

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:

Jane King, 330 Meadowood Drive, thanked Mayor Roundy and Councilmember Elliott for participating in the Glenn County Fair parade.

Ms. King stressed concerns of a fire hazard in Creekside Estates because of overgrown weeds that need to be mowed.

Bob Bishop, 224 Mellane Circle, submitted information to Council requesting amendment of Condition of Approval #26 for Creekside Estates.

PUBLIC HEARING – Planning

1. **WestHaven Orland Development (Owner/Applicant): Conditional Use Permit # 2005-14, Amendment (Revised):** to allow the construction and operation of a second licensed residential elder care facility at the existing campus, APN: 041-271-062 (0.64± acres). The project site is adjacent to, and south of, the 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. 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). The Applicant is requesting a modification from the standard parking space size of 10' x 20' to 9' x 20' to allow for additional on-site parking. This is a Planned Development Zoning District and the requested modification to the standard parking space size would not be detrimental to the neighborhood or negatively affect the project.

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 as the proposed use is compatible with applicable General Plan and Zoning Designations, is located on a project site that is less than five acres, is located within the City of Orland, has no value as habitat for endangered species or threatened species, will result in no effects related to traffic, noise, air quality, or water quality, and the site can be adequately served by all required utilities and public services. Therefore, no environmental review under CEQA is required for this Amendment.

Mayor Roundy stated in regards to Brown Act concerns that were raised at the last Council meeting of May 4, 2009 (Councilmember's having contact with Councilmember Elliott on the proposed WestHaven project); Mayor Roundy advised the City Attorney and the Fair Political Practices Commission stated he has no conflict of interest, so therefore would vote on the issue.

Councilmember Elliott stated he did recuse himself from the April 20th Council meeting due to a conflict of interest with the proposed WestHaven project. However, days following that meeting Mr. Elliott advised he did have conversations with some members of Council and staff. At which time, City Attorney Andrews advised Councilmember Elliott to not have any direct contact with Councilmembers concerning the WestHaven project outside of a public meeting. Mr. Elliott stated he has not had any further communication with Councilmember's since speaking with City Attorney Andrews.

Councilmember Elliott recused himself at 7:16 p.m. from the dais, as he is employed by WestHaven Care facility.

Community Services Director Sailsbery brought forward a revised Site Plan from the applicant to meet the 20 foot setback and to provide additional on-site parking as directed by Council at the previous Public Hearing on April 20, 2009. Mayor Roundy stated the City received several emails in favor of the project and stated he agreed with those letters. Vice Mayor Barr stressed concerns over the off-street parking situation and future development of Fairview Village. Mayor Roundy reiterated Vice Mayor Barr's concerns; he did not want to add to the congestion on Fairview Street and Edith Circle access. Mayor Roundy stated there is enough room to add five (5) additional on-site parking spaces. Councilmember Paschall stressed concerns of congestion on Fairview Street in front of the school during school hours. The Public Hearing opened for comments at 7:32 p.m. Matthew Lonestar, Director of Environmental Services WestHaven, stated the applicant is willing to address Council's parking concerns and hopes the Council would reconsider the original parking plan of retaining 26 spaces. Jane King questioned whether the modified parking spaces are feasible for wheelchair access and for the elderly. Gordon Weems, former Executive Director of Prestige Assisted Living, advised the allocation of 26 parking spaces far exceeds the amount of resident rooms; residents usually do not drive and get transported by community van which utilizes a handicap parking space. Robert Feeney, Civil Engineer, Feeney Engineering, advised 9' x 20' parking spaces is standard in Chico. Mr. Feeney advised landscaping would be given up in order to provide for the additional parking spaces. Byron Denton, 127 Tanner Way, advised the applicant needs to do what is right for the City. Richard Orchid, Modern Building Project Manager, displayed visuals with landscaping and without to illustrate the additional parking spaces. Mr. Orchid stated the aesthetics of the building would be affected by removing the landscaping. Lora Vaquera, 1317 Fairview Street, advised employees from the facility park on Fairview Street which causes her concern to the congestion already on that street. Walt McCann, 1304 Anita Court, stated the parking lot at WestHaven is rarely full and does not see a lot of congestion. Vern Montague, 162 E. Swift Street, stated WestHaven is an asset to the community but the code requires 44 spaces off street parking. Mike Yalow, 163 E. Swift Street, states WestHaven is a good project but planned development does not allow a change in the ordinance or General Plan. George Toney, 4239 County Road L, stated it does not seem reasonable to require so much parking. Charles Gee, 335 Meadowood, stated the project serves a public benefit; Council should move forward. With no further comments, the Public Hearing closed at 8:16 p.m.

Councilmember Olney moved, seconded by Councilmember Paschall to adopt the findings in the staff report and approve Conditional Use Permit #2005-14, Amendment, subject to the revised conditions listed in the staff report.

Roll Call vote:

Ayes: Councilmembers Paschall and Olney

Noes: Councilmember Barr and Mayor Roundy

Tie vote 2 -2, Motion failed.

Mayor Roundy declared a short recess at 8:25 p.m.

Mayor Roundy reconvened meeting at 8:28 p.m.

ORAL AND WRITTEN COMMUNICATIONS – City Council

Citizen Business:

Patricia Coshow, 201 Yolo Street, request Council to look into dispatching services for the ambulance due to an incident that occurred when the ambulance was dispatched to her Yolo Street address in the City of Willows rather than the City of Orland.

Brandy Branzelle and Chief Pasero advised the Missing in America Project (MIAP) will be coming through Orland on May 20th. The purpose of the project is to bring located remains of veterans to Arlington Cemetery with full military honors.

Presentation:

A power point presentation was given by Greg and Alison O’Sullivan of Upstate California Economic Development Council. They are a regional marketing organization that serves over 20 northern counties and cities. Mr. O’Sullivan advised they provide networking resources, business leads and assistance to local economic development. Mr. O’Sullivan advised Council of costs to become a member: Associate \$1,500 with no voting rights; Board member \$3,000 with voting rights.

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 May 4, 2009.
- C. Approve Warrant List.
- D. Approve Economic Development Commission minutes for March 2, 2009.
- E. Approve Economic Development Commission/City Council Workshop minutes for March 18, 2009.
- F. Adopt Resolution No. 2009-07 authorizing access to summary criminal history information for employment, licensing or certification purposes.
- G. Approve the Disadvantaged Business Enterprise (DBE) Agreement with Caltrans for 2009/2010 Federal Fiscal Year and authorize City Manager to sign Agreement.
- H. Approve Parcel Map No. 2008-04 (Tracy/Royce) for Paigewood Village.

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

PUBLIC HEARING

None

ADMINISTRATIVE COMMUNICATIONS

Finance Director:

Finance Director Brock presented an update on the ten month General Fund Budget. Finance Director Brock stated Impact Fees can be used to help fund the General Plan Update; this would relieve the General Fund up to \$69,000. If projections prove accurate, the City should conclude the current fiscal year with approximately \$183,000 in the Unappropriated General Fund Reserve.

Finance Director Brock request Council to adopt Resolution No. 2009-08 finding a severe fiscal hardship will exist if additional city property tax funds are seized and additional unfunded mandates are adopted by the State of California. Finance Director Brock advised an 8% cut to the City of Orland's General Fund would amount to \$143,000. Vice Mayor Barr moved, seconded by Councilmember Olney to adopt Resolution No. 2009-08 finding a severe fiscal hardship will exist if additional unfunded mandates are adopted by the State of California. Motion carried with no abstentions.

RESOLUTION NO. 2008-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL CITY PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA

City Manager:

City Manager Poczobut brought forward request to approve membership with Upstate California Economic Development Council. The Orland Economic Development Commission has recommended the City Council to approve membership to the organization at the Associate membership level at a cost of \$1,500. John Noffsinger, 724 Papst Avenue, advised Council should consider costs before deciding to participate as a member. Councilmembers Elliott and Olney agreed the City should attend and observe a few meetings before making a decision to approve a membership with Upstate California Economic Development Council. After Council discussion, Vice Mayor Barr moved, seconded by Councilmember Paschall to approve a six month Voting Board membership (June – Dec 2009) at a cost of \$1,500 with Upstate California Economic Development Council. Motion carried 3-2 with no abstentions.

City Manager Poczobut brought forward request to approve membership with California Downtown Association (CDA) and participate in CDA Conference. Downtown revitalization is a goal in the draft strategic plan currently being worked on by the Economic Development Commission (EDC). The Economic Development Commission has recommended to Council to become a member of the Downtown Association and become an active participant. The membership for public agencies is \$300. Councilmember Elliott advised the Chamber of Commerce and Orland Business Improvement Association should be asked if they would be interested to participate. Council directed staff to give additional information to the OBIA and Chamber of Commerce.

City Manager Poczobut presented to Council the Comprehensive Economic Development Strategy (CEDS) Annual Update. The Economic Development Commission agreed with the following staff recommendations:

Priority A - Projects

1. Public Safety Facility
2. Develop Economic Development Strategic Plan.
3. Master Plans for sewer and storm drain systems.
4. General Plan update to include historic district or designation
5. Signalization for State Route 32 at Papst Avenue
6. Community Center
7. Continue to pursue business development opportunities that include agriculture, art, natural resources and historic tourism utilizing partners such as the USDA, the Central Valley RC&D, Glenn County RCD, Butte-Glenn Community College, and other entities.
 - a. Work on developing the Bio-energy project in Glenn County (MERF, Gasification, etc.)
 - b. Working with the Sacramento Valley RC&D to develop an ag-related marketing program for area agriculturists.
8. Develop Stony Creek Trail project and grant
9. Enhance the recreation and park opportunities, amenities, and safety for the community.
10. Entryway improvements and signage, including SR 32, South Street and Sixth Street.

Priority B – Projects

1. Swimming pool renovation

Priority C – Projects

1. Extension of Papst Avenue to the north
2. Library building expansion

Councilmember Elliott moved, seconded by Councilmember Paschall to approve the proposed recommendation for the CEDS Annual Update. Motion carried with no abstentions.

City Manager Poczobut request Council to discuss and take possible action on Economic Development Strategic Plan. Initially, there were thirteen (13) strategic planning goals; six (6) goals brought forward by the Orland Economic Development Commission. Staff has recommended the following three elements:

1. Business Retention and Expansion Program
 - a. Retail
 - b. Industrial
 - c. Downtown Revitalization
2. Workforce Development
3. Economic Development Funding

Councilmember Elliott moved, seconded by Vice Mayor Barr to approve the prioritization of the Strategic Planning goals as presented. Motion carried with no abstentions.

City Manager Poczobut advised he is working on resolving the matter with Patricia Coshow and ambulance dispatch.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Mayor Roundy reminded Councilmembers to attend appointed commission/committee meetings and report back. If unable to attend, be sure to contact the alternate or Mayor Roundy.

Mayor Roundy advised of the following upcoming meetings:

- May 28 - Housing Element Update Workshop, 6 – 8 p.m. at Carnegie Center.
- June 9 – Centennial Jubilee Committee meeting, 5:30 p.m. at Carnegie Center

Mayor Roundy stated LAFCO is active again; will be meeting again in June.

Mayor Roundy and City Manager Poczobut attended the Sacramento Valley Division League of California Cities meeting last week. Former Councilmember Mike Yalow received a plaque of special recognition for his past eight years of contribution to the League of California Cities.

Meeting adjourned to Closed Session at 9:50 p.m.

CLOSED SESSION

Closed Session was held regarding Public Employee Appointment, Employment, Evaluation of Performance, Dismissal or Release; Pursuant to Government Code Section: 54957; Position: City Manager.

Reconvened to Open Session at 10:14 p.m.

REPORT FROM CLOSED SESSION

Evaluation review of City Manager was discussed.

ADJOURN

Meeting adjourned at 10:15 p.m.

_____ Clerk

_____ Mayor