REGULAR MEETING, ORLAND CITY COUNCIL, Monday May 16, 2011 7:30 p.m.

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

ROLL CALL

Councilmembers present: Vice-Mayor Wade Elliott, Charles Gee, Bruce Roundy, Dennis Hoffman and Mayor Jim Paschall
Councilmembers absent: None
Staff present: Paul Poczobut, Paula Carr, Tom Andrews, Daryl Brock, Ken Skillman and Janet Wackerman

ORAL AND WRITTEN COMMUNICATION

Citizen Business:

Helen Duree, 238 Stonycreek Drive, stated she was present representing the Economic Development Commission and would like to have City Council's support to develop a regional identity. She will bring something forward at a later date. She also commented that she was disappointed that the Blondie's Bar and Grill had been turned down. She stated that she felt it is an uphill struggle for businesses in this town and cited La Perla Tapatia and Hibdon Auto Center as two businesses that have recently experienced problems in dealing with the City.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Council member Roundy noted the work Recreation Director Joe Fenske, Recreation Commission members and library staff members did for the city's golf tournament. He stated Prop 84 funds will be applied for to upgrade the city pool and develop a park with Orland Unified and RCD as partners; He will be attending the League of CA Cities annual legislative days in Sacramento. Glenn County HRA will be closing their food bank in Orland but it will be taken over by the Orland Food Pantry located at First Lutheran Church.

Vice-Mayor Elliott announced there will be an invitee only grand opening ceremony at Black Butte Lake for their new facilities at the Buckhorn ramp area.

Council member Gee reported he had attended the Golden State Risk Management (GSRM) Board meeting with the City Manager where Orland was recognized as a top safety member receiving approximately $21,000, from the loss prevention subsidy program, for their efforts. GSRM will also be implementing a human resources hot line for their members that at this time will be included in members' current costs. Council member Gee also reported he had spoken with District 1 Supervisor John Viegas about a county wide economic development commission. Supervisor Viegas expressed interest in such a collaboration and also stated he would like to resume the city/county joint

meetings. Council member Gee recommended this item be placed on a future agenda or Staff contact the County to set up a meeting.

Council member Gee asked to poll the Council on whether to place the agenda item: Review performance of Orland City Attorney and if deemed appropriate, consider his dismissal on the June 20 Council meeting.

Roll call vote:
Ayes - Mayor Paschall, Vice-Mayor Elliott, Council members Gee and Hoffman
Noes- Council member Roundy

The vote was 4-1, with no abstentions, in favor of the agenda item. Mayor Paschall asked Staff to add this item to the June 20, 2011 meeting

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 Special City Council minutes for April 26, 2011.
C. Approve Warrant List.
D. Approve City Council minutes for May 2, 2011.
E. Approve Economic Development Commission minutes for March 7, 2011.
F. Approve Economic Development Commission minutes for April 4, 2011.
G. Approve Public Safety Commission minutes for February 8, 2011.
H. Approve Public Safety Commission minutes for March 14, 2011.
I. Approve Public Safety Commission minutes for April 11, 2011.
J. Consider application and Findings of Public Necessity or Convenience for Alcoholic Beverage License for Orland Race Track located at Glenn County Fairgrounds, 221 E. Yolo Street, Orland, applicant Vernon Montague.

Council member Roundy moved, seconded by Council member Hoffman to approve the consent calendar as presented. Motion carried with no abstentions.

PUBLIC HEARING

1. Conduct a Public Hearing to provide public comments regarding an application to be submitted to the California Development Block Grant Program (CDBG).

Mayor Paschall opened the hearing for public comments at 7:51 PM.

Brandy Branzelle, 322 Byron Way, commented on experiences she has had with the housing rehabilitation program. Vice-Mayor Elliott remarked that this hearing was to apply for technical assistance funds to fund a strategic plan. Ms. Branzelle asked for a definition of technical. City Manager Poczobut stated the grant would provide funds to

submit a Request for Proposals for consultants to develop a plan to retain and attract what businesses would be best for the city.

There were no further comments and the Public Hearing was closed at 7:57 P.M.

Mayor Paschall asked why 3Core had prepared the application. City Manager Poczobut stated this application had been prepared for an earlier funding period but had not been submitted because the funds had been oversubscribed. The application was still relevant; the only change was the match amount that had decreased from the previous application. Vice-Mayor Elliott asked if this was the same grant that was mentioned for the recently held special meeting and added if this was a grant to obtain a study to get a grant to get a study. City Manager Poczobut stated the special meeting was required by CDBG to obtain public input. This grant would fund a study that would provide a step by step method to get businesses to come to Orland and determine if an additional study may be necessary for obtaining a grocery store or hotel. Vice-Mayor Elliott stated the City would have $4,200 less dollars but still have it if it doesn't apply for the grant. He asked if this study would pay for itself and added that he thinks at some point you have to say no to the consultants and he is prepared to do that. City Manager Poczobut stated this item was listed as a priority on the city's Comprehensive Economic Development Strategy (CEDS). Mayor Paschall asked if the city's match of $4,200 would be lost if the grant was not funded. City Manager Poczobut stated it would not. Ms. Branzelle stated that studies have been done in the past and if the population is not supportive, she sees no purpose for the study. City Manager Poczobut stated that this plan would be for bringing in new jobs and assisting existing businesses. City Attorney Andrews asked if there was a deadline for submitting the application. City Manager Poczobut stated applications will be accepted May 25, 2011 and have to be in by June 16. Council member Gee asked what would be studied. Grants Administrator Janet Wackerman pointed out the tasks listed in the scope of work. Upon his review, Council member Gee stated he felt that these tasks have already been accomplished. City Manager Poczobut assured the Council that any studies the city does will be utilized and not just sit on a shelf. He mentioned the Asset Inventory that has been compiled and would soon be updated when new census figures are released. Sheri Nix, representing 3Core, stated that this grant would be a stepping stone to additional funds from EDA, CDBG, etc. Council member Roundy spoke as the liaison to the Economic Development Commission and stated the city has tried to do their best with limited funds. He appreciated Vice-Mayor Elliott's comments about studies but the city needs all the help they can get and this grant would help to get more funds and allow the city to be more proactive.

City Attorney Andrews recommended this item and VIII.D.2 be tabled to the Council's June 6 meeting. Upon motion made by Vice-Mayor Elliott and seconded by Council member Roundy, items VII.1 and VIII D.2 were tabled to June 6, 2011. Motion carried with no abstentions.

ADMINISTRATIVE COMMUNICATIONS

City Engineer:

The bid results for the Sidewalk Rehabilitation Project were presented for Council review. City Engineer Skillman recommended the bid be awarded to the low bidder, Iron Mountain General Engineering Inc. for $67,072.50. Mayor Paschall asked where the additional $17,000 would come from since there was only $50,000 available from the grant. City Engineer Skillman stated the funds could come from gas tax or the sidewalk returns could be reduced from ten to eight. He recommended that all ten sites be funded at this time. Grants Administrator Wackerman pointed out that over 180 sites had been recommended for ADA compliance and this project would be a good start.

Upon motion made by Vice-Mayor Elliott and seconded by Council member Hoffman, Iron Mountain General Engineering Inc was awarded the contract for the Sidewalk Rehabilitation Project in the amount of $67,072.50, $50,000 from CDBG funds and the balance from gas tax, and authorized the City Manager to sign the contract. Motion carried with no abstentions.

Finance Director:

The ten month General Fund Budget to Actual Review was presented. Finance Director Brock commented that the County payment was received today and there was an additional $30,000 that was not expected. Vice-Mayor Elliott asked if there were any receivables or cost recovery funds coming in. Finance Director Brock stated he would check if there were any receivable Planning bills. Council member Gee stated he thought the City looked in good shape.

The Single Audit Report was presented. Finance Director Brock stated the City was required to have a single audit performed since they disbursed more than $500,000 of federal funds within its fiscal year 09/10. The City engaged the firm Marcello and Company to conduct the audit and they found the City complied in all material respects with the requirements applicable to its major federal programs for the year ended June 30, 2010. Finance Director Brock acknowledged Grants Administrator Wackerman's work ensuring maximum accountability and compliance for the City's grants programs. Upon motion made by Council member Roundy and seconded by Vice-Mayor Elliott, the Single Audit was accepted. Motion carried with no abstentions.

Chief of Police

Caryn Brown, Public Safety Commissioner, gave an update on the Commission. They presented the following Purpose Statement:

The Public Safety Commission acts as an advisory committee to the Orland City Council regarding a variety of safety issues. It provides a public forum for citizens to voice ideas and concerns affecting public safety, traffic and pedestrian issues, including Police, Fire and Emergency Medical Services. The Commission strives to raise public awareness, suggest improvements, and encourage educational forums and safety programs.

She also presented their Mission Statement:

"To improve the overall safety of the community by recommending safety initiatives, raising community awareness of safety concerns, encouraging educational and safety programs, and serving as a forum for community input on matters of public safety."

She also stated the Commission recommends a revision to the Public Safety Commission portion of the Municipal Code, 2.036.020, 2.036.050, 2.036.060. Additionally, they would like to post an on-line form that would be used for public input on safety issues.

Vice-Mayor Elliott stated he appreciates the seriousness of the Commission and supports the changes as presented. Upon the consensus of those present, the Purpose and Mission Statements were accepted. Council member Hoffman stated he thought the on-line form would be advantageous for the City. Police Chief Carr stated she will work with the City Attorney on the municipal code changes and bring to a future meeting.

City Manager:

Discussion was held on the Draft Governance Policy developed by Staff and the City Council and the additional procedures submitted by City Attorney Andrews. Vice-Mayor Elliott asked City Attorney Andrews if an ex-parte contact was better defined in his document. City Attorney Andrews stated it was and recommended both documents be blended so there were clear guidelines.

Council member Roundy moved to table the agenda item so that both documents could be reviewed.

Council member Gee stated he thought there was a consensus to approve the original document and didn't know why the additional document was added. Vice-Mayor Elliott recommended moving forward with the document as presented. Council member Roundy felt there was no hurry in accepting the document and time should be spent getting it clear. Council member Hoffman recommended combining both documents to find a version that would work best. Vice-Mayor Elliott stated there was a different tone in each document and cautioned overburdening the document. He recommended changes be considered when the codes are changed. Council member Gee asked Mayor Paschall if the same people who worked on the original document were going to work on the combined document. Mayor Paschall answered yes.

Trish Saint Evens, 6825 County Road 15, asked for clarification on whether Commissioners have to comply with ex-parte. City Attorney Andrews stated the idea is to not have a discussion outside of meetings.

Bob Bishop, 224 Mellane Circle, asked how a citizen gets an item on the agenda. He handed out a form he had developed that could be used for requesting an item be placed on the Council's agenda. Mayor Paschall asked City Attorney Andrews if the City had a process in place. He stated agenda item requests go through the City Manager and sometimes he can answer the item so it doesn't have to go to Council. Mayor Paschall stated they will look into it. Council member Roundy stated placing items on agenda is on page three of the document added by City Attorney Andrews.

Council member Hoffman seconded Council member Roundy's motion to table the agenda item and the motion passed unanimously with no abstentions.

Discussion was held regarding the City's appeal process on decisions made by staff, commissions or committees. Vice-Mayor Elliott stated he has received comments from citizens regarding this matter and asked if the Technical Advisory Committee was identified in the Municipal Code. City Attorney Andrews stated it is set up as an "arm" of the City Manager. Vice-Mayor Elliiott asked if that meant it would be referenced by "or his designee"? City Attorney Andrews stated yes. Vice-Mayor Elliott questioned the decision process of ministerial versus quasi-juris site plan review and is glad there is an appeal process where TAC is not the final word. City Attorney Andrews stated you would have to read the brief on Crystal Geyser, to get the answer, where the argument is made by one or two sides because findings were made and it is not a ministerial act so certain rules apply. Vice-Mayor Elliott stated that the scope of conditions don't define whether it is quasi-juris or ministerial. City Attorney Andrews stated site plan review is set up so a project is consistent with zoning and the General Plan. City Engineer Skillman defined TAC's role as a compilation of all departments' comments and gives the applicant guidance on working within City codes. The TAC streamlines comments from all departments and agencies. Vice-Mayor Elliott stated he sees wisdom in using TAC for big applications but other times does the applicant feel it goes beyond the scope. City Manager Poczobut offered that TAC takes away the he said/she said. Greg Wickert, 4438 County Road M ½ stated that real issues have to be addressed. Site plan review is listed as a responsibility of the Planning Commission and TAC makes sure it conforms to OMC code. The Planning Commission has the final say per code. TAC does not have legal standing but the Planning Commission does. He suggested the Planning Commission be given the authority the code allows. Vice-Mayor Elliott stated he has not found in the OMC where site plan review is assigned to the Planning Commission but is a ministerial function approved by the City Manager.

Ms. Saint-Evens stated she takes exception to the comment about the Crystal Geyser litigation made by the City Attorney. City Attorney Andrews apologized for using the company's application as an example.

Meeting adjourned to Closed Session at 9:24 P.M.

CLOSED SESSION

Closed session was held regarding conference with legal counsel - Pending litigation; Pursuant to Government Code Section: 54956.9(b); Sailsbery v. City of Orland.

Closed session was held regarding Conference with Legal Counsel - Pending Litigation; Pursuant to Government Code Section: 54956.9 (b); City of Orland v. Tollett.

Closed session was held regarding Conference with Legal Counsel - Pending Litigation; Pursuant to Government Code Section: 54956.9 (b); City of Orland v. Western Mutual

Closed session was held regarding Conference with Legal Counsel - Potential Litigation; Pursuant to Government Code Section: 54956.9 (b); One case.

Meeting reconvened to Open Session at 10:14 P.M.

REPORT FROM CLOSED SESSION

Direction was given to City Attorney.

ADJOURN

Meeting adjourned at 10:15 P.M.

_____Acting Clerk _____Mayor