

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

ROLL CALL

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

Councilmembers absent: None

Staff present: JC Tolle, Interim Chief of Police; Daryl Brock, Finance Director; Jody Meza, Librarian; Joe Fenske, Recreation Director; Jere Schmitke, Public Works Director; Ken Skillman, City Engineer; Scott Friend, Interim City Planner; Janet Wackerman, Grant Coordinator; Greg Einhorn, City Attorney; Angie Crook, Assistant City Manager/City Clerk; Gail Wingard, Interim City Manager.

ORAL AND WRITTEN COMMUNICATIONS

Citizen Business:

Judy Noffsinger, 4261 County Road MM, stated it was not appropriate to display a Crystal Geysers media release letter in City Hall.

Presentation:

Presentations were given by the following City Department Heads regarding reviews of each department: City Librarian, Recreation Director, Interim City Planner, City Engineer, Public Works Director, Finance Director, City Clerk, Interim Chief of Police and City Attorney.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Roundy gave kudos to all the Orland High School athletes for their successful year. Events downtown included the Christmas Tree Lighting ceremony and Arts Commission Gala fundraiser. Councilmember Roundy attended the Glenn County Economic Development Committee meeting as well as the Sacramento Valley League meeting in Gridley. It was noted 450 families signed up for food baskets.

Councilmember Hoffman also attended the Sacramento Valley League meeting and the annual Firemen awards dinner. The Chamber of Commerce Christmas Light Parade will take place on December 10th at 5:30 p.m.

Vice Mayor Gee advised he attended the joint economic development meeting with Glenn County and the City of Willows. He advised a unified permitting process is close to fruition.

Mayor Elliott stated the Avenue of Lights will be taking place December 14-18 at the Glenn County Fairgrounds. Mayor Elliott reminded the public there are vacancies on various city commissions.

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 November 7, 2011.
- C. Approve Warrant List.
- D. Receive and file Economic Development Commission minutes for October 3, 2011.
- E. Receive and file Orland Arts Commission minutes for October 19, 2011.
- F. Receive and file Planning Commission minutes for May 19, 2011.
- G. Receive and file Planning Commission minutes for June 16, 2011.

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

PUBLIC HEARINGS

1. Conduct Public Hearing to provide public comments on possible activities for State Community Development Block Grant (CDBG) Application.

Janet Wackerman, Grant Coordinator, reported the CDBG program requires jurisdictions to hold hearings to solicit input before an application is considered. The City of Orland may apply for up to \$2,000,000 for Housing Activities, Public Facilities or Improvements or Services, Enterprises Funds or Planning & Technical Assistance (CDBG) Super NOFA funds. Grant Coordinator Wackerman advised the City could apply for public improvements for (i.e. Papst Ave. crossing and water wells). It was noted the City needs to provide documentation and give good reasons as to why the project is needed for the community.

The Public Hearing opened for comments at 8:49 p.m. No comments were received, therefore the Public Hearing closed at 8:50 p.m.

Councilmember Hoffman advised the information the City received from the State may justify the need for a new well and asked if that is sufficient documentation to qualify for funding. Grants Coordinator Wackerman advised data should include the project on a priority funding list. It was recommended the City hire a consultant as they are proficient in knowing what the funding source wants to see in an application; this expense would be funded through the grant. Councilmember Paschall stated the Papst Avenue crossing is on the priority funding list. Judie Noffsinger questioned what happened to grant funds for the police facility. Grant Coordinator Wackerman advised that a large amount of funds are needed for the public safety facility; the City will need to seek more than one funding source. Grant Coordinator Wackerman advised if the City is considering any studies, to let her know at this time. Council discussed the wells may become a priority for Council to consider.

Council directed staff to bring back at the next regular scheduled meeting for further direction to staff.

2. Conduct a Public Hearing and upon conclusion, by motion consider passage of First reading by title only of an Ordinance entitled **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLAND AMENDING TITLE 8 of the ORLAND MUNICIPAL CODE TO REGULATE SMOKING AND SECONDHAND SMOKE”**.

City Attorney Einhorn brought forward for first reading the modified draft ordinance, per direction given to staff.

The Public Hearing opened at 9:02 p.m. Brandy Branzelle, 322 Byron Way, stated there was a typo in the version she received. City Attorney Einhorn advised the typo was corrected. Ms. Branzelle stated the ordinance is redundant (i.e. 20' from entryways and in dining areas) in regulations, except for the prohibition of smoking in the parks and/or sporting events. Ms. Branzelle felt the proposed ordinance is not reasonable and disappointed it was not posted to the website. Trish Saint-Evens, 6825 County Road 15, was also disappointed the ordinance was not posted to the website. Ms. Saint-Evens stated she had concerns for provision 8.14.060 regarding business owner liability and feels our liberties are being taken away. Ms. Saint-Evens stated she was supportive of the reduction in fines but felt there will be additional fees. George Toney, 4239 County Road L, advised he is not comfortable with the ordinance. Mr. Toney suggested the following language changes:

- (1) 8.14.050 “Signage” change from - “shall” to “may”;
 - (2) Definition of “Entryway” add - “primary” public access;
 - (3) Definition of “Person” remove “ - partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee or any other legal entity;
 - (4) 8.14.060 “Penalties & Enforcement” remove language – “Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of this chapter”
- With no further comments the Public Hearing closed at 9:20 p.m.

City Attorney Einhorn clarified Mr. Toney’s concerns. Vice Mayor Gee feels the intent is well taken, but feels he cannot support it. Councilmember Paschall had similar concerns; advised it would be difficult to support. Councilmember Roundy advised the point is to protect people’s health, as we have the knowledge on the dangers of secondhand smoke. Mayor Elliott is comfortable going forward with the ordinance at a future meeting. Council advised to take note of Mr. Toney’s concerns in language of the ordinance.

Direction was given to City Attorney Einhorn to make the following revisions to the proposed ordinance and continue First Reading at next scheduled Council meeting:

“Entryway” means the *primary* place of public access; “Person” means an individual; “Signage” change word from “shall” to “may”; and revise measure so that is directed to tobacco smoke only.

A revised copy will be posted to the website.

ADMINISTRATIVE COMMUNICATIONS

Finance Director:

Finance Director Brock gave a report on available funds for City water well. There is approximately \$354,000 in the water account. Finance Director Brock advised \$250,000 could be expended from the operating budget; nevertheless other monies need to be found elsewhere. Finance Director Brock stated if funding could be located for the new police facility, it would provide an opportunity to repay the water department that originally lent money for the purchase of the police building. Mayor Elliott stated there may be a need to increase water user fees. Finance Director Brock advised determining the needs of the water well issue and how it will be funded will need to be a priority.

Interim City Planner:

Interim City Planner Friend requested Council to discuss and give direction regarding setting suggested date for Public Hearing on General Plan Update. Interim City Planner Friend recommended setting a date of January 17, 2011, if Council is ready to move forward.

With Council consensus, staff was directed to hold a Public Hearing for the General Plan Update on January 17, 2011.

City Attorney:

City Attorney Einhorn request discussion and direction regarding Development Impact Fees and Payment Agreement with Sapphire Plaza. City Attorney Einhorn stated a verbal agreement was made with previous City Manager Riker that the Papa Murphys building impact fees would be deferred until the building was fully occupied. City Attorney Einhorn advised several options for payment agreement terms could be considered. The owners of Sapphire Plaza advised they have no liquid funds available but would consider certain payment terms. Councilmember Roundy request contact is made with the League of California Cities list serve for more information on deferral of impact fee payments and to check the California State Constitution Article 16, Section 6 regarding legalities on public funds.

Council discussion occurred and directed the City Attorney to prepare current deferral agreement (Papa Murphy's) in writing; written request as to why impact fees cannot be paid at this time; draft specific terms of an agreement; request a current financial statement from Sapphire Plaza owners, as well as debts/liens on the property. Council requested a follow-up report at the next scheduled Council meeting.

City Attorney Einhorn request consideration and adoption of a Governance Policy. Council advised minor change to Section 8.2 Time Limitation – Public Hearing time limit changed to 5 minutes, instead of 3 minutes, at Council's discretion.

Councilmember Roundy moved, seconded by Vice Mayor Gee to approve the Governance Policy as amended with Section 8.2 changed to reflect the Public Hearing time limit to 5 minutes instead of 3 minutes, at Council discretion. Motion carried with no abstentions.

Interim City Manager:

Interim City Manager Wingard request Council to discuss and consider attendance to 2012 Economic Forecast Conference at Gold Country Event Center on January 12, 2012. It was noted elected officials can attend at no charge. Council advised they will confirm their attendance with staff.

ADJOURN

Meeting adjourned at 10:30 p.m.

_____Clerk

_____Mayor