

Meeting called to order by Mayor Roundy. Meeting opened with the Pledge of Allegiance.

ROLL CALL

Councilmembers present: James Paschall, Reggie Olney, Wade Elliott (arrived at 7:27 p.m.),
Vice Mayor Paul Barr and Mayor Bruce Roundy

Councilmembers absent: None

Staff present: Bob Pasero, Nancy Sailsbery, Ken Skillman, Daryl Brock, Angie Crook,
Tom Andrews (arrived at 7:10 p.m.) and Paul H. Poczobut Jr.

ORAL AND WRITTEN COMMUNICATIONS – Planning

Citizen Business:

None

PUBLIC HEARING – Planning

1. **Tentative Parcel Map #2008-04: Pacific West Communities (Applicant):**

Tentative Parcel Map to create two lots of 5.13± acres each to meet the applicant's design of the proposed apartment buildings and street configurations on APN's 041-140-005, 041-170-004, and 041-160-009 (portion), located south of State Route "32", directly west of the Linwood Estates Subdivision. Environmental Review (NEPA and CEQA) documents were adopted and certified on August 6, 2007, by the Orland City Council for the Paigewood Village Apartments project.

Community Services Director Sailsbery presented the request by Pacific West Communities to approve Tentative Parcel Map #2008-04 which would create two lots for the Paigewood Village project. Community Services Director Sailsbery advised Northstar Engineering (applicant's representative) requested deletion of Engineering/Public Works Condition of Approval #47 as the Condition is no longer necessary. This tentative map is being processed instead. The area originally reserved for the subdivision and construction of Residential Lots #1- #4 will be used for detention instead of residences. Staff is recommending the deletion of this Condition as listed below with the remaining Conditions renumbered as appropriate. Engineering/Public Works Condition of Approval #47 stated the following:

~~"The subdivision to create Residential Lots #1 through #4 shall require the filing of an application and tentative map with all applicable fees paid by the applicant/developer in accordance with the Subdivision Map Act and the City of Orland's Municipal Code and will be subject to the conditions derived during processing of same."~~

NorthStar also requested a language revision for Engineering/Public Works Condition of Approval #44 from:

~~"Since access to this site is contingent upon crossing Lateral #51, project plan approval and subsequent commencement of construction shall not occur until the developer and the City Engineer are in possession of the executed License Agreement from the Bureau of Reclamation for same."~~

to:

“Since access to this site is contingent upon crossing Lateral #51, project plan approval and subsequent commencement of construction shall not occur until the developer and the City Engineer are in possession of **an executed Permit** from the Bureau of Reclamation for same while the License Agreement is being processed. A fully executed License Agreement shall be required and submitted to the City Engineer prior to the issuance of a Certificate of Occupancy.”

Community Services Director Sailsbery advised the Bureau of Reclamation agreed to provide a Permit to allow construction to commence and work to be done on site while the easement process is taking place (securing the License Agreement). Mayor Roundy opened the Public Hearing for comments at 7:05 p.m. With no comments, the Public Hearing closed at 7:06 p.m.

Councilmember Olney moved, seconded by Councilmember Paschal to adopt the findings below and approve Tentative Parcel Map #2008-04, subject to the following Conditions of Approval.

Findings for Approval of a Tentative Parcel Map:

1. The tentative parcel map conforms to the provisions of the Subdivision Map Act and to the provisions of Orland Municipal Code Title 16 – Subdivisions (OMC Section 16.16.190) with Conditions of Approval in place.
2. The tentative parcel map conforms to the provisions of the City of Orland General Plan (OMC Section 16.16.190).
3. That the design of the project will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed project.
4. The tentative parcel map is consistent with good planning and engineering practice (OMC Section 16.16.190) with Conditions of Approval in place.
5. The project will not be harmful to the public health and safety or the general welfare of the persons residing or working in the area.
6. The project will not result in substantial environmental damage.

Conditions of Approval

Tentative Parcel Map #2008-04: *Paigewood Village*

General Conditions:

1. The property shall be subdivided in substantial compliance with the conditionally approved Tentative Map. Any changes prior to recordation of the Parcel Map shall require the changes to be reviewed and adopted by the City of Orland.
2. No construction may begin until all building permit fees and development impact fees are paid in full by the developer(s) to the City of Orland in compliance with the deferred fees Agreement approved by the Orland City Council on January 20, 2009.

Engineering / Public Works Conditions:

3. The proposed westerly extension of Paigewood Drive (labeled "Public Access Road") shall match its existing terminus within the Linwood Park Estates Subdivision. This 60 foot wide street right-of-way shall be dedicated in fee title to the City of Orland in its entirety prior to commencement of construction for the first phase of the project.
4. The developer shall dedicate 10 foot wide Public Service Easements to the City of Orland adjacent to the Paigewood Drive ("Public Access Road") frontage.
5. Abandon any and all septic tanks on the site in accordance with the requirements of the Glenn County Environmental Health Department. All residential units shall be connected to the municipal sewer system prior to issuance of a Certificate of Occupancy.
6. Abandon any and all existing wells on the site in accordance with the requirements of the Glenn County Environmental Health Department. All residential units shall be connected to the municipal water system prior to the issuance of a Certificate of Occupancy.
7. All infrastructure improvements shall be designed and constructed in conformance with the City of Orland "Land Division Standards and Improvement Standards". The developer shall have a registered engineer prepare and submit construction details, plans and profiles, typical sections, specifications, and cost estimates to the Department of Public Works for review and approval prior to commencement of construction.
8. Install street name signs, traffic control signs and pavement markings as required by the City Engineer
9. Street lights shall be installed at the locations designated or approved by the City Engineer and constructed per PG&E Standards.
10. Fire hydrant locations shall be approved by the Orland Fire Department and the City Engineer.
11. Prior to approval of Improvement Plans, a registered engineer or geologist shall prepare a soils report or geotechnical report for this project. The report shall be prepared in a manner consistent with standard engineering practices and shall be reviewed for acceptability by the City Engineer.
12. Prior to grading and site work, a Construction Activity Stormwater Permit must be obtained from the Regional Water Quality Control Board (RWQCB). A copy of this project's "Receipt of Your Notice of Intent" bearing the Waste Discharge Identification (WDID) number shall be forwarded to the City Engineer along with a copy of the Stormwater Pollution Prevention Plan (SWPPP). In addition, the developer's engineer shall determine whether a construction de-watering permit shall also be required from the RWQCB, and if so, provide a copy of same to the City Engineer prior to trenching and excavation operations.
13. All utilities serving this project shall be installed underground and meet the design standards of each purveyor.

14. Public and private improvements constructed as a result of approval of this project shall not result in the increase in the rate of peak stormwater runoff from the gross area of the pre-subdivided site during a one hundred (100) year design storm event. A Master Design Plan for construction of improvements to comply with this requirement shall be reviewed and approved by the City Engineer prior to commencement of construction.
15. Should the project be built in phases, the City Engineer shall review each phase prior to commencement of construction to assure adequate access for emergency vehicles and to facilitate the orderly progression of infrastructure construction.
16. Developer shall pay all City of Orland Impact Fees with the issuance of building permits and as required by the deferred fees Agreement approved by City Council on January 20, 2009.

Conditions of Approval

Use Permit #2007-04:

General Requirements:

1. The applicant shall file a Declaration of Acceptance of all of the following conditions by submitting a signed copy of the conditions to the Planning Department within 10 days of City Council approval.
2. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of permit constitutes cause for the revocation of said permit. Unless otherwise provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
3. The use granted by this permit shall be established within one year of the date of approval or the permit shall become null and void.
4. Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the City of Orland to commence a revocation hearing and constitute grounds to revoke the permit.
5. The standards and design features proposed by the applicant's Planned Development Master Plan ("R-3" (Residential Multiple Family) Zoning District Standards) shall be recorded on the Map and shall become the standard for the development of this specific project to which the developer must adhere.
6. Minor changes may be approved by the City of Orland upon receipt of a substantiated request by the applicant or their respected designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as conditionally approved by the City Council on August 6, 2007. Changes deemed to be major or significant in nature shall require a formal application for amendment and hearing before the Orland City Council.

7. Building occupancy application is subject to review and conditions from all appropriate City departments.
8. Per the Planned Development Zoning District, Section 17.60.040 A., all uses, development and design standards for this project shall conform to the "R-3" (Residential Multiple Family) District (Chapter 17.28) regarding uses, lot requirements, design requirements, setbacks, height, and ground coverage.

GENERAL

9. All plans for buildings on this site shall repeat the basic architectural design features on all sides of the building to ensure that the development will present an attractive view from any aspect. Basic architectural design features shall be repeated on all sides of each building, and all roof-located mechanical systems must be visually screened to the satisfaction of the Building Department prior to the issuance of any building permits.
10. Pre-occupancy safety inspections by the Building Department is required for each new structure.
11. Prior to the issuance of any building permits, the applicant shall submit to the City for approval by the Planning Division, a detailed site plan setting forth the landscaping and other structures proposed for the landscaped areas of the site. Such site plan shall include all proposed landscaping, trees, shrubs, vine or ground cover plantings and proposed structures (play areas, benches, shade structures, etc.). The plan shall be drawn to scale and plants clearly located and labeled as to the size, type and botanical or common name.
12. Applicant shall be responsible for all costs associated with the required relocation of any utility poles or other utilities.
13. The following dust control measures shall be implemented during the construction phase of the project:
 - Water all active construction sites at least twice daily. Frequency shall be based upon the type of operation, soil, and wind exposure.
 - Land clearing, grading, earth moving or excavation activities shall be suspended when winds exceed 15 miles per hour, as determined by an anemometer on site or at the direction of the Glenn County Air Pollution Control District.
 - Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operation and hydroseed area.
 - Plant vegetative cover in disturbed areas as soon as possible.
 - Cover inactive storage piles.
 - Paved roadway shall be swept or washed at the end of each day as necessary to remove excessive accumulations of silt and/or mud that may have accumulated as the result of construction activities.
 - Use alternatives to open burning of vegetative material on the project site, such as chipping, mulching or conversion to biomass fuel, unless otherwise deemed infeasible by the Glenn County Air Pollution Control District.

- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.
- Wheel washer (wheel cleaners) shall be used to lessen the track out of dirt, mud, and rock from the site.
- Visible emissions from the construction phase of the project (internal combustion engines, dust from grading, excavating, etc.) will be monitored by the district using US EPA Method 9. Only District personnel currently certified in Method 9 will monitor the visible emissions.
- The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained.
- Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators when feasible.
- Minimize idling time to ten (10) minutes.
- Use of energy efficient lighting (including controls) and process systems such as water heaters, furnaces and boiler units. Energy-efficient and automated controls for air conditioning shall be used.
- Temporary traffic controls shall be established during all phases of construction to improve traffic flow, as deemed appropriate by the City Department of Public Works and the City Engineer.
- Schedule construction activities that direct traffic flow to off-peak hours as much as practicable.
- Hours of construction activity shall be between 7:00 a.m. and 5 p.m. Monday through Saturday in compliance with the City of Orland General Plan Policy 5.1.K.

14. Pursuant to CEQA Guidelines Section 15064.5(e), in the event of the accidental discovery or recognition of prehistoric or historic resources in an area subject to development activity, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie similar resources and a professional archaeologist shall be consulted. Further if human remains are discovered, the coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required. If the County Coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.

Upon completion of the site examination, the archaeologist shall submit a report to the City describing the significance of the finds and make recommendations as to its disposition. If human remains are unearthed during construction, the provisions of California Health and Safety Code Section 7050.5 shall apply.

Under this section, no further disturbance of the remains shall occur until the County Coroner has made the necessary findings as to origin and disposition, pursuant to California Public Resources Code Section 5097.98.

Mitigation measures, as recommended by the archaeologist and approved by the City in accordance with Section 15064.5 of the CEQA Guidelines, shall be implemented prior to commencement of construction activity within a 50-foot perimeter.

15. The project applicants shall obtain permits from the City of Orland and pay all appropriate fees for any required utilities modification, construction, and connections. Project applicants shall also obtain permits from the City Building Department, and pay all appropriate impact and other fees in effect at the time of issuance of building permits for any construction, plumbing, mechanical or electrical work to be undertaken as part of the project.
16. Prior to construction of any building on the east boundary of the project site, the applicant/developer shall install a permanent buffer, as approved by the City of Orland, across the entire eastern property line directly adjacent to the Linwood Park Estates subdivision as a noise and aesthetic buffer.

Building Department Conditions:

17. All lot line adjustments and/or mergers are to be completed prior to submitting applications and construction plans to the Orland Building Department.
18. Each structure shall require a separate building permit application.
19. Four sets (minimum) of plans are required for each building permit application.
20. Multiple submittals shall require an appointment with the Building Permit Clerk, Earline Hindbaugh at 865.1606 ext. 209.
21. The Community Building will require 20' setbacks from all property lines and center line (assumed property line) between any structures.
22. Dwelling units shall require 5' setbacks from property lines and center line (assumed property line) between any structures.

Engineering / Public Works Conditions:

23. Project applicants shall be required to pay their fair share of the lane additions to the northbound and southbound approaches to the State Route "32"/Papst Avenue intersection as well as toward the cost of widening the single lane northbound approach for the one left-turn lane and one combination through/right-turn lane as determined by the City Engineer.
24. Project applicants shall be required to pay their fair share of the installation of the signalized control at the State Route "32"/Papst Avenue intersection as determined by the City Engineer.
25. The proposed westerly extension of Paigewood Drive shall match its existing terminus within the Linwood Park Estates subdivision. This 60-foot wide street right-of-way shall be dedicated in fee title to the City of Orland in its entirety prior to commencement of construction for the first phase of the project.
26. The developer shall dedicate 10 foot side Public Service Easements to the City of Orland adjacent to the Paigewood Drive frontage.

27. The centerline radii of the curvilinear portions of Paigewood Drive shall be increased to a minimum of 100 feet to comply with the "City of Orland Land Division Standards and Improvement Standards" (hereafter COLDSIS) Section III.B.2.g.
28. Abandon any and all septic tanks on the site in accordance with the requirements of the Glenn County Environmental Health Department. All residential units shall be connected to the municipal water system.
29. All infrastructure improvements shall be designed and constructed in conformance with the City of Orland "Land Division Standards and Improvement Standards." The developer shall have a registered engineer prepare and submit construction details, plans and profiles, typical sections, specifications, and cost estimates to the Department of Public Works for review and approval prior to commencement of construction.
30. Install street name signs, traffic control signs and pavement markings as required by the City Engineer.
31. Street lights shall be installed at the locations designated or approved by the City Engineer and constructed per PG&E standards.
32. Fire hydrant locations shall be approved by the Orland Fire Department and the City Engineer.
33. Prior to approval of Improvement Plans, a registered engineer or geologist shall prepare a soils report or geotechnical report for this project. The report shall be prepared in a manner consistent with standard engineering practices and shall be reviewed for acceptability by the City Engineer.
34. Prior to grading and site work, a Construction Activity Stormwater Permit must be obtained from the Regional Water Quality Control Board (RWQCB). A copy of this project's "Receipt of Your Notice of Intent" bearing the Waste Discharge Identification (WDID) number shall be forwarded to the City Engineer along with a copy of the Stormwater Pollution Prevention Plan (SWPPP). In addition, the developer's engineer shall determine whether a construction de-watering permit shall also be required from the RWQCB and if so, provide a copy of same to the City Engineer prior to trenching and excavation operations.
35. All utilities serving this project shall be installed underground and meet the design standards of each purveyor.
36. Public and private improvements constructed as a result of approval of this project shall not result in the increase in the rate of peak stormwater runoff from the gross area of the pre-subdivided site during a one hundred (100) year design storm event. A Master Design Plan for construction of improvements to comply with this requirement shall be reviewed and approved by the City Engineer prior to commencement of construction.
37. Should the project be built in phases, the City Engineer shall review each phase prior to commencement of construction to assure adequate access for emergency vehicles and to facilitate the orderly progression of infrastructure construction.

38. Developer shall pay all City of Orland Impact Fees with the issuance of building permits.
39. Developer shall pay all actual City Attorney and City Engineer fees incurred in the review of this project.
40. All conflicting existing utilities shall be relocated at the developer's expense.
41. Developer shall underground or pay their fair share portion of same for the Bureau of Reclamation's Lateral #51 as determined by the City Engineer.
42. In the event that an elevation difference exceeding 12 inches arises between contiguous and/or perimeter lots during design of the comprehensive grading plan, a masonry or concrete retaining wall shall be utilized.
43. The water system shall be looped and connected to the existing City distribution system. The developer's engineer shall provide flowrate and pressure calculations for the proposed distribution system which show that a minimum fire flow capacity of 1,000 gallons per minute at 20 pounds per square inch residual pressure shall be maintained.
44. Since access to this site is contingent upon crossing Lateral #51, project plan approval and subsequent commencement of construction shall not occur until the developer and the City Engineer are in possession of an executed Permit from the Bureau of Reclamation for same while the License Agreement is being processed. A fully executed License Agreement shall be required and submitted to the City Engineer prior to the issuance of a Certificate of Occupancy.
45. The developer shall provide documentation to the City Engineer that legal ingress and egress has been obtained for the 30 foot wide paved access northward to State Route "32" from Caltrans.
46. The applicant shall process a lot line adjustment and obtain a Certificate of Compliance for the resultant parcels prior to commencement of construction.

Glenn County Environmental Health Department Conditions:

47. The applicant will be required to submit plans for the proposed pool and obtain approval for pool construction from the Glenn County Health Department prior to initiating pool construction. This department will also require an operating permit for the pool.
48. The project proponent shall be required to show an adequate number of garbage enclosures to serve the apartment complex satisfactory to the Glenn County Environmental Health Department.

Motion carried with no abstentions.

ORAL AND WRITTEN COMMUNICATIONS – City Council

Citizen Business:

None

Commission Appointments:

The Library Commission has one vacancy with a term expiring December 31, 2010. An application was received by Patricia Mullanix.

Vice Mayor Barr moved, seconded by Councilmember Olney to approve the appointment of Patricia Mullanix to the Library Commission with a term expiring December 31, 2010. Motion carried with no abstentions

The Public Works Commission has two vacancies with one term expiring December 31, 2009 and the other term expiring December 31, 2010. An application was received by: Roger Hansen.

Vice Mayor Barr moved, seconded by Councilmember Olney to appoint Roger Hansen to the Public Works Commission with a term expiring December 31, 2010. Motion carried with no abstentions.

CONSENT CALENDAR

- A. Waive reading except by title, of any ordinances under consideration at this meeting for either introduction or passage per Government Code §36934.
- B. Approve City Council minutes for February 2, 2009.
- C. Approve Warrant List.
- D. Approve Library Commission minutes for January 13, 2009.
- E. Approve Economic Development Commission minutes for January 5, 2009.
- F. Approve request by George Toney for Orland Unit Water Users Association water transfer.
- G. Authorize City Manager to sign Agreement with Caltrans for Disadvantaged Business Enterprise Race-Neutral Implementation Agreement for Local Agencies for the 2008-09 Fiscal Year.

Vice Mayor Barr moved, seconded by Councilmember Paschall to approve the consent calendar as presented. Motion carried with no abstentions.

PUBLIC HEARING

1. Environmental Review #2008-02: Vacate by City of Orland and purchase City-owned property:

Vacation by City of Orland and purchase of City-owned alley north of Assessor's Parcel Number 040-143-002 and south of Assessor's Parcel Number 040-143-001 for proposed commercial use. The property is approximately 2,000 square feet, is located on the west side of Sixth Street, north of State Route "32", is zoned "C-2" (Community Commercial) and is designated in the General Plan as "Commercial" (C).

City Engineer Skillman brought forward continued discussion of vacation of a city-owned alley and possible purchase by adjacent owner(s). Manpreet Saini contacted the City during the summer of 2008 seeking to purchase the adjacent alley from the City in order to obtain a resultant parcel meeting the minimum square footage requirement of the Community Commercial Zone. Ms. Saini was agreeable to the City' terms to purchase the City alley property at a fair market value of \$8.00 per square foot (\$16,000.00). However, the City was also contacted by Manjeet and Daljit Virdi (owners of APN 040-143-001) following the Public Notice posting at the site, the desire to purchase subject alley. After Council direction, a meeting was scheduled with all parties. Due to miscommunication Mr. Virdi did not attend. Staff determined to set aside 1,250 square foot portion of the subject alley to be sold to Ms. Saini so that APN 040-143-002 would become a parcel compliant with the zoning ordinance and to offer remaining 850 square foot portion of the alley to the Verdi's. Mr. Virdi advised he was not in agreement with the offer and wished to purchase the alley in its entirety. An appeal letter from Mr. Virdi to the alley abandonment/vacation has also been received. Mayor Roundy advised the City Council would base their decision on the best interests for the City. The Public Hearing opened at 7:15 p.m. Manpreet Saini, owner of property (APN 040-143-002) adjacent to alley, has plans to develop a Laundromat on the subject property and would need the additional square footage for Community Commercial Zone. Ms. Saini questioned Mr. Virdi's concerns that the alley abandonment would cause an unsafe and tremendous impact on Liberty Gas and Food Mart. Steve Butler, representative for Manjeet Virdi, advised his client requests the vacation of the alley be denied. However, if the City Council's intent is to vacate the alley, then Mr. Virdi 's requests to purchase the entire alley and maintain the alley for customer access, deliveries, and emergency vehicles. Manjeet Virdi, owner of Liberty Gas and Food Mart, would like to keep the alley as an alley, as he may possibly expand in the future. Paul Singh stated he was not aware of any future plans of development next to Liberty Food and Gas Mart. Mr. Singh had concerns regarding the visibility of Liberty and Food Gas Mart if a new building was developed adjacent to Mr. Verdi's property. The Public Hearing closed at 7:35 p.m. Councilmember Paschall questioned the setbacks of proposed development on the subject alley and adjacent property. Staff advised they have not seen any site plans at this time. City Attorney Andrews stated the Council needs to decide if the purchase of the piece of property will provide an economic vitality to the City. Mayor Roundy stated the General Plan defines to develop the Highway 99 (Sixth Street) and Interstate 5 corridor.

Vice Mayor Barr moved, seconded by Councilmember Elliott to adopt Resolution No. 2009-03 ordering the abandonment of the alley right-of-way of Block 48 of the map of Orland. Motion carried with no abstentions

Steve Butler recommended the decision on whom and how the City disposes of the property be tabled until further meeting between staff and interested parties. City Attorney Andrews advised the matter has been tabled already and felt a delay may be unreasonable. Mr. Virdi felt the City should offer a 50/50 split. However, City Manager Poczobut advised a 50/50 split would not allow for a buildable lot and requirements for frontage. Mr. Virdi advised Ms. Saini could apply for a variance. Staff advised findings for a variance would be difficult and could cause a precedent.

Councilmember Olney moved, seconded by Councilmember Paschall to sell the subject alley to Ms. Saini and authorize the Mayor to execute the Associated Deed(s) prepared by the City Engineer. Motion carried with no abstentions.

ADMINISTRATIVE COMMUNICATIONS

Community Services Director:

Community Services Director Sailsbery presented request by Economic Development Commission to schedule a workshop with the City Council and Chamber of Commerce for discussion of guidelines for the Strategic Plan. The workshop is scheduled for March 18, 6:00 p.m. at the Carnegie Center.

Vice Mayor Barr moved, seconded By Councilmember Olney to approve a Joint Workshop for March 18, 2009, 6:00 p.m., at the Carnegie Center, with City Council, Economic Development Commission, and Chamber of Commerce. Motion carried with no abstentions.

City Engineer:

City Engineer Skillman request Council to discuss and take possible action regarding an Agreement for Landscape Maintenance and Sign Installation for the proposed Walgreens project. The Agreement addresses the ongoing maintenance of landscaping within a portion of the excess right-of-way recently relinquished to the City of Orland along the State Route 32 Realignment Project. The property was determined to be insufficient to be sold as a separate parcel. Staff recommended the adjacent Walgreen's project be conditioned to install and maintain the landscaping on the property. In exchange for ongoing maintenance, the Agreement allows Walgreens to locate a sign within the property. Community Services Director Sailsbery advised there are design standards and sign requirements the applicant will need to follow, as well as approval from Caltrans.

Vice Mayor Barr moved, seconded by Councilmember Paschall to approve the proposed Agreement for Landscape Maintenance and Sign Installation and authorize the City Manager to execute the Agreement. Motion carried with no abstentions.

Finance Director:

Finance Director Brock brought forward Resolution No. 2009-04 implementing Public Employees' Retirement employee pick-up. Finance Director Brock stated the provisions of the Resolution have remained the same for the past 20 years; CalPers now requests a Resolution due to an IRS regulation.

Vice Mayor Barr moved, seconded by Councilmember Paschall to adopt Resolution No. 2009-04 implementing Public Employees' Retirement employee pick-up. Motion carried with no abstentions.

Finance Director Brock brought forward Final Budget Analysis for period ending January 31, 2009. An additional \$15,000 in reimbursable expenses (grant reimbursements) was received during this period. Finance Director Brock stated there is approximately \$15,000 in outstanding engineering invoices which are diligently being sought to get collected. Finance Director Brock advised the General Fund Reserves is estimated at \$150,000 by the end of the fiscal year.

City Manager:

City Manager Poczobut request Council to consider sponsorship in the Best of the West Expo. The following sponsorship levels are:

Diamond - \$1500
Platinum - \$ 750
Gold - \$ 500
Silver - \$ 250

Last year, City Council approved the platinum sponsorship (\$750) for the Best of the West Expo. Council approved at the last regularly scheduled meeting the booth cost of \$40.

Vice Mayor Barr moved, seconded by Councilmember Elliott to support the Best of the West Expo with a Platinum sponsorship for \$750. Vice Mayor Barr encouraged all Councilmembers to help man the booth during the expo. Motion carried with no abstentions.

City Manager Poczobut request Council to consider return of the Drug Task Force Officer to the Police Department. Mayor Roundy requests Council to table the issue until further information is received from the Glenn County Sheriff and Chief of Police.

Vice Mayor Barr moved, seconded by Councilmember Paschall to table the issue regarding return of the Drug Task Force Officer to the Police Department until further information is received from the Glenn County Sheriff and Chief of Police. Motion carried with no abstentions.

City Attorney:

City Attorney Andrews advised he request a change in the agenda. After review of the Government Code, Closed Session Item XI.C. regarding *Public Employee Appointment, Employment, Evaluation of Performance, Dismissal or Release; Pursuant to Government Code Section: 54957; Position: City Attorney*, should be discussed in Open Session and not Closed Session.

Vice Mayor Barr moved, seconded by Councilmember Olney to pull Item XI.C from Closed Session and bring forward to Open Session for discussion as Item E.

City Attorney Andrews advised there was correspondence from Councilmember Elliott concerning a review of the City Attorney's contract. Councilmember Elliott stated he questioned what services between Council and staff could possibly be reduced in relation to the City Attorney. Mr. Andrews stated he has been the City Attorney for the City of Orland since 1994. City Attorney Andrews explained the open communication he's maintained between staff and City Council. His communication process (done by phone and/or email) with staff is always considered in the best economical sense. Mr. Andrews advised the normal rate he charges clients is \$225 an hour. However, he charges \$110 an hour for the services he provides the City, plus a \$550 a month retainer for attendance at the City Council meetings. City Attorney Andrews advised he

understands the Council concerns and believes he handles the City matters efficiently. Council thanked Mr. Andrews for clarification of his costs for legal services.

CITY COUNCIL COMMUNICATIONS

Vice Mayor Barr advised the gym flooring in the Recreation Center will be installed in the next few days and looks forward to the Grand Opening that will be taking place soon.

Mayor Roundy advised the tentative Grand Opening date for the Lely Recreation Center will take place March 18, 2009. The Friendly Garden Club and Arts Commission have agreed on the City's entrance way project. The South Street project is currently underway. The Centennial Committee is still meeting and the Jubilee Celebration will take place Labor Day weekend.

City Engineer Skillman advised they have begun design of Sixth Street in anticipation of stimulus monies.

Meeting adjourned to closed session at 8:45 p.m.

CLOSED SESSION

- A. Closed Session was held regarding Public Employee Appointment, Employment, Evaluation of Performance, Dismissal or Release; Pursuant to Government Code Section: 54957; Position: City Librarian.
- B. Conference – Review of Labor Negotiations with United Public Employees of California - General and Mid-Management Units; Pursuant to Government Code Section 54957.6; City Manager: Paul H. Poczobut Jr.; Employee Organization: United Public Employee of California.

Meeting reconvened to open session at 9:32 p.m.

REPORT FROM CLOSED SESSION

Direction was given to staff regarding both A. and B. closed session items.

ADJOURN

Meeting adjourned at 9:33 p.m.

_____ City Clerk

_____ Mayor

