

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

ROLL CALL

Councilmembers present: Jim Paschall, Wade Elliott, Vice Mayor Paul Barr and Mayor Bruce Roundy

Councilmembers absent: Reggie Olney

Staff present: Bob Pasero, Jere Schmitke, Nancy Sailsbery, Ken Skillman, Angie Crook, Tom Andrews and Paul H. Poczobut Jr.

ORAL AND WRITTEN COMMUNICATIONS

Citizen Business:

Judy Noffsinger, 4261 County Road MM advised she has collected 78 signatures of neighbors whom are opposed to the proposed zoning changes to the General Plan Update, in the southeast area of Orland that would allow heavy industrial business. Mrs. Noffsinger advised she would like to know who requested the zoning change to this area. A letter was submitted to Council by Mrs. Noffsinger addressing her concerns.

John Noffsinger, 724 Papst Avenue, commented that the State of California is the only state that does not regulate or monitor its ground water use.

Mr. Noffsinger stated the three-day centennial celebration went very well.

Joanne Overton, 3874 County Road S, complemented Council on a great jubilee. She questioned why there is no environmental report for the water bottling plant and how deep is the well.

Dalene Shippelhouse, 4300 County Road N, asked what would be the long range benefits for the City and County if the proposed water bottling plant came to the area.

Trish Saint-Evens, 6825 County Road 15, stated it was an unprofessional gesture upon Crystal Geyer Water Bottling Company to donate bottled water to the centennial event knowing the dissension about the proposed water bottling plant.

Presentation:

Jennifer Gastellum, Pacific Municipal Consultants, gave a presentation to Council on the Draft Housing Element for 2009. Ms. Gastellum received questions and comments from the public.

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 August 17, 2009.
- C. Approve Warrant List.
- D. Approve Special City Council minutes for August 27, 2009.
- E. Approve Library Commission minutes for July 14, 2009.

- F. Approve Economic Development Commission minutes for June 1, 2009.
- G. Approve City Council/Economic Development Commission minutes for June 11, 2009.

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

PUBLIC HEARINGS

1. Conditional Use Permit #2005-14, Amendment, WestHaven Orland

Development (Landowner/Applicant): The City of Orland is re-opening the Public Hearing for this project due to a technical oversight in the noticing process. The Applicant/Landowner, WestHaven Orland Development, located at 1440 Fairview Street, Orland, Glenn County, CA 95963, on APN: 041-271-062 (0.64± acres) is requesting to construct and operate a second licensed residential elder care facility at the existing campus. 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 10,000 square feet. The property is zoned "P-D" (Planned Development) 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 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.

Councilmember Elliot recused himself from the dais at 8:26 p.m. as he is employed by the applicant.

Community Service Director Sailsbery advised there were adjacent landowners to the WestHaven facility that had not been noticed for the Public Hearing which took place July 20, 2009. This was due to an inadvertent technical oversight in the Parcel Quest Mapping system. The Public Hearing was re-opened to receive comments at 8:29 p.m. Judy Martin, 1408 Fairview Street, stressed concerns regarding a privacy fence (masonry) which should be complied by the applicant. Ms. Martin advised the facility is next door to her property and has violated her privacy with the additional traffic and noise from air conditioning units. Mrs. Martin request something be done about the situation. Community Service Director Sailsbery advised the applicant's property is zoned Planned Development - Residential-two family, which does not require a masonry fence. Matthew Lonestar, WestHaven's Director of Environmental Services, stated he regrets the noise situation and this was the first time he was aware a problem existed. Mr. Lonestar advised they would be happy to build a cedar privacy fence and would look into the noise issue from the air conditioning units. Byron Denton, 128 Tanner Way, stated the applicant has changed their plans many times and should have remained with the original plans. Steve Martin, 1408 Fairview Street, advised a cedar wood fence is not acceptable. Mr. Martin stated the original plans of a 6' foot berm between the properties has never happened. Mr. Martin advised he wants changes made. Judy Noffsinger, questioned whether the Building Inspector inspected all phases of the project correctly. City Attorney Andrews recommended to Council table the issue until staff can further examine compliance of the project. The Public Hearing closed at 8:46 p.m. Vice Mayor Barr moved,

seconded by Councilmember Paschall to table the WestHaven issue until the next regularly scheduled Council meeting on September 21, 2009. Motion carried with no abstentions and Councilmember Olney absent.

2. Waste Management's proposed increase to garbage disposal rates –
Commercial 36% Residential 32%

Randy Murphy, Deputy Director Glenn County Planning & Public Works, advised the County Board of Supervisors adopted an increase in tipping fees from \$30 per ton to \$70 per ton, effective July 1, 2009. Mr. Murphy stated this was due to the significant costs associated with landfill expansion.

Councilmember Elliott arrived back at the dais at 8:55 p.m.

Subsequently, Waste Management has paid the increased fee at the gate and requests to pass the increase (commercial 36% and residential 32%) to the residents, effective October 1, 2009. Tim Magill, Waste Management, advised based on fuel costs and the Consumer Price Index, the collection fee would have dropped about 3.5%. The Public Hearing opened at 8:56 p.m. Byron Denton, 128 Tanner Way, stated he understands Waste Management's situation. Mr. Murphy advised the Glenn County Board of Supervisors will revisit the tipping fees on a 6-month basis. With no further comments the Public Hearing closed at 9:05 p.m. Vice Mayor Barr moved, seconded by Councilmember Paschall to approve the pass-through- increase (commercial 36% and residential 32%), effective October 1, 2009. Motion carried with no abstentions and Councilmember Olney absent.

ADMINISTRATIVE COMMUNICATIONS

Public Works Director:

Public Works Director Schmitke request to set date for green waste pickup between October 10-18, 2009. Public Works Director advised there is a better response from City property owners during the fall pick-up. Councilmember Elliott moved, seconded by Vice Mayor Barr to approve dates for green waste pickup between October 10 – 18, 2009 and notice on the next water bill in October. Motion carried with no abstentions and Councilmember Olney absent.

City Engineer:

City Engineer Skillman request Council discussion and possible acceptance of Orland Master Sewer Plan. City Engineer Skillman advised the wastewater ponds currently operate at 31% of their capacity and will accommodate Orland's development for the next 50 years. The ongoing bioremediation of the ponds continues to slow sludge accumulation and delays the need for costly maintenance operations. Vice Mayor Barr moved, seconded by Councilmember Paschall to accept the City of Orland Sewer Master Plan. Motion carried with no abstentions and Councilmember Olney absent.

City Engineer Skillman gave an update on State Highway 32 and Papst Avenue signalization. City Engineer Skillman stated the City will need to require a little more right-of-way. Caltrans is requiring a larger radius, since this is a truck route. Caltrans representatives advised there is a

good possibility that half of the signalization costs (up to \$147,000) could be paid by Caltrans if the City could wait until the 2010-2011 fiscal year.

City Manager:

City Manager Poczobut request ratification of Memorandum of Understanding contract for United Public Employees of California UPEC, Mid-Management and General Units. Council thanked the employees for their cooperation during the negotiation process and recognizing the present economic situation. Vice Mayor Barr moved, seconded by Councilmember Paschall to approve the Memorandum of Understanding contract between the United Public Employees of California, Mid Management and General Units and the City of Orland. Motion carried with no abstentions and Councilmember Olney absent.

City Manager Poczobut request Council to adopt Resolution No. 2009-22 approving the implementation of Section 414(H) (2) of the Internal Revenue Service Code (IRC). Vice Mayor Barr moved, seconded by Councilmember Elliott to adopt Resolution No. 2009-22 approving the implementation of Section 414(H)(2) of the Internal Revenue Service Code(IRC). Motion carried with no abstentions and Councilmember Olney absent.

City Manager Poczobut request Council to consider appointing Council liaisons to the proposed Cities/Counties Collective Resource Ad Hoc committee. The County Board of Supervisors has appointed Supervisors Mike Murray and Tracey Quarne to the committee. City Manager Poczobut advised the City of Willows tabled the appointment of a Councilmember to the committee until the County and City of Orland finalize their budgets. Council discussed the potential shared services that could be collaborated between both cities. Council consensus was to table the issue until the first regularly scheduled Council meeting in October.

City Manager Poczobut advised Council of the change in library hours due to inadequate staff hours. The following proposed hours for October are:

- Monday 2-6 pm Wednesday 11am-6pm, Tuesday & Thursday 11am-7pm,
Friday closed

The following proposed hours after October are:

- Monday and Wednesday 11am-6pm, Tuesday and Thursday 11am-7pm, Friday 2-6pm

Chief of Police Pasero announced his resignation to Council effective October 14, 2009. Council thanked the Chief of Police for his years of service. He will come back on a part-time basis as interim Chief of Police while a new Chief of Police search is being conducted.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Paschall thanked Police Chief Pasero for his service and wished him the best in retirement. Councilmember Paschall enjoyed the Centennial Fireworks display.

Vice Mayor Barr also enjoyed the Centennial Fireworks display. Vice Mayor Barr thanked the two UPEC groups for their efforts.

Councilmember Elliott stated he was proud to be a citizen of Orland. The centennial was a wonderful event.

Meeting adjourned to Closed Session at 9:54 p.m.

CLOSED SESSION

Closed session was held regarding Conference- Review with Labor Negotiator; pursuant to Government Code Section: 54957.6; City Manager: Paul H. Poczobut Jr.; Agency Negotiator: Rick Haeg, Nickolaus & Haeg; Employee Organization: Orland Police Officers Association

Meeting reconvened to Open Session at 10:08 p.m.

REPORT FROM CLOSED SESSION

Direction was given to the Labor Negotiator.

ADJOURN

Meeting adjourned at 10:09 p.m.

_____Clerk

_____Mayor