

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

## ROLL CALL

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

Councilmembers absent: Mayor Wade Elliott

Staff present: Paula Carr, Jere Schmitke, Angela Crook, Tom Andrews, and Paul H. Poczobut Jr.

## ORAL AND WRITTEN COMMUNICATIONS

### Citizen Business:

Trish Saint-Evens, 6825 County Road 15 commented on time limits for public comments. Mrs. Saint-Evens advised the Crystal Geysers Company (CGWC) third-party monitoring agreement had language that limits the public access to public records regarding the amount of water that Crystal Geysers pumps at any given time.

Robin Huffman, Butte Environmental Council, advised questions that were raised during the CGWC appeal on February 1, 2010 have not yet been answered by staff, therefore any decision regarding a third party monitoring agreement should be withheld until questions are answered.

Byron Denton, 127 Tanner Way, stated it is important that Council give flexibility on time limits.

Dalene Shippelhouse, 4300 County Road N, stated the third-party monitoring agreement will allow CGWC to hide the amount of water being extracted; it should be public record.

### Presentations:

A presentation from Kamara Licea, representative from the U.S. Census Bureau, discussed partnership opportunities with the 2010 U.S. Census and the City of Orland. Vice Mayor Paschall presented a "2010 Census Partner" proclamation.

A presentation was given by Claudia Street, Conservation Planner and Kandi Manhart, District Manager of the Resource Conservation District (RCD) regarding the Lower Creek Water Shed Restoration Plan. The development of the plan was a response to landowner concerns regarding bed and bank erosion and the adverse affects (fire hazard) posed by Arundo and Tamarix in Lower Stony Creek.

A presentation was given by Terri Barr; representative from the Centennial Committee regarding a community sponsored swap meet to help offset expenses from the Centennial celebration last year. The one day event will be held in July and called "101 in the Shade" in celebration of the City's 101 year anniversary.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Roundy advised the City's Golf Tournament will be taking place Sunday March 28, 2010. Fundraising proceeds will be split between the Library, Recreation Department and the Orland Centennial Committee.

Councilmember Barr stated the Solid Waste Management board will hold a special meeting March 3, 2010 to approve a 5-year plan. Councilmember Barr advised acquisition of the landfill property is moving forward.

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 February 1, 2010.
- C. Approve Warrant List.
- D. Approve Arts Commission minutes for February 17, 2010.
- E. Approve & authorize City Manager to negotiate a contract with Mercy Housing of California for administrative services for implementation of CDBG, HOME and Program Income related programs for a period to not exceed three (3) years.

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

PUBLIC HEARING

None

ADMINISTRATIVE COMMUNICATIONS

Chief of Police:

Chief of Police Carr requests Council adopt Resolution No. 2010-04 establishing a schedule of fees, charges and fines for the Orland Police Department. Chief of Police Carr recommended to increase the existing vehicle release fees from \$50 to \$100 per impound. The current "non arrest" vehicle release fee of \$25 is to remain the same.

Councilmember Olney moved, seconded by Councilmember Roundy to adopt Resolution No. 2010-04 amend the established schedule of fees, charges and fines for the Orland Police Department. Motion carried with no abstentions and Mayor Elliott absent.

**RESOLUTION NO. 2010-04**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND  
ESTABLISHING A SCHEDULE OF FEES, CHARGES AND FINES FOR THE  
ORLAND POLICE DEPARTMENT**

Chief of Police Carr requests Council to consider salvage of 2006 Pontiac G-6 vehicle. The vehicle had been used for the under-cover narcotics task force but due to budget constraints the officer on the task force has been assigned to routine patrol. The vehicle has mechanical problems in the steering units which will be costly to repair. Chief of Police Carr recommended to salvage the vehicle for the current market value and use the proceeds to purchase an administrative/chief's vehicle.

Councilmember Olney moved, seconded by Councilmember Barr to allow the Orland Police Department to salvage the vehicle for current market value and use the proceeds to purchase an administrative/chief's vehicle. Motion carried with no abstentions and Mayor Elliott absent.

City Attorney:

City Attorney Andrews requests Council to approve and authorize Vice Mayor Paschall to execute Monitoring Agreement with Crystal Geysers Water Company. City Attorney Andrews advised the General Conditions of Approval No. 21 of Site Plan Review #2009-01 states, "The City of Orland shall, at the expense of the applicant, independently monitor the gallons of water used through a third party, on a quarterly basis, specifically on or during the weeks of July 1, October 1, January 1 and April 1 of each year, to ensure that the amount of groundwater extracted does not exceed the maximum allowed use of 160-acre feet of water per year". City Attorney Andrews stated the quantity of groundwater extracted by Crystal Geysers shall be held confidential by the City as protected business information pursuant to Government Code Section 6254.7(d) and shall not be disclosed save upon order by a court of competent jurisdiction after Crystal Geysers has had a reasonable opportunity to challenge any such disclosure; this is considered a business trade secret. A third-party monitor company has been recommended to Crystal Geysers by City Attorney Andrews and the name of the company that is chosen will be brought forward. City Attorney Andrews advised calibration is extremely important in accurate monitoring. The City's remedies for unauthorized pumping and dispute resolution were discussed. David Aladjem, attorney from the Law Offices of Downey Brand, LLP, explained the agreement gives the City control to inform CGWC on when and how the water will be recharged to the City's satisfaction. City Manager Poczobut stated he would be responsible for notifying CGWC if there was a failure to comply with City orders. Jim Arano, 4231 County Road E, stated a clause in the agreement should indicate how the water will be recharged. Judie Noffsinger, 4261 County Road MM, felt the third-party monitoring agreement should state whomever will monitor CGWC shall not have any business association with CGWC. Mrs. Noffsinger stated there is a conflict in regards to CGWC claiming a trade secret in their production value and a mitigation measure limiting the amount of water which can be pumped. Sharon Ellis, 4101 County Road S, had concerns of CGWC causing a draw down on other wells during the busy agricultural season. John Noffsinger, 4261 County Road MM, does not believe the City cannot enforce the CGWC third-party monitoring agreement. Trish Saint-Evens questioned the JAMS alternative dispute resolution program. Tim Mangum, 4655 County Road HH, questioned why the information cannot be public. Richard Weklych, Vice President, Crystal Geysers Water Company, explained one of the reasons why the water monitoring information is a trade secret is due to the competitiveness of the business and someone could make a reasonable estimate of their business if the amount of water use was known.

Councilmember Barr moved, seconded by Councilmember Olney to approve the proposed Well Monitoring Agreement and authorize its execution by the Mayor. Motion carried with no abstentions and Mayor Elliott absent.

City Manager:

City Manager Poczobut requested discussion and possible action on use of Library Park for proposed Glenn County Certified Farmer's Market during the months of June and August 2010 from 7:00 a.m. to 2:00 p.m. The market will actually be open from 8:00 a.m. to 1:00 p.m. Claudia Street, RCD representative, request Council to consider a waiver or partial waiver of the \$30 park fee. Vice Mayor Paschall stressed concerns of vehicles on the lawn and to keep the park in nice shape. Councilmember Barr stated irrigation could be cut back prior to event to avoid concerns of damage to the lawn in the park. Ms. Street indicated there will be no live animals or petting zoo at the market. Staff recommended the closure of Fourth Street to allow vendors to park along that street and transport their products to the location of an assigned booth on each side of the pathway. Councilmember Roundy anticipates the Farmers Market to be a successful event for the City of Orland.

Councilmember Barr moved, seconded by Councilmember Roundy, to approve the Certified Farmer's Market on Saturday's during the months of June and August 2010 from 7:00 a.m. to 2:00 p.m. and waive the park fee for the event. Motion carried with no abstentions and Mayor Elliott absent.

City Manager Poczobut request discussion and possible action to increase late fees for utility billing. The current late fee on the utility billing is \$2.00 and has not been increased since 1980. City Manager Poczobut advised during the past year 2,630 late notices have been issued which equates to 15% of the accounts. Staff recommendation is to increase the late fee to \$8.00 over a three year period at a rate of \$2.00 per year. Councilmember Barr questioned whether an increase in the late fee would become more of a deterrent. City Manager Poczobut stated the increase would help recoup staff and processing costs. Councilmember Roundy stated Council should possibly consider a larger increase. Vice Mayor Paschall advised he agreed, however, it may cause more difficulties in customers making their payments. City Manager Poczobut advised the Mayor considered a \$20.00 late fee. Councilmember Roundy stated a flat \$5.00 increase should be considered for a one year period.

Councilmember Roundy moved, seconded by Councilmember Olney to increase the late fee for utility billing from \$2.00 to \$5.00 for a one year period beginning the next billing cycle and have staff review late fees again after the one year period. Motion carried with no abstentions and Mayor Elliott absent.

City Manager Poczobut requests Council consider selection of a Councilmember liaison and alternate to the Planning Commission. Councilmember Barr nominated Councilmember Roundy as liaison and Vice Mayor Paschall as alternate to the Planning Commission.

Councilmember Barr moved, seconded by Councilmember Olney to appoint Councilmember Roundy as liaison and Vice Mayor Paschall as alternate to the Planning Commission. Motion carried with no abstentions and Mayor Elliott absent.

ADJOURN

Meeting adjourned at 10:08 p.m.

\_\_\_\_\_Clerk

\_\_\_\_\_Mayor