

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

ROLL CALL

Councilmembers present: Reggie Olney, Wade Elliott and Mayor Roundy

Councilmembers absent: Jim Paschall and Vice Mayor Paul Barr

Staff present: Bob Pasero, Nancy Sailsbery, Daryl Brock, Angie Crook, Tom Andrews, and Paul H. Poczobut Jr.

ORAL AND WRITTEN COMMUNICATIONS – Planning

Citizen Business:

Byron Denton, 127 Tanner Way, thanked the owner of the Booth Hotel for the recent renovations to his building.

Mr. Denton thanked George Turnbull for his design of the new Welcome to Orland sign.

Mike Yalow, 163 E. Swift Street, advised he had an explanation concerning Item VII.I. on the consent calendar.

PUBLIC HEARING – Planning

1. **Stott Outdoor Advertising (Applicant): Conditional Use Permit # 2009-07:** to place and maintain a non-illuminated 7' x 14' (98 square feet) double-sided off-site pole sign with an overall height of 15'-6" to be located on Assessor's Parcel Number 041-072-005 (7,637 square foot vacant lot) to market and advertise for Orland businesses. The property is zoned "C-2" (Community Commercial) and is designated in the General Plan as "Commercial" (C).

Environmental Review: Exempt under the CEQA "General Rule" Exemption (§15061 (b)(3)). The "General Rule" Exemption under CEQA states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The project meets this requirement.

Community Services Director Sailsbery brought forward request from Stott Outdoor Advertising to approve a Conditional Use Permit to place and maintain a 98 s.f. pole sign. The sign would be located on a vacant lot on the south side of State Route 32, north of E. Colusa Street, east of East Street, and west of Woodward Avenue. Kimberly King, 65 E. Colusa Street, submitted a letter to Council objecting to the subject proposal. The Public Hearing opened for comments at 7:10 p.m. Carlee Shannon, 6355 County Road 11, does not feel a sign of that size is needed in our rural community. Brian Daubert, Stott Outdoor Advertising, advised the sign would be not illuminated, therefore not affecting adjacent property owners. Mr. Daubert advised they have operated two signs of similar size in Orland and one sign has been recently removed at the new Walgreens location on Newville Road. Benigno Casillas, owner of the property, stated he plans to develop the property in the future. Mr. Casillas confirmed he had a 10-year contract with the sign company. Byron Denton felt the sign would be large. Ms. Shannon stressed concerns of the billboard becoming empty and not being maintained. Mr. Daubert stated that Stott Outdoor Advertising would maintain the sign and would take care of any maintenance issues promptly. Tracey Quarne,

945 East Street, stated Stott Outdoor Advertising should consider advertising community events on the proposed sign. The Public Hearing closed at 7:23 p.m. Mayor Roundy stated he opposed additional signs as it detracts from the community. Councilmember Elliott stated the sign offers an opportunity for businesses to advertise. He was inclined to support the proposal as the landowner has followed the process and is a permitted use.

Councilmember Olney moved, seconded by Councilmember Elliott to adopt the CEQA "General Rule" Exemption under Section 15061 (b)(3) because the project (CUP #2009-07) will not have a significant effect on the environment. Motion carried 2 – 1. Mayor Roundy voting no and Councilmembers Paschall and Barr absent.

Councilmember Elliott moved, seconded by Councilmember Olney to adopt the findings and approve Conditional Use Permit #2009-07, subject to the conditions of approval listed below:

Findings for approval of the Use Permit:

1. The approval of this Use Permit is necessary to protect a substantial property right of the applicant (OMC 17.80.040).
2. The approval permits a use that will be compatible with other uses in the area, and that will not be detrimental to other uses, rights or properties in the area (OMC 17.80.040).

The project is allowed by Conditional Use Permit and is compatible with the predominantly commercial land uses in the vicinity.

3. The project is consistent with the General Plan Land use designation for the site and is compatible with the goals and policies of the General Plan.

The General Plan designation for the project site is Commercial. The use is allowed with an approved Conditional Use Permit to exceed the Sign standards of Chapter 17.78 of the Orland Municipal Code.

General Conditions of Approval:

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Division within ten (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 applicant shall submit a check or money order in the amount of **\$100.00 made payable to the City of Orland** for the preparation of the Notice of Exemption from CEQA within five (5) days of the date of approval.
6. The applicant shall submit a check or money order in the amount of **\$50.00 made payable to the Glenn County Recorder's Office** for the fee to record the Notice of Exemption from CEQA within five (5) days of the date of approval.
7. Minor changes may be approved by the City Planner upon receipt of a substantiated written 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. Changes deemed to be major or significant in nature shall require a formal application for amendment by public hearing before the City Council.
8. All outdoor lighting on the project site shall be directed away from the adjacent commercial uses and shall be shielded so that, at a minimum, no light is emitted above a horizontal plane (parallel to the ground) from the base of the fixture. All exterior lighting shall be configured to prevent glare and light trespass onto neighboring properties.
9. Project shall obtain permits from the City and pay all appropriate fees for any required permits, utilities modification, construction, and connections. Project shall also obtain permits from the City Building Department, and pay all appropriate fees for any construction work to be undertaken as part of the project.
10. The Use Permit is only for the development and use as indicated on the final approved Site Plan. This use shall not be expanded or modified beyond the approvals detailed in this report.
11. All future and existing signs shall comply with the City of Orland Sign Ordinance (Chapter 17.78 of the Orland Municipal Code).
12. Maximum height of the pole/post sign, including the sign, shall not exceed 45 feet (Section 17.40.140 of the Orland Municipal Code).
13. No changes shall be made to any approved plan(s), which would alter the character of the site plan or the use of the property, without prior approval of the City Planner and City Engineer.
14. If changes are requested to the site plan, use of the building, or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the City Council, prior to implementing the changes.

15. No exterior storage of any materials, equipment, or vehicles is permitted as such would constitute a nuisance. Any such storage shall be grounds for revocation of this Use Permit.
16. Maximum total sign area for pole or post signs shall be 100 square feet for a single (one use) and 250 square feet for a multi-use sign unless an approved Conditional Use Permit has been approved and issued by the City.
17. No pole sign shall be allowed to be constructed within 330 feet of any existing pole sign. This applies only within 600 feet of Interstate "5" in the "C-2" (Community Commercial), "C-H" (Highway Service Commercial) and the "PD" (Planned Development) Zoning Districts only if the proposed use has been permitted by the City, subject to administrative review.
18. No pole or post sign shall project over any public right-of-way or sidewalk. Pole signs erected over a private vehicular drive shall be erected so as to provide not less than fifteen feet (15') vertical clearance.
19. Pole covers and sign base shall be a minimum of 25 percent of the full sign width.
20. Engineering plans shall be required in accordance with Section 17.78.060 for all pole signs.
21. The ground area surrounding the pole base shall be clear of all brush, vegetation, weeds and debris within a 15-foot perimeter at all times.
22. Multiple tenant signs may be added to and are allowed on existing pole signs as part of the administrative use permit process. Added multiple tenant signs may not exceed 250 square feet per side. All requirements of the Orland Municipal Code shall apply.
23. Applicant shall pay Cost Recovery for Staff time spent processing this Conditional Use Permit if Staff time exceeds the initial application fee (Resolution #2008-26, adopted November 16, 2008, by the Orland City Council).

PG&E Conditions of Approval:

24. Applicant shall dedicate all access/road easements for Public Utilities also.
25. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense. There shall be no building of structures, or the storage of any materials allowed over or under any existing PG&E facilities, or inside any PG&E easements that exist which infringe on PG&E's easement rights.

City of Orland Building Division Conditions:

26. City of Orland Building Division shall require four (4) sets of engineered plans.

Caltrans Conditions of Approval:

27. Applicant shall apply for and receive a Caltrans Outdoor Advertising permit by contacting the Office of Outdoor Advertising, Tom Austen, PO Box 942874, Sacramento, CA 94274; phone 916.651.1250, with a copy to the City of Orland, prior to the issuance of a Final Building Permit.
28. Pole/post sign shall be designed for 85 mile per hour wind speed.

Motion carried 2 – 1. Mayor Roundy voting no and Councilmembers Paschall and Barr absent.

ORAL AND WRITTEN COMMUNICATIONS – City Council

Mayor Roundy brought forward request by City Attorney to add an urgency item to the agenda concerning a gas tax resolution proposed by the State. Councilmember Olney moved, seconded by Councilmember Elliott to add urgency agenda item IX.C.1 under the City Attorney concerning a gas tax resolution proposed by the State. Motion carried with no abstentions and Councilmembers Paschall and Barr absent.

Citizen Business:

Charlie Gee, 335 Meadowood Drive, advised the City well located at the airport should be considered for a Water Bottling Company that is proposing to move to the area.

Presentation:

Terri Barr, Centennial Jubilee Committee, gave an update on the upcoming Centennial Jubilee activities. Some of the activities include a car show, queen pageant, and Battle of the Bands. The Centennial Jubilee Committee requests Council to consider funding half of the publishing costs for a Visitor's Guide which would promote the City of Orland and its Centennial Celebration. The guide would focus on historical points of the City and could be shared with nearby communities. The approximate cost of publishing the guide is \$5,000.

Councilmember Olney moved, seconded by Councilmember Elliott to approve funding of \$2,500 to the Centennial Jubilee Committee to assist with publishing a Visitor's Guide. Motion carried with no abstentions and Councilmembers Paschall and Barr absent.

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 June 1, 2009.
- C. Approve Warrant List.
- D. Approve Economic Development Commission minutes for May 4, 2009.
- E. Approve Library Commission minutes for May 19, 2009.
- F. Approve Arts Commission minutes for May 20, 2009.

- G. Adopt Resolution No. 2009-14 consenting to the extension of service charges imposed on improved real property within the incorporated area of the City of Orland for the use and/or ability to use the Glenn County Solid Waste System.
- H. Approve Administrative Use Permit #2009-13 and authorize Mayor to sign permit.
- I. Adopt amended Resolution No. 2009-02 supporting the Glenn Clean Energy Project.

Mike Yalow advised Consent Item I., Resolution No. 2009-02, Supporting the Glenn Clean Energy Project, needed to have language corrected in the resolution.

Mayor Roundy advised Consent Item H. was regarding a new community sign board at 824 Fourth Street. Ponci's Welding donated materials and labor for the new sign.

Councilmember Olney moved, seconded by Councilmember Elliott to approve the consent calendar as presented. Motion carried with no abstentions and Councilmembers Paschall and Barr absent.

PUBLIC HEARING

1. Request for input for an application from the California Development Block Grant Program (CDBG).

Community Services Director Sailsbery stated the City of Orland anticipates applying for the maximum grant amount of \$800,000. Eligible activities under the State CDBG program include housing rehabilitation, public facilities, economic development, community facilities, and planning. All activities funded under this program must benefit households earning 80% of the county median income or less. City Manager Poczobut stated the City has received several requests for economic development assistance, and funding for these requests could be considered when applying for funds. The Public Hearing opened at 7:52 p.m. Charles Gee stated rehabilitation for low income housing has been very effective in the past. With no further comments the Public Hearing closed at 7:53 p.m.

ADMINISTRATIVE COMMUNICATIONS

City Manager:

City Manager request discussion and direction on residency requirements for City Commissioners. City Manager Poczobut stated after reviewing the Municipal Code pertaining to City Commissions there are no residency requirements. Several options were given to Council to consider:

- Majority of commissioners live within the City limits and allow for citizens that live in the sphere of influence
- All commission members live within City limits or have a current operating business in the City of Orland
- Majority of commission members must live in the City limits

Council discussed the options and recommended to continue discussion on the issue when all Councilmembers are present.

Finance Director:

Finance Director Brock presented the eleven month budget to actual financial update. There was only a slight negative shift of \$403 in the City's estimated June 30, 2009 Un appropriated General Fund Reserves. Finance Director Brock indicated sales taxes have suffered approximately \$70,000 less than anticipated. If projections prove accurate the City should conclude the current fiscal year with approximately \$183,000 in the Un appropriated General Fund Reserve.

City Attorney:

City Attorney Andrews brought forward resolution concerning the Governor's proposed seizure of city and county shares of revenues in the Highway Users Tax Account HUTA (gas tax) to fund past and future highway bond service debt payments out of the General Fund. The Resolution would direct the City Attorney to take all necessary steps to cooperate with the League of California Cities, other cities and counties in supporting litigation against the State of California challenging the constitutionality of the proposed theft of city and county funds.

Councilmember Elliott moved, seconded by Councilmember Olney to adopt Resolution No. 2009-15 authorizing the City Attorney to cooperate with the League of California Cities, other cities and counties in litigation challenging the constitutionality of any seizure by State Government of the City's Street Maintenance Funds. Motion carried with no abstentions and Councilmembers Paschall and Barr absent.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Mayor Roundy received a letter from the Governor in response to the state borrowing funds from the cities and counties.

Mayor Roundy attended the following meetings: Chamber of Commerce, LAFCO, Mental Health, Orland Centennial Committee, City Council Preliminary Budget, EDC Strategic Plan, and RCD.

ADJOURN

Meeting adjourned at 8:30 p.m.

_____Clerk

_____Mayor