

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

ROLL CALL

Councilmembers present: Paul Barr, Reggie Olney, Bruce Roundy, Vice Mayor Jim Paschall and Mayor Wade Elliott

Councilmembers absent: None

Staff present: Janet Wackerman, Nancy Sailsbery, Daryl Brock, Tom Andrews and Angie Crook

ORAL AND WRITTEN COMMUNICATIONS – Planning

Citizen Business:

Angus Saint-Evens, 6825 County Road 15, questioned why the City Council meeting began at 7:00 p.m. rather than the regularly scheduled time of 7:30 p.m. Assistant City Manager Angie Crook explained when a planning item is on the agenda it has been the rule to begin the meeting at 7:00 p.m.

PUBLIC HEARING – Planning

1. Conditional Use Permit #2009-26, Pete Paulos (Applicant): to allow an automotive collision repair and restoration shop with a paint booth in an existing 2,208 + square foot building at 714 Sixth Street, located on south side of State Rt. 32 (Walker), west side of Sixth St., north of Colusa St., east side of Seventh St., Orland, CA, on APN 040-183-003 (5,000 square foot parcel). The parcel is designated “Commercial” (C) and in the Zoning Ordinance as “C-2” (Community Commercial).

Environmental Review: Exempt under the CEQA “Infill” Exemption (§15332)

Community Services Director Nancy Sailsbery gave a review of the request by the applicant. The Public Hearing opened for comments at 7:07 p.m. With no comments the Public Hearing closed at 7:07 p.m. Vice Mayor Paschall request the applicant diligently follow Conditions of Approval No. 14 & 15 concerning the appearance and surroundings outside of the building. Vice Mayor Paschall advised a lot of work has been put into a pleasing new entrance into the City. Councilmember Barr questioned the applicant on whether Glenn County Air Pollution Control was notified regarding the paint booth he plans to install. The applicant confirmed he has made contact with the agency. Community Services Director Sailsbery stated Conditions of Approval No.19 requires a permit from the Glenn County Air Pollution Control District to be submitted to the City of Orland prior to the issuance of a Certificate of Occupancy.

Councilmember Olney moved, seconded by Vice Mayor Paschall to adopt the CEQA “Infill” Exemption under Section 15332 because the project (CUP #2009-26) will not have a significant effect on the environment. Motion carried with no abstentions.

Councilmember Olney moved, seconded by Vice Mayor Paschall to adopt the following findings and approve Conditional Use Permit #2009-26, subject to the following conditions of approval listed below:

Findings for approval of the Use Permit:

1. The approval of this Use Permit is necessary to protect a substantial property right of the applicant (OMC 17.80.040).
2. The approval permits a use that will be compatible with other uses in the area, and that will not be detrimental to other uses, rights or properties in the area (OMC 17.80.040).

The project is allowed by Conditional Use Permit and is compatible with the surrounding commercial and limited industrial land uses in the vicinity.

3. The project is consistent with the General Plan Land use designation for the site and is compatible with the goals and policies of the General Plan.

The General Plan designation for the project site is Commercial. The use is allowed with an approved Conditional Use Permit (Section 17.40.040 A of the Orland Municipal Code) and would be compatible with the goals and policies of the General Plan.

4. 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.

The proposed use would have no impact on the public health, safety or welfare with Conditions of Approval in place.

5. The project will not result in substantial environmental damage.

As the subject parcel is zoned "C-2" (Community Commercial), and surrounded by urban uses (commercial and limited industrial), the site has no value as habitat for endangered, rare, or threatened species.

6. The project will have a *de minimis* effect on fish and wildlife (Fish and Game Code Section 711.4).

The project site would not have any effect on any fish or wildlife habitat as this is a developed, urban area.

General Conditions of Approval:

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Division within ten (10) days of City Council approval.
2. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of permit constitutes cause for the revocation of said permit. Unless otherwise

provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.

3. The use granted by this permit shall be established within one year of the date of approval or the permit shall become null and void.
4. Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the City of Orland to commence a revocation hearing and constitute grounds to revoke the permit.
5. The applicant shall submit a check or money order in the amount of **\$100.00 made payable to the City of Orland** for the preparation of the Notice of Exemption from CEQA within five (5) days of the date of approval.
6. The applicant shall submit a check or money order in the amount of **\$50.00 made payable to the Glenn County Recorder's Office** for the fee to record the Notice of Exemption from CEQA within five (5) days of the date of approval.
7. Minor changes may be approved by the City Planner upon receipt of a substantiated written request by the applicant, or their respected designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment by public hearing before the City Council.
8. All outdoor lighting on the project site shall be directed away from the adjacent commercial uses and public rights-of-way, and shall be shielded so that, at a minimum, no light is emitted above a horizontal plane (parallel to the ground) from the base of the fixture. All exterior lighting shall be configured to prevent glare and light trespass onto neighboring properties.
9. Project shall obtain permits from the City and pay all appropriate fees for any required permits, utilities modification, construction, and connections. Project shall also obtain permits from the City Building Department, and pay all appropriate fees for any construction work to be undertaken as part of the project.
10. The Use Permit is only for the development and use as indicated on the final approved Site Plan. This use shall not be expanded or modified beyond the approvals detailed in this report without applying for and receiving an approved amendment or extension from the City of Orland.
11. All future and existing signs shall comply with the City of Orland Sign Ordinance (Chapter 17.78 of the Orland Municipal Code).
12. No changes shall be made to any approved plan(s), which would alter the character of the site plan or the use of the property, without prior approval of the City Planner and the City Engineer.

13. If changes are requested to the site plan, use of the building, or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the City Council, prior to implementing changes.
14. No exterior storage of any materials, equipment, or vehicles is permitted as such would constitute a nuisance. Any such storage shall be grounds for revocation of this Use Permit.
15. The area surrounding the building shall be clear of all brush, vegetation, weeds and debris, including inoperable vehicles, at all times.
16. Applicant shall pay Cost Recovery for Staff time spent processing this Conditional Use Permit if Staff time exceeds the initial application fee (Resolution #2008-26, adopted November 16, 2008, by the Orland City Council).
17. The parking lot is currently paved, with one ADA van accessible space designated. Applicant shall be required to stripe six (6) standard parking spaces at 10' x 20' as required by Section 17.76.100 of the Zoning Ordinance prior to the issuance of a Certificate of Occupancy.
18. A Business License shall be applied for and received by the City of Orland prior to the start of business operations.
19. All required permits from the Glenn County Air Pollution Control District shall be submitted to the City of Orland prior to the issuance of a Certificate of Occupancy.

PG&E Conditions of Approval:

20. Applicant shall dedicate all access/road easements for Public Utilities also.
21. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense. There shall be no building of structures, or the storage of any materials allowed over or under any existing PG&E facilities, or inside any easements that exist which infringe of PG&E's easement rights.

City of Orland Building Department Conditions of Approval:

22. City of Orland Building Department shall require four (4) sets of stamped engineer's plans.

Engineering Conditions of Approval:

23. The plot plan provided by the applicant depicts a lot width of 55 feet, while the Assessor's plat map depicts a width of 50 feet. Please provide documentation (deed, lot line adjustment, or title report) to clarify this discrepancy.
24. The owner shall enter into a Deferred Improvement Agreement with the City of Orland for the sidewalk along Sixth Street.

Motion carried with no abstentions.

ORAL AND WRITTEN COMMUNICATIONS – City Council

Citizen Business:

None

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 January 4, 2010.
- C. Approve Warrant List.
- D. Approve Orland Arts Commission minutes for December 16, 2009.
- E. Approve Library Commission minutes for November 10, 2009.

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

PUBLIC HEARINGS

1. Conduct Public Hearing to receive and consider public input for submittal of the final product of Grant No. 07-PTAG-3133 from the California Development Block Grant Program (CDBG).

Grant Coordinator Janet Wackerman gave an update of Grant No. 07-PTAG-3133 from the California Development Block Grant Program (CDBG). The City utilized Program Income, police impact fees and grant funds to contract with Indigo/Hammond & Playle to prepare a final design, including LEED qualifications, for the remodel of the structure at 824 Fourth Street as a Public Safety Facility (Police Station). Documents will allow the City to go out for bid for the remodel when financially feasible. The Public Hearing opened for comments at 7:14 p.m. Angus Saint-Evens requested background information on the Public Safety facility project. Interim Police Chief Bob Pasero stated the current police facility was originally to be a temporary location and has since outgrown its capacity. The old "Big John's Ranch Market" building became available directly across from City Hall and was an excellent choice for location and type of structure to remodel into a public safety facility. Grant Coordinator Wackerman advised the project is shovel ready for stimulus funds. With no further comments the Public Hearing closed at 7:20 p.m. Councilmember Barr moved, seconded by Councilmember Roundy to authorize the City Manager to submit final documents to CDBG to close out Grant No. 07-PTAG-3133. Motion carried with no abstentions.

2. Conduct Public Hearing to receive and consider public input for an application from the California Development Block Grant Program (CDBG).

Grant Coordinator Wackerman advised the CDBG program requires jurisdictions to hold a hearing to solicit input before an application is considered. The City anticipates applying for the maximum grant amount available. The Public Hearing opened for comments at 7:25 p.m. Susan Herod, 34 Central Street, questioned if funds could be used for new sidewalks in residential areas. Grant Coordinator Wackerman advised it needs to provide a public benefit, and with CDBG regulations, it

is not considered a good use of funds. Mayor Elliott questioned if commercial areas of the City could qualify for sidewalks. It was noted that job creation would need to be tied to that activity. With no further comments, the Public Hearing closed at 7:27 p.m.

ADMINISTRATIVE COMMUNICATIONS

Finance Director:

Finance Director Daryl Brock gave an update for December month end General Fund Budget 2009-2010. Finance Director Brock advised the budgeted revenues when compared to the recorded activity have shown an increase of approximately \$38,000 and expenditures exceeded by approximately 2%. Concessions made by employees are only beginning to be realized during the first six months and savings should be forthcoming. Finance Director Brock advised the City is awaiting the semi-annual payment of property taxes from the County; however the level of revenues is still an estimate. Finance Director Brock advised the City is still cautious of each expenditure. Mayor Elliott suggested staff bring forward historic data regarding sales and property taxes at a future meeting.

City Attorney:

City Attorney Tom Andrews discussed continuance of moratorium prohibiting marijuana dispensaries, collectives, or cooperatives. City Attorney Andrews recommends that the existing interim ordinance be extended until December 6, 2010 to allow for a more ordered analysis of the issues at that time. City Attorney Andrews advised cities are facing legal challenges to their medical marijuana ordinances, as well as three ballot initiatives advocating the legalization of marijuana are being proposed. Councilmember Olney moved, seconded by Vice Mayor Paschall to extend the existing Interim Ordinance 2009-03 of the City of Orland Prohibiting Medical Marijuana Dispensaries, Collectives, or Cooperatives for a period of ten months and fifteen days, with a new expiration date of December 6, 2010. Motion carried with no abstentions.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Roundy brought forward for discussion the order of placement of "City Council Communications and Reports" on the agenda. Councilmember Roundy suggested moving "City Council Communications and Reports" at the beginning of the agenda, directly after Citizen Business. Mayor Roundy stated it is important for the public to be present to hear of meeting updates and activities that Council attends. Vice Mayor Paschall suggested Councilmembers adhere to a 3 – 5 minute time limit to give their reports. Councilmember Barr stated he did not object to placing it at the beginning of the agenda. Councilmember Olney agreed with comments that were discussed. Mayor Elliott suggested an earlier start time of the meeting. City Attorney Andrews advised that issue could be agendized for another meeting. It was the consensus of Council to place "City Council Communications and Reports" at the beginning of the agenda, directly after Citizen Business. Mayor Elliott request to agendize the matter of changing the starting time of the Council meeting to the regularly scheduled meeting of February 16, 2010.

Councilmember Roundy advised the next Art Show will open February 2nd. The Orland Library hired a new part -time library assistant, Brenda Stanbery. Councilmember Roundy advised the

RCD committee will be meeting again to discuss the Farmers Market which will take place in June. Councilmember Roundy and City Manager Poczobut attended the League of California Cities Division Northern Division meeting in Live Oak. Councilmember Roundy attended the Water Advisory Committee meeting.

Councilmember Barr will be attending a Transportation meeting on January 21, 2010.

Councilmember Olney advised he attended the Golden State RMA meeting.

Mayor Elliott advised new Police Officer Julie Soksoda will begin on January 25, 2010. Mayor Elliott and City Manager Poczobut will be attending the New Mayors and Councilmembers Conference in Sacramento later in the week.

Meeting adjourned to Closed Session at 8:00 p.m.

CLOSED SESSION

Closed session was held regarding Conference with Legal Counsel – Potential Litigation; pursuant to Government Code Section: 54956.9(b); one case.

Closed session was held regarding Public Employee Appointment, Employment, Evaluation of Performance, Dismissal or Release; Pursuant to Government Code Section: 54957; Position: City Manager.

Meeting reconvened to Open Session at 9:50 p.m.

REPORT FROM CLOSED SESSION

Direction was given regarding potential litigation.

The second part of a three-phase evaluation was conducted by the members of the City Council. The final part will be conducted on February 16, 2010, in closed session.

ADJOURN

Meeting adjourned at 9:51 p.m.

_____ Clerk

_____ Mayor