

MINUTES OF REGULAR MEETING, ORLAND CITY COUNCIL, Monday August 4, 2014 7:30 p.m.

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

ROLL CALL

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

Councilmembers absent: None

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

ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments:

Byron Denton, 127 Tanner Way, stated he loves the town of Orland and was happy to be back after returning from vacation.

Trish Saint-Evens, 6825 County Road 15, advised Council of the 11th Annual Splendor in the Valley benefit dinner and dance on September 13th. Proceeds will benefit Glenn Medical Center.

CONSENT CALENDAR

- A. Approve Warrant List (payable obligations).
- B. Approve City Council minutes for July 7, 2014.
- C. Approve City Council minutes for July 21, 2014.
- D. Received letter of resignation from Public Works Commissioner Will Tasto; publish notice of vacancy.

Councilmember Roundy requested Item D. be removed from the Consent Calendar .

ACTION: Vice Mayor Edwards moved, seconded by Councilmember Gee to accept the consent calendar Items A. – C. as presented. The motion carried by the following voice vote:

AYES: Mayor Paschall, Vice Mayor Edwards and Councilmembers Gee, Roundy and Hoffman

NOES: None

ABSENT: None

ABSTAIN: None

Councilmember Roundy noted that Public Works Commissioner Tasto has served on the Public Works Commission for many years and would like a letter of appreciation given to him.

ACTION: Councilmember Roundy moved, seconded by Vice Mayor Edwards to draft letter of appreciation for Mr. Tasto. The motion carried by the following voice vote:

AYES: Mayor Paschall, Vice Mayor Edwards and Councilmembers Gee, Roundy and Hoffman
NOES: None
ABSENT: None
ABSTAIN: None

ACTION: Councilmember Roundy moved, seconded by Vice Mayor Edwards to accept Item D. as presented on the consent calendar. The motion carried by the following voice vote:

AYES: Mayor Paschall, Vice Mayor Edwards and Councilmembers Gee, Roundy and Hoffman
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARINGS

1. Consider passage of Second Reading and adoption of Ordinance amending Chapter 13.04 of the Orland Municipal Code to (1) Establish a fine for the unauthorized taking of water from the City's Water System, and (2) Establish a fine for the tampering of the City's Water System Metering.

Establishing amounts of such fines by approval of resolution as presented at \$500 and \$150, respectively.

City Attorney Einhorn brought forward for second reading and adoption of an ordinance to amend Chapter 13.04 of the OMC to establish a fine for unauthorized taking of water from the City's Water System and to establish a fine for tampering of the City's Water System Metering. A resolution establishing such fines was presented for \$500 and \$150, respectively.

The Public Hearing opened for comments at 7:42 p.m. Byron Denton stated this was a good idea. With no further comments, the Public Hearing closed at 7:43 p.m. Councilmember Roundy asked if the City is still looking at new technology to flag leaks and water tampering. City Manager Carr stated the Public Works Commission will be discussing that issue next Wednesday.

ACTION: Councilmember Gee moved, seconded by Councilmember Hoffman to approve passage of second reading and adopt Ordinance No. 2014-06 amending Chapter 13.04 of the Orland Municipal Code to: (1) Establish a fine for the unauthorized taking of water from the city's water system, and (2) establish a fine for the tampering of the city's water system metering. The motion carried by the following voice vote:

AYES: Mayor Paschall, Vice Mayor Edwards and Councilmembers Gee, Roundy and Hoffman
NOES: None
ABSENT: None
ABSTAIN: None

ACTION: Councilmember Roundy moved, seconded by Vice Mayor Edwards to adopt Resolution No. 2014-09 establishing fines as presented. The motion carried by the following voice vote:

AYES: Mayor Paschall, Vice Mayor Edwards and Councilmembers Gee, Roundy and Hoffman

NOES: None

ABSENT: None

ABSTAIN: None

- 2. General Plan Amendment (GPA 2014-01) – City of Orland 2014-2019 Housing Element Adoption.** The 2014-2019 Housing Element identifies the policies and programs which the City will implement to ensure that housing in Orland is affordable and safe. Discuss and receive comments from members of the public and consider whether to take action on the City of Orland Housing Element Update (GPA 2014-01) and the General Plan EIR Addendum for the project.

City Planner Friend presented the draft Housing Element update. No substantive changes were made to the draft document following its review by the State. Adoption of the draft Housing Element ensures the City retains eligibility status for certain for State and Federal housing-related grants tied to a having an adopted and compliant Housing Element. The Planning Commission recommended that the Council adopt the 2014-2019 Housing Element Document as presented. The City's total Regional Housing Needs Allocation (RHNA) for the planning period is 80 dwelling units, in comparison to 621 dwelling units for the 2009-2014 planning period.

A Public Hearing opened for comments at 7:55 p.m. Trish Saint-Evens, 6825 County Road 15, questioned whether her property which was annexed into the city adjacent to agricultural land is an example of the SB244 requirement. Mr. Friend stated it is not and explained that SB 244 is intended to address a donut of incorporated land inside of the city limits. Byron Denton, 127 Tanner Way, appreciated what staff has done. The Public Hearing closed at 8:00 p.m. Council discussed and desired to move forward.

ACTION: Councilmember Hoffman moved, seconded by Councilmember Gee to adopt Resolution No. 2014-10 adding an addendum to the General Plan Certified Environmental Impact Report (SCH#2008102073), repealing the 2009-2014 Housing Element, and approving the General Plan Amendment # 2014-01 adopting the 2014-2019 General Plan Housing Element Update. The motion carried by the following voice vote:

AYES: Mayor Paschall, Vice Mayor Edwards and Councilmembers Gee, Roundy and Hoffman

NOES: None

ABSENT: None

ABSTAIN: None

ADMINISTRATIVE COMMUNICATIONS

Chief of Police:

City Manager Carr brought forward discussion to consider a program to reduce feral and stray cat problems. Existing code does not limit the number of animals a resident may own, but does

prohibit abandonment of animals, allowing animals to run at large, etc. The Trap-Neuter-Return (TNR) program is endorsed by many humane societies but does not necessarily resolve the nuisances presented by the overpopulation of cats without a particular owner. Trap, Sterilize, Adopt, Foster & Euthanize (TSAFE) programs are more flexible, but do have a cost. It was recommended residents could rent traps from Glenn County Animal Control and then transport the cat to a local veterinarian who is willing to extend his services for a \$25 fee per cat. There would be a \$5 co-pay for the City resident bringing cats to the clinic. The veterinarian would scan cats for ID chips, make a medical assessment and decide appropriate disposition of each cat, including a holding period for healthy and potential domesticated pet cats. Council discussed concerns and agreed this has been a problem for some time and needs to be addressed.

ACTION: Vice Mayor Edwards moved, seconded by Councilmember Roundy to authorize staff to contract with a local veterinarian in a local TSAFE program at \$25/cat, with residents providing a \$5 co-pay and City absorbing the balance of the cost on a reimbursable basis. Council agreed to a \$2,500 cap during this budget year. The motion carried by the following voice vote:

AYES: Mayor Paschall, Vice Mayor Edwards and Councilmembers Gee, Roundy and Hoffman

NOES: None

ABSENT: None

ABSTAIN: None

City Attorney:

City Attorney Einhorn brought forward for Council discussion regarding the composition of the Glenn County Air Pollution and Control District Board and potential City representation. Glenn County had been researching the Air Pollution Control District Governing Board's authority. The Board of Supervisors have been operating under Section 40100 as the ex officio Glenn County Air Pollution Control District Board.

The incorporated areas of Glenn County represent 47% of the population, therefore a City Ordinance or Resolution (per Section 40100.7(a)) would consent to the exclusion from the requirements of 40100.7. However, the City of Orland and County of Glenn were unable to locate a copy of said Ordinance or Resolution, as the issue has likely not been addressed. Staff believes this request is an opportunity for the City to discuss Orland's participation or decide to opt out of representation.

Councilmember Roundy felt this is a good time for the City to be represented as there have been ag related concerns of dust, etc. Councilmember Hoffman asked should the City decide to opt out, when would there be an opportunity to opt back in. City Attorney Einhorn said the issue could be brought up at any time. The City of Willows is looking to see what Orland does and will likely follow suit. Councilmember Gee stated this is primarily a County function. Mayor Paschall stated the City should have the opportunity to join in. Vice Mayor Edwards expressed concerns for asthmatic patients due to airplane fertilizer drift she has seen over the years. Jim Donnelly, Glenn County Air Pollution Control Officer, advised their department investigates those matters. Mr. Donnelly advised back in 1994 both Orland and Willows sent declarations advising the Cities did not want to be on the Air Pollution Control District Board at that time.

ACTION: Councilmember Hoffman moved, seconded by Vice Mayor Edwards for the City of Orland to opt in to the Glenn County Air Pollution Control District Board. The motion carried by the following voice vote 4-1:

AYES: Mayor Paschall, Vice Mayor Edwards and Councilmembers Roundy and Hoffman

NOES: Councilmember Gee

ABSENT: None

ABSTAIN: None

City Manager:

City Manager Carr requested Council consider adoption of Resolutions and Agreements to become an Associate Member in the California Enterprise Development Authority (CEDA) and join the Figtree PACE Program. Mr. Carr advised Figtree is a financing option for those financing solar power for commercial property owners. Staff advised there is no uniform approval offered by P.A.C.E. that would provide all companies such as Figtree to operate in one jurisdiction. Mr. Carr advised solar energy is a benefit for the community.

ACTION: Councilmember Gee moved, seconded by Councilmember Hoffman to approve the Figtree P.A.C.E. agreement and adopt the following Resolution No. 2014- 11 approving Associate Membership by the City of Orland in the California Enterprise Development Authority and Authorizing and Directing the execution of an Associate Membership Agreement relating to Associate Membership of the City in Authority; and Resolution 2014-12 authorizing the City of Orland to join the Figtree P.A.C.E. Program; authorizing the California Enterprise Development Authority to conduct contractual Assessment proceedings and levy contractual assessments within the territory of the City of Orland; and authorizing related actions. The motion carried by the following voice vote 4-1:

AYES: Mayor Paschall, Councilmembers Gee, Roundy and Hoffman

NOES: Vice Mayor Edwards

ABSENT: None

ABSTAIN: None

City Manager Carr requested Council discuss and consider recommendation from the subcommittee regarding a concept and budget for the Community Center Design. Vice Mayor Edwards advised the community center would be a building addition to the Orland Recreation Center which would be flexible in many types of uses. Vice Mayor Edwards stated the proposed cost of the project is \$1.4 million, which far exceeds current funding. There may be possibilities of grant funding in the future to assist in matching funds. Councilmember Hoffman advised we should consider adding solar panels to reduce electricity costs and carbon footprint. Council agreed a mixed used of the facility is the best way to proceed. Council discussed having a shovel ready project and to consider getting bids from an architect.

ACTION: Councilmember Hoffman moved, seconded by Vice Mayor Edwards to get a Request for Proposals to select an architect to complete construction plans for the Community Center. The motion carried by the following voice vote:

AYES: Mayor Paschall, Vice Mayor Edwards and Councilmembers Gee, Roundy and Hoffman.
NOES: None
ABSENT: None
ABSTAIN: None

City Manager Carr requested Council determine the City's position on League of California Cities Resolution to be considered at 2014 Annual Conference. The resolution to be considered addresses the environmental impacts of illegal marijuana grows on both private and public lands and the increasing problems to public safety related to these activities. Council agreed to support the League's initiative on this issue.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Gee reported on the following:

- Will attend the Chamber meeting next Wednesday;
- Attended the County/Cities Economic Development Commission meeting; Steering Committee not being well received;
- Commended Recreation Director Joe Fenske on his recreation programs; has done a tremendous job.

Councilmember Hoffman reported on the following:

- Wished Councilmember Gee Happy Birthday;
- Attend Movies in the Park this Saturday;
- VIPS - National Night Out to take place August 5, 2014.

Vice Mayor Edwards had no reports at this time.

Councilmember Roundy reported on the following:

- Will attend LAFCO meeting on August 11, 2014;
- Will attend Transportation/Transit Commission meeting;
- Attended League of California Cities Sacramento Valley Division meeting and discussed ways to get more participation from other cities..

Mayor Paschall has no reports at this time.

Councilmember Hoffman thanked City Attorney Greg Einhorn for the job he does.

ADJOURN

Meeting adjourned at 9:34 p.m.

_____Clerk

_____Mayor