

MINUTES OF REGULAR MEETING, ORLAND CITY COUNCIL, Monday July 15, 2013 7:00 p.m.

CALL TO ORDER

Meeting called to order by Mayor Gee

Councilmembers present: Jim Paschall, Salina Edwards, Bruce Roundy, Vice Mayor Dennis Hoffman and Mayor Charles Gee

Councilmembers absent: None

Staff present: City Attorney Greg Einhorn, Deputy City Clerk Pamela Otterson and City Manager Pete Carr

Citizen Comments:

None

Meeting adjourned to closed session at 7:01 pm.

CLOSED SESSION

Conference with Real Property Negotiator: Pursuant to Government Code Section: 54956.8; Property: 824 Fourth Street; Agency Negotiator: Pete Carr; Negotiation Parties: Julie vanTol; Under Negotiations: Lease terms.

Public Employee Appointment; pursuant to Government Code Section: 54957; Title: City Planner.

Meeting adjourned to open session at 7:30 p.m.

REPORT FROM CLOSED SESSION

Direction given to City Manager regarding Conference with Real Property Negotiator.

Direction given to City Manager regarding Public Employee Appointment of City Planner position.

Meeting reconvened to regular session at 7:31 p.m.

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

ROLL CALL

Councilmembers present: Jim Paschall, Salina Edwards, Bruce Roundy, Vice Mayor Dennis Hoffman and Mayor Charles Gee

Councilmembers absent: None

Staff present: Grants Administrator Janet Wackerman, Public Works Director Jere Schmitke, City Engineer Ken Skillman, City Attorney Greg Einhorn and Deputy City Clerk Pam Otterson and City Manager Pete Carr

ORAL AND WRITTEN COMMUNICATONS

Citizen Comments:

Caren Brown, Volunteer in Police Services (VIPS) representative, invited the public to come and support National Night Out which will be held August 6, 2013 at Library Park from 6 – 9 p.m. Liaison Officer Charles Barnes was introduced.

#### CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilor Paschall had no reports at this time.

Councilor Edwards reported on the following:

- VIP's can issue non-moving violations;
- Library activities continuing through the summer.

Councilor Roundy reported on the following:

- Attended Water Advisory Board meeting;
- LAFCO undergoing reorganization;
- Will be attending Sacramento Valley Division meeting in Sacramento meeting.

Vice Mayor Hoffman had no reports at this time.

Mayor Gee reported on the following:

- The Glenn County exhibit won a Gold medal and Best of Show at the State Fair;
- July 19<sup>th</sup> is Black Butte Lake's 50<sup>th</sup> Anniversary at Eagles Pass;
- Attended GSRMA meeting, more information coming regarding a health fair and OSHA requirements;
- Hazardous Waste Pickup still being planned in September with the County.

#### CONSENT CALENDAR

- A. Approve Warrant List (payable obligations).
- B. Approve City Council minutes for July 1, 2013.
- C. Receive and file Library Commission minutes for March 12, 2013.
- D. Receive and file Economic Development Commission minutes for May 14, 2013 and June 11, 2013.
- E. Adopt calculation factors for computation of the 2013-2014 appropriations limitation (Gann Limit).
- F. Approve and authorize City Manager to execute Agreement with the CSU, Chico Research Foundation on behalf of Geographical Information Center (GIC) for update and maintenance to City of Orland Geographical Information System annual contract renewal.

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

#### PUBLIC HEARINGS

**1. Conduct Public Hearing for public comment on the California Development Block Grant Program (CDBG) and authorize City Manager to sign all documents.**

Grants Administrator Wackerman presented a report on the CDBG Program Grantee Performance Reports. The City of Orland was awarded a grant to fund the Papst Avenue Crossing and to develop a water system capacity study. A Public Hearing was opened for comments at 7:50 p.m. No comments were received, Public Hearing closed at 7:51 p.m.

Councilmember Paschall moved, seconded by Councilmember Edwards to authorize the City Manager to sign the report and submit to CDBG. Motion carried with no abstentions.

**2. Tentative Parcel Map TPM2012-01 (Rapini): An appeal of a decision of the City of Orland Planning Commission to deny a request by Mr. Del Rapini and Del Rapini Construction, Property Owner(s), to divide two existing parcels of land total approximately 16.7 acres in size and described as Glenn County Assessors Parcel Numbers 040-310-009 and 040-350-003) into four parcels ranging in size from 1.6 to 11.6 acres. The subject property is located south of South Street, west of the southerly extension of Cortina Drive and immediately east of Interstate 5 in southwest Orland. Access to the project site is currently taken from an existing sixty (60) foot wide easement located on the eastern portion of the USA Petroleum fueling station parcel abutting South Street. The applicant has proposed establishing a new easterly point of access from Cortina Drive and crossing property not owned or controlled by the project applicant as the primary point of access to the project. The City of Orland General Plan designates the site with the *I-L/C, Light Industrial – Commercial* land use designation and the parcel is zoned with the *PD – Planned Development* zoning district. No specific plan of development has been submitted on the site at this time.**

Scott Friend, Pacific Municipal Consultants contract planner, brought forward the proposed project request to divide property only. The Planning Commission voted unanimously to deny the application as presented as the map did not meet the City's requirements to have two points of access and therefore did not meet the City's land division and General Plan standards. However, the Planning Commission expressed hope the project applicant would appeal to the City Council the Planning Commission's decision to deny the project, thus allowing the Council to potentially involve the use of the City's Eminent Domain authority. Mr. Friend advised if Council determines a Condition of Approval is required to establish a primary point of access from a dedicated public street and shall provide prior to the City taking any action to finalize the map and determines there is a public need and necessity for possible use of the City's Eminent Domain authority, it would then be determined the project meets the requirements of the Orland Municipal Code. The Public Hearing opened for comments at 8:15 p.m. Richard LaRowe, 3875 Atherton Rd, Rocklin, CA, Tesoro Shell station, agreed with everyone and their concerns. Mr. LaRowe advised to make a condition that the secondary access be used for emergency access while going across the Tesoro property. Steve Butler, Precision Surveying, representing Del Rapini, advised they do not want to block their access but would like to enhance Tesoro's access. Mr. Butler advised they would not support creating their primary easement as an emergency access. Byron Denton, 127 Tanner Way, asked for clarification on what is being proposed. Lance Buhlman, Tesoro Shell Station, hopes to find solutions to solve these issues and be a good neighbor to the applicant.

Vice Mayor Hoffman moved, seconded by Councilmember Paschall to adopt a determination of Categorical Exemption for this project pursuant to Section 15061(b)(3) of the State CEQA Guidelines; adopt the Findings of Approval and Conditions of Approval below, and upon appeal from the Planning Commission's denial, approve Tentative Parcel Map #2012-01, and direct staff to file the Notice of Exemption with the County of Glenn.

**FINDINGS OF APPROVAL FOR  
TENTATIVE PARCEL MAP #2012-01**

**Del Rapini / Rapini Construction (Owners/Applicants)**

**Located South of South Street; East of Cortina Drive; and, West of Interstate-5 in southwest Orland**

**Assessor's Parcel Numbers: 040-310-009 and 040-350-003**

**Findings for determination of Categorical Exemption:** The project is determined to be categorically *Exempt* from environmental review under the California Environmental Quality Act. In accordance with the State CEQA Guidelines, as developed under Public Resources Code Section 21084, the project has been determined to be categorically exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines. The project has been determined to be exempt from CEQA review based upon the findings that "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment". In this instance, the Project as presented would result solely in the division of two existing parcels of land into four parcels of land as otherwise permitted by Title 16 of the City of Orland Municipal Code and Section 66410 of the California Government Code. Approval of the project would not allow for any use or development of the property not otherwise already allowed without the approval of a discretionary action by the City to adopt a Plan or Development, detailed project site plans or a Use Permit as required by Chapter 17.60, Planned Development Zone, of the Orland Municipal Code. Further, the Project as submitted does not propose to make any site improvements that could have a physical effect on the environment as the action being contemplated is only related only to the division of property. The project meets all the requirements for this categorical exemption.

**Findings for Approval of Tentative Parcel Map #2012-01 (Rapini):**

1. Upon implementation of the Conditions of Approval and the engagement of the requirements of Section 66462.5 of the State of California Subdivision Map Act, the tentative parcel map conforms to the provisions of the Subdivision Map Act and to the provisions of Orland Municipal Code Title 16 – Subdivisions (OMC Section 16.16.190).
1. Upon implementation of the Conditions of Approval and the engagement of the requirements of Section 66462.5 of the State of California Subdivision Map Act, the tentative parcel map conforms to the provisions of the City of Orland General Plan (OMC Section 16.16.190).
2. Upon construction of Interstate 5, primary access to the project site was eliminated and alternative access was provided via an access easement from South Street through the property now developed as a "Shell" fueling station and owned by the Tesoro Corporation.
3. The property now owned by Mr. Rapini (also: subject property) enjoys a 60' access easement from South Street across the easterly portion of the "Shell" fueling station parcel.

A second "emergency only" access easement has been warrantied to exist on the "Shell" fueling station parcel with access from South Street on the western side of the existing fueling station structure.

4. The subject property does not currently have direct access from a dedicated public street nor access sufficient to allow for the development of the site at a level and of a nature otherwise provided for the in the City's General Plan.
5. Utilization of the existing 60' access easement from South Street for primary access purposes to the subject site would significantly impact the operations of the existing use on the parcel to the north (Shell Fueling Station).
6. There exists on the site a condition of need and necessity for the acquisition of street right-of-way sufficient to allow for the development of the site.
7. The applicant (Rapini) has affirmatively represented to the City that sufficient and repeated good-faith attempts have been made to the owner of the adjacent parcel (Aldabashi Corporation) to acquire the land necessary for the establishment of a roadway and such attempts have not been successful in addressing the situation to establish an access way to the site.
8. The applicant (Rapini) has agreed to enter into a Reimbursement Agreement for Property Interest Acquisition with the City that includes an indemnification and hold-harmless provision and requires that the applicant pay for all expenses related to the efforts of the City to acquire the necessary public street right-of-way for the project.
10. The tentative parcel map is consistent with good planning and engineering practice (OMC Section 16.16.190).
11. The project will not be harmful to the public health and safety or the general welfare of the persons residing or working in the area.
12. The project will not result in substantial environmental impacts.

**CONDITIONS OF APPROVAL  
TENTATIVE PARCEL MAP #2012-01**

**Del Rapini / Rapini Construction (Owners/Applicants)**

**Located South of South Street; East of Cortina Drive; and, West of Interstate-5 in southwest Orland**

**Assessor's Parcel Numbers: 040-310-009 and 040-350-003**

**Approved Use:** The approved Tentative Parcel Map #2012-01 (Rapini) allows the division of an existing +/-16.7-acre property composed of two separate parcels (APN #'s: 0410-310-009 & 040-350-003) into four parcels of 1.6/1.6/1.9 and 11.6 acres in size. The property is located in the *P-D, Planned Development* Zoning District and is designated with the *I-L/C, Light Industrial / Commercial* land use designation by the City's General Plan land use diagram. No change of Zoning or General Plan designation was requested, no development permit was issued and no Planned Development Master Plan was approved with this approval action.

**Conditions of Approval:**

1. Approval of Parcel Map #2012-01 shall not imply, warrant, guarantee or otherwise confer on the property owner the ability to construct any physical improvements on or off of the project site not already permitted pursuant to City of Orland land use requirements.
2. The applicant shall prepare and file with the Planning Department a Planned Development Master Plan and shall secure the approval of a Planned Development Use Permit prior to the undertaking of any development activity or submittal of any site plans on the project site pursuant to the requirements of Chapter 17.60 of the Orland Municipal Code.
3. The applicant shall secure two points of access to the project site, one of which shall afford access to the project site via a dedicated public street designed and approved for the commercial/industrial purposes and meeting the City's commercial/industrial roadway standard.
4. The applicant shall install, or be responsible for, all improvements on the project site; shall file a public document with the City Clerk and shall be responsible for compliance with all requirements there of pursuant to Section 16.28.090 of the City of Orland Municipal Code.
5. Subdivider shall pay all actual costs and fees for City Attorney, City Planner, City Engineer and staff time incurred in the review and processing of this project including all costs associated with the acquisition of off-site easements or land and all costs associated with the implementation of the Conditions of Approval for the project prior to the development of any future use on the site.
6. The applicant shall execute the Reimbursement Agreement for Property Interest Acquisition, including an indemnification agreement with the City of Orland holding the City harmless for any and all actions related to the pursuit and acquisition of off-site improvements.
7. The Final Parcel Map shall be prepared in accordance with the requirements of the California Subdivision Map Act and shall comply with all City of Orland land division requirements.
8. No building or structures shall be permitted over any underground utilities or within any existing utility easements.
9. Developer shall pay all City of Orland Impact Fees with the issuance of building permits.
10. A traffic study shall be required prior to the development of any future use on the site to determine if any special construction requirements exist and/or if any mitigation measures are required to alleviate currently unforeseen impacts prior to and/or concurrent with any future land use approval actions due to the nature of the potential site uses listed on the tentative map.
11. Developer shall dedicate a 10 foot wide Public Service Easement (PSE) contiguous with all street frontages.

12. Developer shall enter into a Deferred Improvement Agreement for all frontage improvements which have not been constructed prior to Council approval of the final parcel map.
13. Prior to issuance of a of a building permit for development of any of these four parcels, the applicant shall:
  - a. Construct full width frontage street improvements including curb, gutter, sidewalk and 36.00 feet of pavement.
  - b. Extend an 8 inch diameter sewer main such that all four parcels may be served by it.
  - c. Extend an 8 inch diameter water main such that all four parcels may be served by it.
14. Provide fire hydrants at the northwest corner of Parcel 2 and the south end of the cul-de-sac or alternative locations approved by the City of Orland Fire Chief and City Engineer.
15. All infrastructure improvements shall be designed and constructed in conformance with the City of Orland "Land Division Standards and Improvement Standards". The developer shall have a registered engineer prepare and submit construction details, plans and profiles, grading plans, typical sections and project specifications prior to commencement of construction.
16. A street light shall be installed at the northwest corner of the internal street intersection per P.G.&E. standards.
17. All utilities serving this project shall be installed underground and meet the design standards of each purveyor.
18. All conflicting existing utilities shall be relocated at the developer's expense.
19. In the event that an elevation difference exceeding 12 inches arises between contiguous and/or perimeter parcels during design of the grading plan, a masonry or concrete retaining wall shall be utilized.

Motion carried with no abstentions.

#### ADMINISTRATIVE COMMUNICATIONS

##### Chief of Police:

Caryn Brown, Chairperson, Volunteers in Police Service (VIPS), brought forward the Public Safety Commission's recommendation for upgrades to the crosswalk at Sixth Street and Monterey Street. The Commission is recommending refreshing the paint and/ or reflectors at the current crosswalk; an upgrade from P.G. & E. of the current street lights from 200 watts to 400 watts on pole numbers 801 and 802; and installation of a larger Pedestrian Crossing sign. Councilmember Paschall did not see any value in upgrading the wattage in lighting. Councilmember Edwards advised to get additional information from P.G. & E. Vice Mayor Hoffman felt it would be beneficial to upgrade lighting in this area as it would not only help students, but the general public. It was also suggested to consider a flashing light or rumble strips. Councilmember Roundy stated the speed limit has been increased at this location in the past and questioned whether there have been a lot of accidents at this location. Public concerns regarding this intersection have been brought to the

commission's attention. Public Safety Commissioner Brown advised prior changes can be reexamined if found not to be beneficial.

Council directed staff to table the issue until more data from PG&E and the railroad is received to make an informed decision.

Chairperson Brown introduced Commissioners Mary Schreiber and Debbie DeMarco were introduced. Chairperson Brown brought forward the Public Safety Commission's recommendation for placement of "Road Narrows" on Bryant Street at County Road M1/2.

Vice Mayor Hoffman moved, seconded by Councilmember Edwards to approve placement of signage "Road Narrows" on Bryant Street at County Road M1/2. Motion carried with no abstentions.

Chief of Police Tolle brought forward Public Safety Commission's recommendation for a stop sign at Eighth and Trinity Streets north and south bound. Vice Mayor Hoffman agreed it would be a good idea for the kids as it is used as a bus stop. Council advised police should monitor this intersection. Ms. Brown advised the school bus barn officials identified a need for a stop sign at this intersection.

Council agreed to table the item until further study and additional law enforcement is done.

City Manager:

City Manager Carr requested Council to adopt Resolution No.2013-18 approving a Memorandum of Understanding between the City of Orland and Employees represented by the United Public Employees of California Local #792, General Unit, and a Memorandum of Understanding between the City of Orland and Employees represented by the United Public Employees of California Local #792, Mid Management, both for a two-year period, Effective July 1, 2013 through June 30, 2015.

Councilmember Edwards moved, seconded by Vice Mayor Hoffman to adopt Resolution No. 2013-18 approving a Memorandum of Understanding between the City of Orland and Employees represented by the United Public Employees of California Local #792, General Unit, and a Memorandum of Understanding between the City of Orland and Employees represented by the United Public Employees of California Local #792, Mid Management, both for a two-year period, Effective July 1, 2013 through June 30, 2015. Motion carried with no abstentions.

Mr. Carr requested Council to approve and authorize City Manager to execute lease agreement for property located at 824 Fourth Street. Council had previously directed staff to enter negotiations with Julie vanTol for a possible use as a café or bakery business at this location. The agreement includes a three year lease with graduated rates and renewable terms, shared improvements and first right of refusal for further leases or sale of the property.

Vice Mayor Hoffman moved, seconded by Councilmember Salina Edwards to approve the lease agreement as presented and authorize the City Manager to execute same. Motion carried with no abstentions.



Mr. Carr requested Council to consider renewal of Pacific Municipal Consultant's revised services agreement and authorize City Manager to execute agreement. Language was added in the contract for biannual performance review and approval of key staff shall be at the discretion of the City Manager. Councilmember Roundy stated there are language barriers in the contract and wanted to be sure Council is in compliance with the Governance Policy. Mayor Gee stated the City Attorney has advised there are no issues, but Council could discuss further on a future agenda.

Councilmember Paschall moved, seconded by Vice Mayor Hoffman to approve the revised Pacific Municipal Consultant's contract as proposed.

Roll call vote:

Ayes: Mayor Gee, Vice Mayor Hoffman and Councilmember Paschall

Noes:

Abstain: Councilmember Roundy and Edwards

Motion carried 3-0, with two abstentions.

Mr. Carr requested Council to consider and approve Fiscal Year 2013-14 Project Objectives list as presented or amended. Councilmember Roundy advised the arrundo eradication project should be included on the list as a continued project for fire protection. Councilmember Roundy also requested the Bihler Field scoreboard to be added to the list, as it is a liability issue. Councilmember Edwards requested the petanque courts to be included to the Project Objectives list. Mr. Carr advised the sponsor for the petanque courts has withdrawn his request. Councilmember Edwards requested to include vegetation be planted along the banks of Lely pond to help reduce erosion. Councilmember Roundy suggested the Let's Move program added to the list. Council directed staff to draft amended changes to the 2013-2014 Project Objectives List.

Mr. Carr brought forward request to consider cancelling August 5, 2013 Council meeting as summer recess. After Council discussion, Council consensus was to continue with regular scheduled Council meeting on August 5, 2013.

ADJOURN

Meeting adjourned at 9:36 p.m.

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Deputy Clerk

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Mayor