

MINUTES OF REGULAR MEETING, ORLAND CITY COUNCIL, Monday September 17, 2012
7:30 p.m.

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: Chief of Police J.C. Tolle, City Engineer Ken Skillman, City Planner Scott Friend, City Attorney Greg Einhorn, Assistant City Manager/ City Clerk Angie Crook and City Manager Pete Carr

ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments:

Bob Pasero gave an update on the Orland Heroes Memorial Project. Fundraisers such as the Orland Heroes' calendar, Cow Patty Bingo and New Year's Eve Party will help benefit the memorial sculpture for Orland's military personnel who have died during the time of war. Claire Arano, 4231 County Road E., advised a new nonprofit 501C organization called "Orland Pride" has been formed to take on new projects, such as the Orland Heroes Memorial, for the betterment of the Orland community. Orland Pride will work in conjunction with the Orland Economic Development Commission in fundraising efforts to light the Orland Arch and will also undertake plans to facilitate discussion and study sessions to help bring a Community Center to Orland and Glenn County. Tracey Quarne, member of Orland Pride, advised the Orland Community Center has been brought up in Council discussions recently and stated for whatever reason the original scope of the Orland Community Center has waned for some time. Mr. Quarne respectfully request Council to consider a full community discussion on the issue, in order to make a well informed decision.

Byron Denton, 127 Tanner Way, suggested the Orland Pride group help clean up yards in the City of Orland. Mr. Denton questioned who collects the taxes for the Flea Market at the fairgrounds.

Trish Saint-Evens, 6825 County Road 18, advised the Fair Manager informed her that the flea market vendors now comply with resale tax laws. Mrs. Saint-Evens suggested Mr. Denton speak to the Fair Manager. Mrs. Saint-Evens stated her husband Angus Saint-Evens has regretfully turned in his resignation from the Economic Development Commission. Mayor Elliott advised an appointment to fill the position will be made at a later date.

Bonnie Morgan, Orland Pride member, stated she was very pleased with Orland Pride's devotion to their community. Ms. Morgan noted Council's decisions will affect our children's generation.

Duane Massa, 4786 County Road E., advised he owns property near the former city dump site where there is a marijuana grow on or near this city property. Mr. Massa stated he has spoken to the County Sheriff and the City Manager to try to resolve the issue. Mayor Elliott advised he will be speaking on that matter during City Council Communications.

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Joey Tanson, 4353 County Road O, Orland High School Freshman Class President, stated it is important that a Community Center be built for future musicians, athletes, and actors for generations to come.

Cynthia Lee, 409 Eighth Street, Orland Pride member, advised Orland Pride will be putting together a Fourth of July Parade in conjunction with the Orland Historical Society. The Community Center would be a great benefit for our future students and community.

Mayor Elliott thanked citizens for their comments.

Byron Denton congratulated students for their commitment and involvement.

Tracey Quarne, Glenn County Superintendent of Schools, advised it was this day in 1787 the U.S. Constitution was signed and ratified.

Mayor Elliott requested a short recess at 7:50 p.m.

Meeting resumed at 7:51 p.m.

Economic Development Commission Appointment:

Council considered applications to fill the unscheduled vacancy on the Economic Development Commission with a term expiring December 31, 2013. Applications were received from M. Brandy Branzelle, Sarah Leydon and Mike Wyser. Interviews were held with City Manager Carr, Mayor Elliott, Councilmember Roundy, Chairman Campbell of the Economic Development Commission and Chamber of Commerce President Helen Duree to select an appointee to the Economic Development Commission. Mayor Elliott recommended Mike Wyser be appointed to fill the vacancy on the Economic Development Commission. Councilmember Roundy thanked Ms. Leydon for her interest. Council thanked all applicants which applied.

Councilmember Hoffman moved, seconded by Councilmember Gee to appoint Mike Wyser to fill the vacancy on the Economic Development Commission with a term expiring December 31, 2013. Motion carried with no abstentions.

Mayor Elliott advised a letter of resignation was received from Economic Development Commission member Angus Saint-Evens. A public notice will be placed in the paper requesting applications to fill the vacancy. Ms. Leydon advised she would like to be reconsidered for the vacancy.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Paschall had no report.

Vice Mayor Gee reported on the following:

- Attended GSRMA meeting; new software was installed and happy with results.
- Health insurance premiums expected to increase around 12%.

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Councilmember Hoffman had no report.

Councilmember Roundy gave a report on the following:

- League of California Cities Conference in San Diego (outline submitted to Councilmembers).
- Friends of the Library Book sale September 24, 2012.
- City/County EDC Steering Committee meeting September 22, 2012
- Black Butte Lake Clean-Up, September 29, 2012 from 9 am – noon.
- Rusty Wagon invited Council to a mixer on October 17, 2012, 5 – 7 pm for National Employment Disability Month.
- Transportation Commission will meet September 20, 2012; LAFCO has not met in one year.

Mayor Elliott addressed the matter Mr. Massa brought forward earlier in the evening. Marijuana ordinances were adopted earlier in the year to regulate these issues. City Manager Carr advised the marijuana grow site is located in the County and the question is whether the grow is on city owned property (former city dump site). City Manager Carr advised it is not clear if the grow is near or exactly on city property without an engineering survey, however, the grow is located on the other side of a fence. The property owner on the other side of the city property insists a survey does state the marijuana grow is on his property. The property owner has advised city staff he is unhappy with the grow his tenants have established on the property. The Glenn County Sheriff has been notified and acknowledges that the grow is in the County law enforcement jurisdiction.

CONSENT CALENDAR

- A. Approve City Council minutes for August 6, 2012.
- B. Approve City Council minutes for August 20, 2012.
- C. Approve Warrant List (payable obligations).
- D. Receive and file Public Safety Commission minutes for May 14, 2012.
- E. Receive and file Economic Development Commission minutes for July 2, 2012.
- F. Approve Green Waste pick up between October 6 and October 14, 2012.
- G. Accept AVOID grant from Office of Traffic Safety effective October 1, 2012 – September 31, 2013.

Mayor Elliott announced the Green Waste pick up dates are scheduled for October 6 – 14, 2012.

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

PUBLIC HEARING

Receive comments on disbursement of Supplemental Law Enforcement Service Funds (SLESF) if approved from the State of California for 2012-13; request motion to approve proposed plan for the discretionary use of the remainder of 11/12 SLESF Fund and the 12/13 funding once approved and appropriate.

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Chief of Police Tolle gave a brief report on the proposed plan for the discretionary use of the remainder of 11/12 SLESF fund. In the past these funds were used to offset the departments training, computer maintenance and to help pay one police officer's salary and benefits. Chief of Police Tolle requested Council approve use of new (SLESF) funding if appropriated from the State of California for 2012-13. The Public Hearing opened for comments at 8:20 p.m. With no comments, the Public Hearing closed at 8:21 p.m. No motion was brought forward.

ADMINISTRATIVE COMMUNICATIONS

City Attorney:

City Attorney Einhorn presented for Second Reading by title only, Council to consider by motion, to adopt Ordinance entitled "An Ordinance of the City of Orland amending Title 2 of the Orland Municipal Code regarding Department Heads, City Officials and Contract Consultants." One minor change was made to the Section No. 2.08.030, Number 4.; position title changed to Recreation Director, rather than Parks and Recreation Director. Mayor Elliot gave a brief summary on the amendment.

Councilmember Paschall moved, seconded by Councilmember Roundy to approve the adoption of Ordinance No. 2012-04 amending Title 2 of the Orland Municipal Code regarding Department Heads, City Officials and Contract Consultants. Motion carried with no abstentions.

City Planner:

City Planner Friend presented to Council a proposal for a Planning Fee Study. The proposal includes a comprehensive update to include the following: Incorporation of new growth projections based upon the data contained in the recently adopted General Plan and EIR; update the facilities needs assessments within each fee category to identify necessary capital expenditures based upon the City's existing level of services standards to accommodate planned growth; update cost estimates for identified capital facilities; prepare an updated Development Impact Fee Study for adoption by Council. City Planner Friend advised another option would be a targeted fee update (reduced scope of a specific development impact fee category). Mr. Friend advised the total cost for the full update is \$18,980. Councilmember Paschall stated it would be beneficial to do a full update since the last one was adopted in 1995. Councilmember Hoffman asked if problems can arise if a development impact fee is restructured after monies have already been collected for a specific fee, such as the community center or stop light. City Attorney Einhorn stated as long as the intent or purpose of the project remains, it is not a problem. Mayor Elliott questioned can a simpler process be done without a full update. City Planner Friend advised it is not possible with old data. Councilmember Gee questioned if there still is a need for a community center and whether Glenn County Memorial Hall could be examined further. Councilmember Gee advised the Arts Commission fee needs to be reevaluated at some point in time. Councilmember Roundy stated a complete nexus study needs to be completed before we can put the Arts Commission Fee in perspective. City Engineer Skillman stated there have been changes in zoning, density, and traffic patterns that need to be reevaluated. The cost of the study would be allocated through the Development Impact Fees.

Councilmember Paschall moved, seconded by Councilmember Hoffman to begin a complete Development Impact Fee nexus study by Pacific Municipal Consultants. Motion carried with no abstentions.

It was clarified that the Arts Commission fee is funded through development; however, it is not an impact fee. The Arts Commission fee will be examined by staff at a later date when impact fees are revised.

City Manager:

City Manager Carr requested Council to consider amending the Governance Policy Manual to include a Commissioner Selection Process (13.0). The draft policy would provide a standardized procedure to fill vacancies on all commissions. The draft process includes public notice, application, committee interview and recommendation to Council. The Orland Municipal Code already provides for a Mayoral appointment and Council confirmation. The following draft policy was presented:

13.0 Commissioner Selection Process

13.1 City Clerk will follow these steps for filling vacancies on City Commissions:

1. City Clerk informs Council of pending or current vacancy, seeks direction as to timing for filling the vacancy.
2. City Clerk publishes notice inviting applications and sets closing date.
3. City Clerk determines qualifications and completeness of applications.
4. If two or more applications are received, City Clerk schedules an interview panel consisting of:
 - o Mayor
 - o Council Commission Liaison
 - o City manager or a city department head
 - o Current commission chair
 - o Other community member[s] as appropriate for the commission.
5. Candidates are invited but not required to be present for the interview.
6. If five or more candidates apply, the Clerk may conduct a narrowing process with input from selection committee members.
7. Clerk provides all applications to the entire Council (subject to reduction from step 6), with interview committee's recommendation.
8. Mayor makes appointment at a City Council meeting, with Council confirm by majority vote.
9. If the Council does not confirm the appointment, Mayor appoints another candidate pending Council confirmation, until the position is filled.
10. Commissioner is sworn in immediately.

Vice Mayor Gee asked if a commissioner's term is expiring, are they required to go through an interview process to be reappointed or are they "grandfathered in". Council advised current commissioners with terms expiring, can advise staff of their interest instead of completing another application, and interviews would be optional. It was discussed the most qualified candidate for the commission would be recommended for the appointment. The interview committee would

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make a recommendation to the Mayor and Council.

Councilmember Paschall moved, seconded by Councilmember Hoffman to amend the Governance Policy to include the Commissioner Selection Process (Section 13.0) with additional language to include: Commissioners to indicate their interest to City Clerk for consideration of reappointment and applications on file may be used for future appointment and/or reappointment in lieu of a new application. Motion carried 4-1. Councilmember Roundy voted no.

Mayor Elliott requested another area for consideration in the Governance Policy regarding the decorum and expectations when you are a representative for the City at an official event or conference. Mayor Elliott requested it be defined as to who would be the official representative for the City or as an individual. Council directed staff to further examine the issue.

City Manager Carr gave an update on staff's progress on the Social Media Project. The Fire Department, Library and Recreation Department are already on Facebook. The objective would be to help build City economic development and a more effective community outreach. The Economic Development Commission advised Facebook should be an outreach in a positive and informative way rather than a public forum. A draft social media policy will be brought forward at a future City Council meeting in October and plan to launch shortly thereafter.

Adjourned to Closed Session at 9:45 p.m.

CLOSED SESSION

Closed Session was held on the following:

NEGOTIATION OF REAL ESTATE TRANSACTION; Pursuant to Government Code Section: 54956.8; Property: 701 W. Walker St., Orland, CA; Under negotiation: real estate price.

PUBLIC EMPLOYEE APPOINTMENT, EMPLOYMENT, EVALUATION OF PERFORMANCE, DISMISSAL OR RELEASE; Pursuant to Government Code Section: 54957; Position: City Manager.

Meeting adjourned to Open Session at 10:31 p.m.

REPORT FROM CLOSED SESSION

Direction given to City Manager.

Evaluation given to City Manager.

ADJOURN

Meeting adjourned at 10:32 p.m.

Clerk

Mayor