

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

ROLL CALL

Councilmembers present: Jim Paschall, Reggie Olney, Wade Elliott, 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, and Paul H. Poczobut Jr.

ORAL AND WRITTEN COMMUNICATION – Planning

Citizen Business:

None

PUBLIC HEARING – Planning

1. **WestHaven Orland Development (Owner/Applicant): Conditional Use Permit # 2005- 14, Amendment:** to allow the construction and operation of a second licensed residential elder care facility existing approved elder care facility (WestHaven) and is part of a larger planned senior housing campus. The proposed addition is approximately 9,900 square feet. Due to the size of the proposed addition, the applicant is requesting a modification of the 20-foot side yard setback along Fairview to 16.7 feet. The project site is zoned “P-D” (Planned Development; with the underlying “R-2” (Residential Two-family) Zoning District Standards and is designated in the General Plan as “Medium Density Residential” (R-M: 10 dwelling units per acre).
Environmental Review: On January 11, 2006, the Orland City Council adopted a categorical exemption under CEQA as “In-fill” (Section 15332) for Conditional Use Permit #2005-14. Therefore, no environmental review under CEQA is required for this Amendment.

Councilmember Elliott recused himself from the dais at 7:03 p.m., as he is employed by the WestHaven Assisted Care Facility.

Community Services Director Sailsbery gave a summary of the applicants request to amend Conditional Use Permit #2005-14 for the construction and operation of a second licensed elder care facility. The Public Hearing opened for comments at 7:05 p.m. John Noffsinger, 724 Papst Avenue, questioned the reasoning for a 20’ setback. Community Services Director Sailsbery advised a 20’ setback is considered standard for most zoning districts, for which their purpose is for safety. However, under a Planned Development Zoning District it can be very flexible; the applicant can request what they desire and Council will make the determination. Byron Denton, 127 Tanner Way, questioned why a home on a corner lot subdivision could not be built with less than 20’ setbacks. With no further comments the Public Hearing closed at 7:10 p.m.

Councilmember Barr stated he prefers a 20’ setback; however, he had concerns regarding the off street parking. Vice Mayor Barr stated he did not believe that on street parking should count towards the requirement for off street parking, due to congestion in the neighborhood. Mayor Roundy addressed the same concerns and the shortage of 8 parking spaces. Mayor Roundy was advised that all personnel are not there at the same time and would not pose a problem.

City Attorney Andrews brought forward liability concerns in regards to their staffing, number of patients and the facilities lock down system. Rachel Hendry, an employee of WestHaven, stated the facility is staffed 24 hours a day. Richard Orchid, Project Manager for Modern Building, stated there is a locking mechanism on all doors and the windows will have alarms. Mayor Roundy stated there had been a concern of excessive fire assistance calls to the facility, however, that has reportedly been resolved. Mr. Orchid advised the building could possibly be shifted 5' feet to the west to meet the 20' setback but additional parking spaces may be a problem. Vice Mayor Barr questioned if there was vacant property that could accommodate additional parking spaces. Councilmember Paschall questioned if some concerns were viable. Council gave direction to staff to work with WestHaven and examine additional parking and change setback to 20 feet.

ORAL AND WRITTEN COMMUNICATIONS – City Council

Citizen Business:

Mike Yalow, 163 E. Swift Street, gave an update on the Kara Varian Baker project. Resource Conservation & Development is currently working on a concept for an agricultural facility on South Street.

Councilmember Elliott returned to the dais at 7:45 p.m.

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 April 6, 2009.
- C. Approve Warrant List.
- D. Approve Orland Arts Commission minutes for March 18, 2009

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

PUBLIC HEARING

1. Request for public input regarding Federal Funding under the “Edward Byrne Memorial Justice Assistance Grant program”.

Chief of Police Pasero advised the grant (\$14,739) provides monies for general law enforcement purposes. It is recommended that the funds be used to upgrade computers, software, and radio equipment. The Public Hearing opened for comments at 7:50 p.m. Byron Denton, 127 Tanner Way, stated the grant is a good idea. With no further comments, the Public Hearing closed at 7:51 p.m.

Vice Mayor Barr moved, seconded by Councilmember Paschall to approve the Byrne grant funding. Motion carried with no abstentions.

ADMINISTRATIVE COMMUNICATIONS

Finance Director:

Finance Director Brock gave an update on the Nine Month General Fund Budget. The past month sales tax revenues were overestimated, consequently funds received were much less than originally anticipated. Finance Director Brock advised there are still unknowns as to what revenues the City will receive in the last three months.

Finance Director Brock gave an update on the Nine Month Enterprise Fund Budget. The Building department is operating at a deficit and no clear picture as to when the situation will turn around. Finance Director Brock advised that a couple of the larger projects which are not finished have outstanding monies that the City is expecting to collect.

City Engineer:

City Engineer Skillman brought forward request to approve the Sanitary Sewer System Management Plan. The State Water Resources Control Board established statewide general waste discharge requirements for sanitary sewer systems to regulate sanitary sewer overflows. The City is required to implement the plan by May 10, 2010 which addresses eleven (11) stipulated components. This is the first of two (2) components of the plan.

Vice Mayor Barr moved, seconded by Councilmember Olney to approve the Sewer Sanitary Management Plan dated April 2009. Motion carried with no abstentions.

City Attorney:

City Attorney Andrews presented request to approve the Identity Theft Prevention Program. A requirement now applies to government agencies which provide billed utility services to customers. The City has the responsibility of developing an Identity Theft Prevention program to protect utility customer's personal information. The City Clerk will be charged with the obligation of implementing and enforcing the program, with the assistance of the City Attorney.

Vice Mayor Barr moved, seconded by Councilmember Olney to adopt the Identity Theft Prevention Program. Motion carried with no abstentions.

City Manager:

City Manager Poczobut request Council to discuss setting a date for a Budget Workshop. Council discussed the Statewide Special Election which will be held May 19, 2009; which election results may determine future local budgets. Upon consensus of Council, the decision to set a date for a Budget Workshop was tabled.

City Manager Poczobut brought forward Resolution No. 2009-06 which would provide Workers Compensation coverage to authorized agency volunteers. Dan Berry, Golden State Risk Management Authority, provided information to the Council regarding the coverage. Mr. Berry advised the labor code states that volunteers for Public Agencies are specifically excluded from workers compensation, with the exception of police and fire volunteers which are automatically included in coverage. There is no additional cost to add volunteers to the coverage. However, the only cost that could potentially incur is when a loss may affect the City's loss ratio. A policy could be adopted by Council, if they so desire, to cover a specific classification of volunteers.

Vice Mayor Barr moved, seconded by Councilmember Olney to adopt Resolution No. 2009-06 providing Workers Compensation Coverage to authorized agency volunteers. Motion carried with no abstentions.

RESOLUTION NO. 2009-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND PROVIDING WORKERS COMPENSATION COVERAGE TO AUTHORIZED VOLUNTEERS

City Manager Poczobut brought forward request for sponsorship from Glenn County Foster Parent Association for 3rd Annual Old Skool Car Show and BBQ on May 2, 2009. Council discussed given economic times it would not be appropriate for the City to sponsor at this time. Council directed staff to draft letter to Glenn County Foster Parent Association explaining Council's position.

CITY COUNCIL COMMUNICATIONS AND REPORTS

City Manager Poczobut thanked Rick Longley, from Tri-County Newspaper, for articles regarding Northstate Motors and the assistance which is available through Glenn County HRA and West Company for start-up businesses.

Vice Mayor Barr reported from the Glenn County Transportation Commission meeting that the City will receive approximately \$55,000 in gas tax residual monies.

Mayor Roundy reported an invitation was given to the Governor to attend Orland's Centennial Jubilee celebration but he is unable to attend. Assemblyman Jim Nielson will be attending the celebration. Senator Sam Annestad will be delivering a Proclamation.

Mayor Roundy stated the town clock will be placed in the Orland entryway park. Mayor Roundy advised it has been suggested to rename the Orland entryway park as "Centennial Park".

Vice Mayor Roundy advised a Town Hall meeting regarding the Jubilee celebration will take place April 28th at the Orland High School.

On May 1, 2009 from 3:00 – 5:00 p.m. a retirement party will be held at the library for City Librarian Marilyn Cochran.

ADJOURN

Meeting adjourned at 8:50 p.m.

_____ Clerk

_____ Mayor