

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

ROLL CALL

Councilmembers present: Charles Gee, Dennis Hoffman, Bruce Roundy, Vice Mayor Wade Elliott and Mayor James Paschall

Councilmembers absent: None

Staff present: JC Tolle, Interim Chief of Police; Jere Schmitke, Public Works Director; Gina gingery, Assistant City Attorney; Angie Crook, Assistant City Manager/City Clerk; Gail Wingard, Interim City Manager

NOMINATION AND ELECTION OF MAYOR AND VICE MAYOR

City Clerk Crook requests nominations for Mayor for 2011-2012. Councilmember Roundy nominated Dennis Hoffman. Mayor Paschall nominated Wade Elliott, seconded by Charles Gee.

Roll call vote for Dennis Hoffman as Mayor for 2011-2012

Ayes: Councilmember Roundy

Noes: Councilmembers Gee, Elliott, Paschall and Hoffman

Roll call vote for Wade Elliott as Mayor for 2011-2012

Ayes: Councilmembers Gee, Elliott, Paschall and Hoffman

Noes: Councilmember Roundy

Wade Elliott was declared Mayor for 2011-2012 by a 4-1 vote.

City Clerk Crook requests nominations for Vice Mayor for 2011-2012. Councilmember Paschall nominated Charles Gee. Councilmember Roundy nominated Dennis Hoffman.

Roll call vote for Charles Gee as Vice Mayor for 2011-2012

Ayes: Councilmembers Gee, Elliott, and Paschall

Noes: Councilmembers Hoffman and Roundy

Charles Gee was declared Vice Mayor for 2011-2012 by a 3-2 vote.

Mr. Paschall thanked for the opportunity to serve as Mayor this past year.

ORAL AND WRITTEN COMMUNICATIONS

Citizen Business:

Randy Fortner, President of the Chamber of Commerce, thanked Council for their support to the Rod and Custom Car Show. A plaque of appreciation was presented to Council.

Brandy Branzelle, 322 Byron Way, stated the City needs to be aware of the fire safety codes if a large number of people attend the Council meeting, as there is a maximum capacity of (80) allowed in Carnegie Center.

Commendation:

Interim Chief of Police Tolle presented a "Life Saving Medal" to Police Officer Kyle Cessna and citizen William Kendrick for their life saving efforts to Mark Godfrey Jr. on October 19, 2011 at the C.K. Price School construction site. Council thanked them for their outstanding efforts.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Roundy advised the Orland Food Pantry is very busy and has helped more than 200 families. Ongoing efforts are in effect to keep a steady supply of food in the pantry. Green bags are being distributed to those who wish to fill the bags with non-perishable foods to be picked up on the second Saturday every other month. Councilmember Roundy advised he attended the Resource Conservation District Conference and Glenn County was recognized as the top outstanding district in California. Councilmember Roundy gave a report on the League of California Cities sessions he has attended.

Councilmember Hoffman stated the Orland Business Improvement Association will be holding the Christmas Tree Lighting ceremony on November 29, 2011 at 5:00 p.m. The Orland Chamber of Commerce will have the Christmas Light Parade on December 10, 2011.

Vice Mayor Gee advised he and Councilmember Hoffman attended the Waste Management meeting. The program for closure of the landfill is still ongoing. The County is continuing to work with Kara Baker and her project in hopes it will materialize. Councilmember Gee attended Golden State Risk Management Authority meeting and advised their loss preventions programs have been receptive and doing well. Councilmember Gee stated the City's Employee Safety Committee has done a good job with ongoing safety trainings for the employees.

Mayor Elliott stated he and Councilmember Roundy have reviewed the draft Governance Policy, as well as the new City Attorney and hope to bring it back at a Council meeting in December.

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 Joint City Council/Planning Commission Workshop minutes for October 27, 2011.
- C. Approve Warrant List.
- D. Receive and file Library Commission minutes for September 13, 2011.

Councilmember Roundy moved, seconded by Councilmember Paschall to approve the consent calendar as presented. Motion carried with no abstentions.

PUBLIC HEARING – None

ADMINISTRATIVE COMMUNICATIONS

Public Works Director:

Public Works Director Schmitke advised Railroad Well #02 is no longer adequate for public consumption and will have to be decommissioned through a permit with the Glenn County Health Department. Public Works Director Schmitke stated he is looking into putting the Aquatic Park well into service; a larger motor from the Railroad Well may possibly be transferred over and upgrades to PG&E and electrical will need to be performed. Information is being gathered for the cost of a new well on the northwest side of town. It was discussed fees may need to be increased in the future to replacing older existing wells. The City owns property on the west end of Walker Street which could be used as a future well site. The City has a total of six wells; five are currently on line.

Public Works Director brought forward request to consider authorizing the Public Works Director to replace deteriorated asphalt at the Lely Park bike trail. The cost to replace approximately 800 feet of asphalt with concrete will not exceed \$6,000. Impact fees will be used for this project.

Councilmember Paschall moved, seconded by Councilmember Roundy to authorize the Public Works Director to proceed with the replacement of the asphalt with concrete at the Lely Park bike trail at a cost not to exceed \$6,000. Motion carried with no abstentions.

City Engineer:

City Engineer Skillman request Council to adopt Resolution No. 2011-15, approving the Agreement for Landscape Maintenance within State Highway Right-of-Way on Route 32 (Autozone) within the City of Orland.

Vice Mayor Gee moved, seconded by Councilmember Hoffman to adopt Resolution No. 2011-15 a Resolution of the City Council of the City of Orland approving the Agreement for Landscape Maintenance within State Highway Right-of-Way on Route 32 (Autozone) within the City of Orland. Motion carried with no abstentions.

City Engineer Skillman brought forward request to adopt Resolution No. 2011-16, approving the Agreement for Landscape maintenance within State Highway Right-of-Way on Route 32 (Hibdon) within the City of Orland.

Councilmember Hoffman moved, seconded by Councilmember Paschall to adopt Resolution No. 2011-16 a Resolution of the City Council of the City of Orland approving the Agreement for Landscape Maintenance within State Highway Right-of-Way on Route 32 (Hibdon) within the City of Orland. Motion carried with no abstentions.

City Attorney:

Assistant City Attorney Gingery brought forward request for Council to adopt Resolution No. 2011-17 that will set aside and vacate its approval of the Crystal Geyser site plan and categorical exemption for environmental review. Pursuant to the Court's Order, the City is required to file a Return of Writ within sixty (60) days of its issuance.

Vice Mayor Gee moved, seconded by Councilmember Hoffman to adopt Resolution No. 2011-17 a Resolution of the City Council of the City of Orland setting aside and vacating its December 16, 2009 approval of Site Plan Review No. 2009-01 and adoption of Categorical Exemption for Site Plan Review No. 2009-01, concerning the construction of a Sparkling Beverage Facility and Warehouse at 1507 County Road 200 in Orland, California. Motion carried with no abstentions.

Assistant City Attorney Gingery brought forward proposed ordinance for further Council review and direction to staff. A group of Orland High Students Working Against Tobacco (SWAT) originally presented the draft Ordinance at the October 17, 2011 Council meeting. Key provisions of the proposed ordinance would prohibit smoking (1) less than 20 feet from any "entryway", (2) in any common area at a shopping mall, (3) in any playground, (3) in any recreational area, or (4) in any service area. Interim Chief of Police advised enforcement of the ordinance would be difficult; due to short staffing it would be considered a low priority. Councilmember Paschall stated it's not realistic to pass any ordinance that is not enforceable. Councilmember Roundy stated the health and welfare of our children and citizens should be considered; as airports, Federal and State buildings, City Hall, and the Police Department already prohibit smoking. Councilmember Gee stated he agreed smoking could be prohibited in the park and public facilities, but is not in favor to mandate private business owners. Assistant City Attorney Gingery advised the ordinance does not add burden to private business owners, enforcement would be complaint driven. Delores Vasquez, 6413 County Road 20, stated private businesses are no longer private when they invite public into their establishment. Business owners already have to comply with smoke free laws in the workplace. Orland SWAT members advised a smoke free policy would protect the rights of non smokers to clean air, protect those with existing health care issues, and reduce litter to our environment. Brandy Branzelle, 322 Byron Way, advised a smoking area in the park should be considered and objects to having fines. Councilmember Roundy advised the proposed ordinance would be complaint driven and business owners would not be held responsible. Mayor Elliott felt the proposed ordinance would not pull police officers away for enforcement and would protect people who choose not to smoke.

Council directed staff to edit the ordinance stating to reduce the civil fines from \$25 - \$100 and to bring the proposed ordinance back for a Public Hearing and First Reading at the next regularly scheduled Council meeting.

Interim City Manager:

Interim City Manager Wingard brought forward discussion regarding a request the City received to permit payment of Impact Fees over a period of time and to suggest staff to review the existing fees to determine if they are reasonable. Council advised the request which was brought forward by the owner of Sapphire Plaza to be examined further and determine the payment agreement that was originally in place. Byron Denton, 127 Tanner Way, recommended not deferring fees; as it could set a precedent. Councilmember Roundy advised a commitment from Sapphire Plaza needs to be brought forward. Councilmember Paschall stated an agreement (including interest) to obtain Impact Fees for the City may be useful, since currently nothing has been received and could possibly establish some new businesses. Councilmembers agreed certain monies need to be paid up front before any type of an agreement is made. Council discussed different terms that could be used to secure collection of fees (liens, assignment of rents, performance bonds etc.).

It was the consensus of Council to research payment arrangements through the League of California Cities Listserve regarding the deferral of Impact Fees and determine Sapphire Plaza's original Impact Fee agreement and bring back at a future meeting. Council advised a separate discussion of the Impact Fee schedule can be discussed at a later date after some research.

ADJOURN

Meeting adjourned at 9:46 p.m.

_____Clerk

_____Mayor