

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

#### ROLL CALL

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

Councilmembers absent: None

Staff present: Paula Carr, Ken Skillman, Nancy Sailsbery, Angela Crook, Tom Andrews and Paul H. Poczobut Jr.

#### ORAL AND WRITTEN COMMUNICATIONS

##### Citizen Business:

Byron Denton, 127 Tanner Way, questioned why the City Manager and City Attorney continue to be seated with their backs to the audience and suggested consideration to the public to be seated back at the dais. Mr. Denton questioned whether the other Councilmembers were consulted on the seating arrangement.

Judie Noffsinger, 4261 County Road MM, stated she agreed with Mr. Denton. Mrs. Noffsinger requested clarification on whether after adoption of the General Plan Update; a comprehensive Zoning Ordinance will also be approved that will place much power typically reserved for a Planning Commission in the hands of the Community Services Director Sailsbery. Community Services Director Sailsbery advised a Public Hearing will be held on the Zoning Ordinance Update. Mrs. Noffsinger questioned whether the City will be adopting groundwater standards for wells drilled within the City limits. Community Service Director advised further examination is needed to decide whether regulations may or may not be adopted. Public Hearings will take place during that time.

Mike Wyser, 1327 Coby Lane, brought forward concerns of residents from the Whitehawk Estates subdivision in regards to the continuity of vision for their development. Mr. Wyser stated there are concerns a new developer will not acknowledge the current Covenants, Conditions and Restrictions (CC&R) that are in place. Mr. Wyser request Council to address questions and concerns from the residents of the Whitehawk Estates Subdivision at a future meeting.

Mike Yalow, 163 E. Swift Street, brought forward information regarding ongoing projects. Mr. Yalow advised the Glenn County Office of Education is supporting efforts to develop prospects in storefront and job opportunities in the City of Orland. The Economic Development Commission is working with owners of Sapphire Plaza to help fill their facilities. The Resource Conservation District adopted the Lower Stony Creek Management and Restoration Plan.

##### Presentations:

A presentation was given by Kevin Schindler, Expo Chairman, for the Best of the West Expo to be held March 27, 2010 and the Glenn County Fairgrounds. Mr. Schindler request Council to consider continued support and sponsorship. Mr. Schindler advised the expo promotes the business community and is one of the Chamber of Commerce's largest fundraisers of the year.

A presentation by the Centennial Committee regarding a community "Swap and Sell" event was postponed until the next scheduled Council meeting.

Commission Appointment:

Parks and Recreation Commission – one vacancy with a term expiring December 31, 2011. An application was received by Lisa Tietz. Councilmember Roundy moved, seconded by Councilmember Barr to appoint Lisa Tietz to the Parks and Recreation Commission. Motion carried with no abstentions.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Mayor Elliott requests discussion and possible action to consider amending Orland Municipal Code 2.04.010 to change regular scheduled City Council meetings to the first and third Tuesday of each month and change designated meeting time to 6:00 p.m. Mayor Elliott made a motion to amend the Orland Municipal Code 2.04.010 to change the regular scheduled City Council meetings to the first and third Tuesday of each month and change designated meeting time to 6:00 p.m. Councilmember Roundy requested a point of order and advised no action should be taken at this time just Council discussion. Judy Noffsinger stated she preferred to hold the meetings on Monday evenings. Councilmember Barr stated to keep the same meeting date and maybe consider moving the time up a little earlier. Councilmember Barr advised moving the day would not change additional preparation time for staff. Councilmember Roundy stated it's up to the citizens if there is a need for a change. Councilmember Roundy suggested a survey on the utility bills as another option to receive input from the public. Councilmember Roundy stated it is not necessary to change the date due to conflicts with other meetings. Councilmember Olney stated he was open to having the meetings on Monday's or Tuesday's and advised he would like to see the meetings begin a little earlier. Vice Mayor Paschall stated he did not feel it was advantageous to change the meeting dates unless the public states otherwise. However, Vice Mayor Paschall did not oppose beginning the meetings at 6:30 p.m. Direction was given by Council to agendaize for the March 15, 2010 regularly scheduled City Council meeting consideration to changing the start time of the City Council meeting.

Councilmember Roundy requested Council to consider the Resource Conservation District (RCD) giving a presentation on the possibilities to eradicate the arundo problem in Stony Creek. Council concurred with Councilmember Roundy's request. Councilmember Roundy attended a school district budget committee meeting. Councilmember Roundy advised he will be attending the Farmer's Market meeting tomorrow.

Councilmember Barr advised the Glenn County Transportation Commission meeting was moved to February 25, 2010 at 10:00 am, in the Carnegie Center. The Waste Management Regional Committee Task Force meeting is scheduled for February 17, 2010, 5:30 p.m., at the Public Works Department in Willows.

Mayor Elliott advised he pulled nomination papers for the open seat for Glenn County District 2 Supervisor. Mayor Elliott stated he will be on vacation during the March 1, 2010 City Council meeting and Vice Mayor Paschall will chair the meeting in his absence.

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 Warrant List.
- C. Approve City Selection Committee minutes for January 4, 2010.
- D. Approve Resolution No. 2010-02 accepting project in Exhibit A – Energy Efficiency Conservation Block Grant.

Councilmember Roundy requested Item C. removed from the Consent Calendar. Councilmember Barr moved, seconded by Councilmember Olney to approve the Consent Calendar as presented except for Item C. – City Selection Minutes for January 4, 2010. Motion carried with no abstentions. Councilmember Roundy questioned the alternate appointment on the Glenn County Waste Management Board. Councilmember Roundy requested he remain appointed to the Glenn County Waste Management Board since he and Councilmember Barr had been involved on that that board. Councilmember Roundy also questioned his continued appointment to the Local Agency Formation Commission as he was to remain a member. Mayor Elliott requested staff to examine the City Council minutes to confirm the correct appointments to the above mentioned boards/commissions and bring forward for approval at a later meeting.

PUBLIC HEARINGS

1. General Plan Amendment #2009-01, Housing Element Update, City of Orland: Conduct Public Hearing to receive input from the public regarding the Draft Negative Declaration and the Draft Housing Element Update.

Jennifer Gastelum, Pacific Municipal Consultants, gave a power point presentation on the Housing Element Update process, which also includes a Housing Condition survey. The State Department of Housing and Community Development (HCD) has identified a projected housing need for the City of 716 units for the period extending from January 1, 2007 to June 30, 2014. The City of Orland has agreed to absorb the State-mandated five percent (5%) County distribution share allocated to the City of Willows for this Housing Element Update period only, bringing the projected housing need to 747. The State HCD, the Regional Housing Need Allocation (RNHA) assigned to the City of Orland is a planning goal not a production goal. The Housing Element Update will need to incorporate the RHNA for the City of Orland as well as other pertinent update demographic and land use information; new HCD regulations, requirements, and practices, and other relevant City, State, and federal regulations that have changed since the prior update in 2004.

The Public Hearing opened for comments at 8:26 p.m. Judie Noffsinger, 4261 County Road MM, asked for a copy of a map where proposed re-designations will be taking place. Staff advised she may pick up a map at City Hall. Byron Denton, 127 Tanner Way, stated he preferred to see the Conditional Use Permit removed; less problems if the procedure is cut and dry. Mayor Elliott requested an explanation of a Conditional Use Permit. Community Services Director Nancy Sailsbery stated under the Zoning Ordinance there are three levels of permits: ministerial; administrative and conditional. Therefore, depending on the intensity of the development, one of the above permits would be required. The City Zoning Ordinance currently requires a Conditional Use Permit for multi-family development (apartments). Community Services Director Sailsbery advised the State is looking at all jurisdictions to lessen requirements to the Zoning Ordinance to

not require Conditional Use Permits for multi-family. Angus Saint-Evens, 6826 County Road 15, questioned how the State develops the number of eligible units to build out. Community Services Director stated that the State receives one large number which they allocate to all jurisdictions in California; which is not related to the growth rate. Mr. Saint-Evens advised the State requires a minimum number of 15 units per acre and questioned the City's plan to increase to 25 units per acre. Community Services Director Sailsbery advised the State requires 20 units per acre and that the City plans for 25 units per acre for High Density Residential to meet that requirement. Mr. Saint-Evens questioned whether an Environmental Impact Report (EIR) is required for the Housing Element. Community Services Director Sailsbery explained the Initial Study and Negative Declaration for the Housing Element is only for the policy document (textual changes). However, the actual re-designations and zone changes will be analyzed as part of the General Plan Update Environmental Impact Report (EIR). Community Services Director advised Council will ultimately approve the update to the Zoning Ordinance. Mr. Saint-Evens questioned whether greenhouse gas emissions and mitigation measures that are required by State law being addressed. Staff stated those issues are being addressed in the draft General Plan Update EIR. The Public Hearing closed at 8:40 p.m.

2. Conduct Public Hearing to consider passage of first reading of Ordinance to modify and update Chapters 8.16 (Traps and Interceptors) and 13.04 (Water and Sewer Service System) of the Orland Municipal Code to be consistent with new State law which requires each city to implement various components of a Sanitary Sewer Management Plan. (SSMP).

City Engineer Ken Skillman presented first reading of ordinance to update Chapters 8.16 (Traps and Interceptors) and 13.04 (Water and Sewer Service System) of the Orland Municipal Code. The Public Hearing opened for comments at 8:42 p.m. Byron Denton, 127 Tanner Way, questioned if the ordinance is to deter fats and oils from entering the sewer system. City Engineer Skillman confirmed the ordinance will require restaurants and/or commercial entities that produce oils, fats or greases would need a grease trap or interceptor in place to eliminate such greases from the sewer system. Mike Yalow, 163 E. Swift Street, advised other cities require more than a grease trap or FOG disposal system. Mr. Yalow suggested the City consider a collection requirement for the waste companies; as it would force those companies to capture those materials in a container for disposal and recyclable use. City Engineer Skillman advised the maintenance of the grease traps falls on the business owner. Kevin Schindler, asked if the ordinance is retroactive to older restaurants. Staff advised it is not retroactive. The Public Hearing closed at 8:47 p.m. Councilmember Barr questioned whether a change in ownership or use triggers a requirement for a grease trap. City Engineer Skillman confirmed it would mandate those requirements. City Attorney Tom Andrews recommended examining the issues of "grandfathering" versus the "health and safety" issues with City Engineer Skillman.

Councilmember Barr moved, seconded by Councilmember Olney that the Technical Advisory Committee recommends the Orland City Council adopt a CEQA Exemption under Section 153306 (Information Collection) as this is a textual change to the Orland Municipal Code. Motion carried with no exemptions.

Councilmember Barr moved, seconded by Councilmember Olney that the Technical Advisory Committee recommends the Orland City Council approve the First Reading of Ordinance Amendment No. 2010-XX, amending Chapters 8.16 and 13.04 of the Orland Municipal Code. Motion carried with no abstentions.

#### ADMINISTRATIVE COMMUNICATIONS

##### Finance Director:

Finance Director Daryl Brock gave an update on the General Fund Budget ended January 31, 2010. The budgeted revenues when compared to the recorded activity show an increase of approximately \$39,000. City Finance Director Brock advised there continues to be an overspent situation with expenditures; however, that amount is anticipated to shrink due to the employee concessions. The budget will continue to be closely monitored.

##### City Manager:

City Manager Paul Poczobut requested Council to consider sponsorship for Best of the West Expo to be held March 27, 2010 at the Glenn County Fairgrounds. City Manager Poczobut stated in the past the City has been a sponsor at the platinum level (\$750). Finance Director Brock recommended the expenditure come from the Finance Director's budget as this item was not budgeted in this years overall budget. The City has already reserved a booth at the cost of \$40, leaving a balance of \$710 if Council decides to sponsor at the platinum level. Councilmember Barr moved, seconded by Vice Mayor Paschall to approve an additional \$710 for the Best of the West sponsorship at the platinum level. Motion carried with no abstentions.

City Manager Poczobut requests Council to adopt Resolution No. 2010-03 in support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010. The State of California is threatening to raid local government funds to balance the State budget. A proposed constitutional amendment to be placed on the November 2010 ballot would further prevent the state politicians from seizing local tax revenues. City Manager Poczobut advised the City has continued to watch the General Fund budget closely. Councilmember Roundy advised the City of Orland is required to collect 100 signatures due to the population of our City. Councilmember Barr, moved, seconded by Councilmember Roundy to adopt Resolution No. 2010-03 in support of the Local Taxpayer , Public Safety and Transportation Protection Act of 2010. Motion carried with no abstentions.

#### **RESOLUTION NO. 2010-03**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010**

City Manager Poczobut request Council to consider Memorandum of Understanding (MOU) for Joint Dispatch Feasibility Study between the County of Glenn, City of Orland and the City of Willows. Glenn County has selected Matrix Consulting Group to complete the Joint Dispatch Feasibility Study at a total cost of \$47,102. The City of Orland's fair share cost for the study is \$15,700 and would not have to paid until August 1, 2011. City Manager Poczobut hopes to obtain grant funding or re-use funds to pay for the study.

Councilmember Barr advised he would be in favor of a joint powers agreement if a separate entity is to provide the service. City Manager Poczobut stated the City of Willows had not yet approved the MOU, but staff does support it. Chief of Police Carr stated Shasta County went to centralized dispatch and it works quite well; has streamlined service to the police officers. City Manager advised the City currently pays approximately \$130,000 in dispatch services to the County of Glenn and the City of Corning. Vice Mayor Paschall stated the studies are only as good as the company that will do them and the people who will implement them. Vice Mayor Paschall stated if the three entities cannot agree the study would be a waste of money. Councilmember Olney agreed with Vice Mayor Paschall's comments. Mayor Elliott felt an expenditure of \$50,000 is probably not the best decision during these economic times. Councilmember Barr moved, seconded by Councilmember Paschall to approve the Memorandum of Understanding between the City of Willows, the City of Orland and the County of Glenn for a Joint Dispatch Feasibility Study; with staff's recommendation to use alternative funding and only using General Funds as a last resort; with the condition that the City of Willows will also approve the MOU Joint Dispatch Feasibility study.

Roll Call vote:

Ayes: Councilmembers Barr, Olney, Roundy and Vice Mayor Paschall

Noes: Mayor Elliott

Abstain: None

Absent: None

Motion carried 4 -1.

City Manager Poczobut request Council discussion and possible action on reinstatement of Planning Commission. City Manager Poczobut advised there are currently seven (7) applications that have been received. City Manager Poczobut advised Planning Commission costs will average around \$430 a meeting. City Manager Poczobut and Mayor Roundy gave options of individuals that could provide training to the Planning Commission at no cost to the City. Mayor Elliott feels it is important to move forward with a seated Planning Commission. City Manager Poczobut advised the screening process of the proposed applicants is to recommend viable candidates to the Mayor. Vice Mayor Paschall feels it is not necessary to pay the Commissioners during these economic times and questioned whether it is necessary to meet on a regular basis if there are no planning activities. City Attorney Andrews stated it is established by ordinance that the Planning Commission is to meet on a regular basis. Councilmember Barr feels it is important to appoint the majority of the commissioners from within the city limits. Councilmember Olney advised contractors have stated it has gone smoothly without a Planning Commission but also feels it is important for citizen involvement with a Planning Commission. Councilmember Roundy stated this is not the time for a Planning Commission with the lack of project activities, plus there are additional costs to implementing the commission. Mayor Elliott stated cost recovery should help offset planning commission costs. Mayor Elliott moved, seconded by Councilmember Olney to approve the reestablishment of a Planning Commission at the earliest occasion; with the appointment of candidates that have been through a screening process; and direct the City Attorney to amend the resolution to allow Council discretion to set or not set a Planning Commission stipend of \$25.

Roll Call vote:

Ayes: Councilmember Olney, Vice Mayor Paschall and Mayor Elliott

Noes: Councilmembers Barr and Roundy

Abstain: None

Absent: None

Motion carried 3-2.

Meeting adjourned to Closed Session at 10:06 p.m.

#### CLOSED SESSION

Closed Session was held regarding Conference with Legal Counsel- Potential Litigation; Pursuant to Government Code Section: 54956.9(b); Three cases.

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

Meeting reconvened to Open Session at 11:15 p.m.

#### REPORT FROM CLOSED SESSION

Direction was given to City Attorney regarding potential litigation.

No reportable action given for City Manager evaluation of performance.

#### ADJOURN

Meeting adjourned at 11:16 p.m.

\_\_\_\_\_Clerk

\_\_\_\_\_Mayor