCHER FAMILY TRUST, Partner of Select Harvest Partners #2, a California General Partnership

Dated: 01/18/2013 By: [Signature]
Hartley Spycher, Trustee

Dated: 1-18-2013 By: [Signature]
Joanne Spycher, Trustee

ACKNOWLEDGMENT

State of California
County of STANISLAUS

On JANUARY 17 2013 before me, CARLO ABADY, A NOTARY PUBLIC
(insert name and title of the officer)

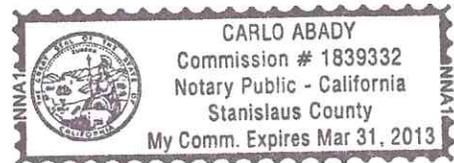
personally appeared ROBERT L. NUNES,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]

(Seal)



ACKNOWLEDGMENT

State of California
County of STANISLAUS)

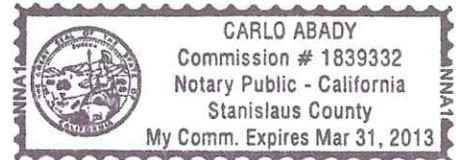
On JANUARY/17/2013 before me, CARLO ABADY, A NOTARY PUBLIC
(insert name and title of the officer)

personally appeared ROBERT L NUNES,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~
subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in
his/~~her~~/~~their~~ authorized capacity(ies), and that by his/~~her~~/~~their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



ACKNOWLEDGMENT

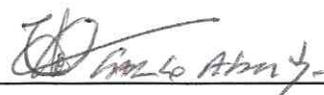
State of California
County of STANISLAUS)

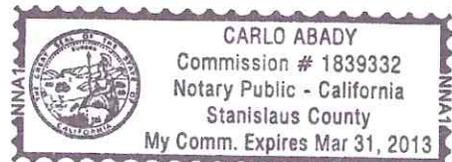
On JANUARY/18/2013 before me, CARLO ABADY, A NOTARY PUBLIC
(insert name and title of the officer)

personally appeared GARY W. KOENLER,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~
subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in
his/~~her~~/~~their~~ authorized capacity(ies), and that by his/~~her~~/~~their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



ACKNOWLEDGMENT

State of California
County of STANISLAUS

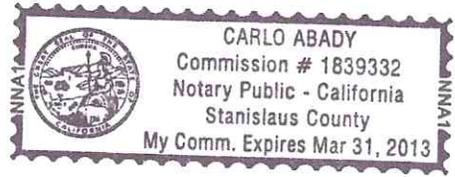
On JANUARY 18 / 2013 before me, CARLO ABADY, A NOTARY PUBLIC
(insert name and title of the officer)

personally appeared JOSHUA SPYCHER,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)



ACKNOWLEDGMENT

State of California
County of STANISLAUS

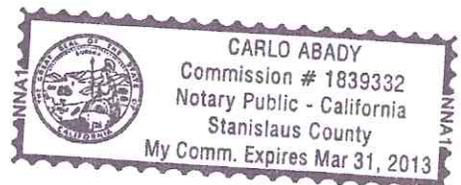
On JANUARY 18 / 2013 before me, CARLO ABADY, A NOTARY PUBLIC
(insert name and title of the officer)

personally appeared SHAWN SPYCHER,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)



ACKNOWLEDGMENT

State of California
County of STANISLAUS

On JANUARY 18/2013 before me, CARLO ABADY, A NOTARY PUBLIC
(insert name and title of the officer)

personally appeared JOANNE SPYCHER,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)



ACKNOWLEDGMENT

State of California
County of STANISLAUS

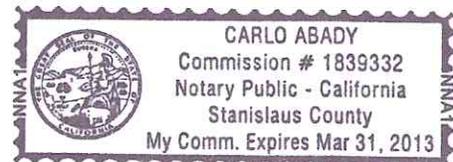
On JANUARY 18/2013 before me, CARLO ABADY, A NOTARY PUBLIC
(insert name and title of the officer)

personally appeared HARTLEY SPYCHER,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)



ACKNOWLEDGMENT

State of California
County of Butte

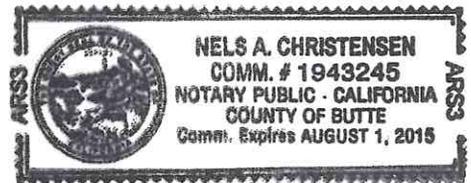
On 2-1-2013 before me, Nels A. Christensen, Notary Public
(insert name and title of the officer)

personally appeared Michael R. Hart,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)



ACKNOWLEDGMENT

State of California
County of Butte

On 2-1-2013 before me, Nels A. Christensen, Notary Public
(insert name and title of the officer)

personally appeared Dinesh Bajaj,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)

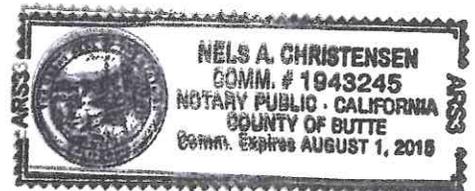


EXHIBIT "A"

All that certain real property situate in the County of Glenn, State of California, described as follows:

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES.

Parcel One:

Being a **Public Service Easement** over a portion of Lot 1, as said Lot 1 is shown on that certain map entitled "Map of Alfalfa Park" and on file at the office of the Recorder for said County of Glenn in Book 2 of Maps and Surveys at page 235, more particularly described as follows:

The East 35.00 feet of said Lot 1.

Containing 0.53 acres, more or less.

Parcel Two:

Being a **Public Service Easement** over a portion of the Southwest one-quarter of the Southwest one-quarter of the Southeast one-quarter of Section 23, Township 22 North, Range 3 West, M.D.M., and more particularly described as follows:

The West 30.00 feet of the above described Parcel Two.

Containing 0.45 acres, more or less.

Parcel Three:

Being a **Public Service Easement** over a portion of the West 650.00 feet of the South Half of the Southeast one-quarter of Section 23, Township 22 North, Range 3 West, M.D.M., lying North of the middle line of the County Road and more particularly described as follows:

The West 30.00 feet of the South 30.00 feet of the above described Parcel Three.

Containing 0.02 acres, more or less.

End of description.



11/05/12

Kenneth G. Skillman III
L.S. 7197

RESOLUTION 20__ - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND
ACCEPTING AN EASEMENT GRANT DEED FROM
SELECT HARVEST PARTNERS #2

BE IT RESOLVED that the Easement Grant Deed conveyed by Select Harvest Partners #2, a California General Partnership, dated the ____ day of _____, 20__, to the City of Orland is hereby accepted by order of the Orland City Council on the ____ day of _____, 20__, and the grantee consents to recordation thereof by its duly authorized officer.

PASSED AND ADOPTED at a regular meeting of the City Council, City of Orland, on the ____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

Signature
Mayor, City of Orland

Please Print Name

ATTEST:

Angela Crook, City Clerk

I, Angela Crook, City Clerk, of the CITY OF ORLAND, hereby certify that the attached is a true and correct copy of a Resolution duly made by the City Council at a meeting of said City Council, at Orland, California, on the ____ day of _____, 20__, the original of which is on file in my office and duly and regularly entered in the official records of proceedings of the City Council of the CITY OF ORLAND.

Dated: _____

Angela Crook, City Clerk

CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: X.A.1.

MEETING DATE: March 4, 2013

TO: Honorable Mayor and Council
FROM: Pete Carr, City Manager; Daryl Brock, CPA, Director of Finance
SUBJECT: **Annual Financial Audit Report** (Discussion/Action)

Council will consider the annual financial audit report recently received for fiscal year 2011-2012.

BACKGROUND

The City annually contracts with an independent CPA firm, in this case Marcello & Company, to audit the finances of the City's finances and many funds. The fiscal year runs July 1 through June 30.

The auditor typically performs the audit in November-January and produces a report to City Council in February. The report includes financial statements and an opinion on these statements based on the audit.

The report, once accepted by the city, is posted on the City website and forwarded to the State Controller's office. This year's audit report was provided in hard copy to each Council member in February.

DISCUSSION

The auditor states that there are no material defects or irregularities identified in the city's finances, based on the audit.

Total assets are listed as 10% greater than the previous year, and total liabilities 34% less before including the \$2M note to refinance the PERS side fund. Total net assets are 4% greater than the previous year before accounting for the PERS fund refi. Sales tax revenues were up 21%, property and VLF down 3% and 6% respectively.

RECOMMENDATION:

Accept the FY '11-12 audit and direct staff to publish it.

Fiscal Impact of Recommendation: None.

CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: X.B.1.

MEETING DATE: March 4, 2013

TO: Honorable Mayor and Council
FROM: Pete Carr, City Manager
SUBJECT: **Arts Assessment Fee** (Discussion/Direction to Staff)

Council will discuss the city's arts assessment fee and may provide direction to staff on possible changes to be considered.

BACKGROUND

The Arts Commission was created by the City Council by ordinance in 2004, and the Public Arts Fund was created by Council action in 2005, now codified as part of Orland Municipal Code 2.18.

OMC 2.18.070 establishes arts fund accounting, uses of the fund, and permissible expenditures.

OMC 2.18.080 sets forth projects subject to program requirements including:

- New and remodeled commercial and industrial property;
- New residential subdivisions; and
- New individual residential units valued at over \$100,000.

This code section also calls out specific exceptions such as public projects, certain types of remodeling, nonprofit and certain low income projects, private educational institutions and historic preservation projects.

OMC 2.18.100 offers the option to provide acceptable public artwork or pay to the city a deposit in lieu of artwork, based on a specified valuation of the building being constructed or remodeled as follows:

- ½ of one percent (0.5%) for new, remodel or reconstruction of commercial or industrial property.
- ¼ of one percent (0.25%) for residential subdivisions or individual residences valued at over \$100,000.

It has not been the practice of the building department to assess the arts fee for remodels and reconstruction projects.

The arts fee is assessed along with impact fees and water and sewer connection fees, so it has many similarities to a development impact fee. The arts commission exercises control over the arts fund subject to the provisions of OMC 2.18 and the City Council's approval of expenditure warrants.

In effect, the arts fee results in costs to developers that are not necessarily consistent with other impact-type fees as most other fees are based on square footage of the building rather than valuation of the building permit.

Attachments (2)

1. OMC 2.18 pertinent extracts
2. Sample art assessment fee calculations
3. Arts Commission Budget Statement for July 1, 2006 thru Feb 18, 2013

DISCUSSION

The City Council has expressed interest in reconsidering the amount of the arts fee and how it is administered. Staff is presenting how the fee was created and is administered. Council may also wish to consider how the fee is needed and utilized for purposes of the arts commission.

RECOMMENDATION:

Consider and direct staff.

Fiscal Impact of Recommendation: None.

2.18.070 - Public arts fund.

- A. Creation. There is established a public arts fund into which shall be deposited all funds collected under this chapter of the Orland Municipal Code and such other funds as may be appropriated by the city council or donated to the city for expenditures in conjunction with the public arts program.
- B. Accounting. This fund shall be maintained by the city treasurer, with accounting records established to sufficiently identify and control these funds. Expenditures shall be processed through the city's established warrant payment procedure.
- C. Use of Fund. The funds shall be used solely for the acquisition, installation, improvement, maintenance and insurance of artwork to be displayed in the city and the administration of the public arts program.
- D. Permissible Expenditures.
 - 1. The cost of artwork and its installation;
 - 2. The cost of purchase or lease of art sites;
 - 3. Waterworks, landscaping, lighting and other objects which are commissioned from an artist as an integral aspect of a structure or site or which are necessary for the proper aesthetic presentation and structural placement of the artwork;
 - 4. Frames, mats, pedestals and other objects which are necessary for the proper presentation of the artwork;
 - 5. Expenditures for maintenance and repair of artworks;
 - 6. Administrative expenses, including legal, to otherwise implement, uphold or carry out any provision of this chapter.
- E. Ineligible Expenditures.
 - 1. Reproductions of original work except limited editions;
 - 2. Unlimited editions of original work;
 - 3. Mass-produced art objects;
 - 4. Works that are decorative, ornamental or functional landscape or architectural elements except when commissioned from an artist as an integral aspect of a structure or site;
 - 5. Architectural rehabilitation or historical preservation of buildings.
- F. Endowments. The public arts fund shall also be used as a depository for endowments, bequests, grants or donations. Such endowments, bequests, grants or donations may be expended as set forth in subsections C and D of this section and when approved by the commission:
 - 1. Art exhibitions or displays;
 - 2. Promotion of art education within the community, either separate from or complementary to art programs of schools, museums or other nonprofit organizations.
- G. Replacement. For those artworks that have been purchased with moneys from the public arts fund or donated to the city, the city council may determine to sell or exchange existing artworks for replacement artworks. Any funds obtained from the sale of artwork shall be credited to the public arts fund.

(Ord. 2005-08 § 3 (part))

2.18.080 - Projects subject to public arts program requirements.

- A. Requirements. Except as provided in subsection B of this section, the requirements of this chapter shall apply to all works of construction and rehabilitation for which a building permit is required, including but not limited to:
1. New commercial and industrial construction;
 2. Remodeling or reconstruction of existing commercial or industrial property;
 3. New residential subdivisions or developments of two or more units, whether by detached single-family residential structures, condominiums, apartments, duplexes, townhouses or other dwelling units being built in the same tract by the same owner or developer;
 4. New individual single-family residential units constructed on a lot located in an existing subdivision whose building permit valuation is over one hundred thousand dollars (\$100,000.00).
- B. Exceptions. The requirements of this chapter shall not apply to the following activities:
1. Public projects undertaken by any agency of the city, the state, county, school district or any other governmental entity;
 2. Remodeling, repair or reconstruction of structures to comply with earthquake seismic safety code standards or which have been damaged by fire, flood, wind, earthquake or other calamity;
 3. Remodeling, repair or reconstruction of residential units;
 4. Nonprofit social service or cultural institution projects;
 5. Low to moderate housing projects as defined by household income Health and Safety Code Section 50093;
 6. Affordable housing developments receiving city, state or federal assistance;
 7. Private educational institutions which provide general education equivalent to the public school system (kindergarten through high school or any part thereof);
 8. Architectural rehabilitation or historical preservation of properties which are designated as historic sites by the city council.

(Ord. 2005-08 § 3 (part))

2.18.090 - Certificates of occupancy.

- A. No final city approval, such as final inspection or a certificate of occupancy, for any project subject to this chapter shall be granted or issued unless and until full compliance with the public arts program is achieved, in one or more of the following ways:
1. The approved artwork has been placed in a manner satisfactory to the arts commission.
 2. In-lieu art fees have been paid.
 3. Financial security in an amount equal to the acquisition and installation costs of an approved artwork, in a form approved by the city attorney, have been posted.
 4. An approved artwork has been donated and accepted by the arts commission.
- B. Full compliance with the public arts program shall not be deemed to exist until the entire program allocation for the project, as defined in Section 2.18.100 of this chapter, has been provided.

(Ord. 2005-08 § 3 (part))

2.18.100 - Requirement to provide artwork or pay development fee.

- A. The applicant shall be deemed to have satisfied his or her obligations under this chapter through the placement of artwork in a manner consistent with this chapter, valued at an amount equal to the program allocation.
- B. In lieu of placement of an approved artwork, the applicant may, at his or her discretion, pay to the city for deposit into the public arts fund an amount equal to the program allocation set forth in subsection D of this section.
- C. Fees are to be collected with respect to all projects prior to issuance of a building permit, except in the case of residential developments of more than one dwelling unit, where the fee shall be collected on a pro rata basis for each dwelling when it receives its final inspection or certificate of occupancy, whichever occurs first.
- D. The program allocation, as used in this chapter, is the percentage of the building cost which is set aside for the city's public arts program. The total building valuation shall be computed using the latest building valuation data as set forth by the International Conference of Building Officials (ICBO) unless, in the opinion of the building official, a different valuation measure more accurately represents the value of the building. Excluding land acquisition and off-site improvement costs, the program allocation shall be an amount equal to the percentage of the total building valuation for an applicable project, as listed herein:
 - 1. One-half of one percent for new commercial and industrial construction;
 - 2. One-half of one percent for remodel or reconstruction of existing commercial or industrial property;
 - 3. One-quarter of one percent for new residential subdivisions or developments of two or more units, whether by detached single-family residential structures, condominiums, apartments, duplexes, townhouses or other dwelling units being built in the same tract by the same owner or developer. A project shall be considered a development of two or more units when two or more building permits are issued to the same person for development of new residential structures within a one hundred eighty (180) day period;
 - 4. One-quarter of one percent for new individual single-family residential units constructed on a lot located in an existing subdivision for that portion of building permit valuation in excess of one hundred thousand dollars (\$100,000.00).
- E. Nothing in this section shall prohibit the applicant from placing an approved artwork with acquisition and installation costs in an amount less than the program allocation; provided that the applicant shall also pay to the public arts fund an amount equal to the difference between the program allocation and the costs of acquisition and installation of such artwork.
- F. Nothing herein shall restrict the city council from waiving the requirements of this chapter, in whole or in part, with respect to any project otherwise subject to the provisions of this chapter, provided that the city council determines that the project applicant has entered into an agreement with the city providing for the applicant's acquisition and installation of artwork in connection with the development of the project which addresses the goals and aims of this chapter in a manner equally or more favorable to the city than would be achieved by strict compliance with this chapter. In such an event, the city council shall make findings to this effect on the basis of substantial evidence.

(Ord. 2005-08 § 3 (part))

ORLAND PUBLIC ARTS FUND

Assessment fee examples

Project	Fee Assessed (Typical or Actual)
1200 sq ft Single-Family residence	\$312.50
1600 sq ft Single-Family residence	\$400.00
2000 sq ft Single-Family residence	\$525.00
AutoZone	\$3,000.00
Roundtable Pizza	\$2,350.00
Sapphire Plaza (all buildings combined)	\$17,000.00
Walgreens	\$6,000.00

City of Orland Arts Commission

7/1/06 Through 2/18/13

2/18/13

Page 1

Category Description	7/1/06- 2/18/13
INCOME	
Art Classes	6,436.00
City Assessment Fees Received	103,057.78
Donations	4,129.00
Gallery Exhibitions	10,885.39
Patron Of The Arts	125.00
Special Projects	
Christmas Gala	4,880.00
Christmas Gala 11	5,700.00
Christmas Gala 11 Raffle	365.00
Ciliax Bronze	31,750.00
Gazebo	12,000.00
Piano	3,000.00
TOTAL Special Projects	57,695.00
TOTAL INCOME	182,328.17
EXPENSES	
Art Class Expenses	6,542.00
Assessment Fees	
BldgMaint	16,924.66
Drinking Fountain	3,694.02
Rent	13,100.00
Special Dept	29,887.47
Utilities	16,336.94
TOTAL Assessment Fees	79,943.09
Special Project	
Christmas Gala	2,166.04
Christmas Gala 11	3,490.00
Christmas Gala 11 Raffle	182.50
Ciliax Bronze	24,000.00
Gazebo	50,857.36
Piano	3,000.00
TOTAL Special Project	83,695.90
TOTAL EXPENSES	170,180.99
OVERALL TOTAL	12,147.18