

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

ROLL CALL

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

Councilmembers absent: None

Staff present: Interim Police Chief, J.C. Tolle, Finance Director Daryl Brock, Asst. City Attorney Gina Gingery, Asst. City Manager/City Clerk Angie Crook and City Manager Paul H. Poczobut Jr.

ORAL AND WRITTEN COMMUNICATIONS

Citizen Business:

None

Presentation:

A presentation was given by the Orland High School members of "Students Working Against Tobacco" (SWAT) regarding the concerns of second-hand smoke and encouraging Council to adopt a policy prohibiting secondhand smoking in parks, business entryways and outdoor dining areas. Council directed staff to place the issue on the next regularly scheduled Council agenda to consider for possible Ordinance. Mayor Paschall thanked the students for their presentation.

CITY COUNCIL COMMUNICATIONS

Councilmember Gee reported the transition team (Vice Mayor, City Manager, City Attorney and himself) discussed the continuing process of recruiting a City Manager; no decisions were made. Clarification was requested and received on City Commissioners terms that will be expiring at the end of the year. It was noted the City Clerk will be publishing a notice of those vacancies in the next month. Councilmember Gee advised he attended the Economic Development Steering Committee meeting; it was noted whether the City of Orland would be interested in sharing a table for eight at the Tri-County Economic Conference in January at a cost of \$455.

Councilmember Roundy reported the Economic Development Steering Committee meeting was moving ahead, as well as the permitting process and "branding" of the County. Councilmember Roundy noted City Librarian Meza was appointed chairman of the Northern State Cooperative Library System. Councilmember Roundy advised the pantry is getting frequent use and the Rotary Club is hosting the annual Brew and Wine Fest this Saturday. Councilmember Roundy mentioned the City will be notified in the spring 2012 regarding the outcome of the Prop 84 Park Grant.

Mayor Paschall reported he received a letter from Jim Millert stating he was resigning from the Parks and Recreation Commission effective immediately.

Councilmember Gee requested Councilmember Roundy give a report on his attendance at the League of California Cities Conference in September. Councilmember Roundy advised he gave a

report at the last Council meeting regarding his attendance at LOCC sessions which included: labor negotiations, marijuana issue, and pension reform. Councilmember Roundy stated there were two resolutions that were withdrawn.

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 October 3, 2011.
- C. Approve Warrant List.
- D. Approve Special City Council meeting minutes for October 3, 2011.
- E. Receive and file Library Commission minutes for July 12, 2011

Councilmember Hoffman moved, seconded by Councilmember Gee to approve the Consent Calendar as presented. Motion carried with no abstentions.

Mayor Paschall advised Council will bring forward Administrative Communication from Finance Director Brock prior to Public Hearings.

Finance Director:

Finance Director Brock brought forward Resolution No. 2011-13 authorizing the issuance and sale of pension obligation bonds to refinance outstanding side fund obligations of the City to CalPERS. Mr. Andy Hall and Rick Brandis were present to discuss the continuing refinancing process. The City Attorney reviewed the documents and is approved as to form. The Resolution approves the Bond Purchases Agreement as long as the principal amount of the Bonds does not exceed \$2,425,000 and the interest cost will not exceed 5.25%.

Councilmember Elliott moved, seconded by Councilmember Hoffman to adopt Resolution No. 2011-13 authorizing the issuance and sale of pension obligation bonds to refinance outstanding side fund obligations of the City to the California Public Employees' Retirement System, approving the forms of and authorizing the execution and delivery of an indenture and a bond purchase agreement, directing the filing of a judicial validation action with respect thereto and providing other matters relating thereto. Motion carried with no abstentions.

PUBLIC HEARINGS

1. Conduct Public Hearing and receive comments regarding Waste Management's proposed 5.02% increase in garbage disposal rates effective December 1, 2011.

Tim McGill and Matt Fryer from Waste Management reported the rate increase is based on the September Consumer Price Index (CPI) and provides for an adjustment up or down based on the diesel fuel index with a maximum 2% increase or decrease. The CPI increase based in September equals 3.02%. The diesel fuel index increased by 3.48% and in accordance with the contract is capped at 2%. Therefore, the combined increase is 5.02%. The senior rate has been exempt from the increase and will be left at the current 2010 rate for this one time. Councilmember

Hoffman asked what qualifies as a senior rate. Mr. McGill advised you need to be 65 years old and provide a copy of a valid drivers license.

The Public Hearing opened for comments at 8:14 p.m. Caren Brown, Orland Mobile Home Park Manager, asked if the public could be notified by alternate ways of communication regarding the increase or given the information further in advance. Ms. Brown advised she needs to provide a 60 day notice to her tenants regarding any increase. Mayor Paschall advised a notice of the Public Hearing is published in the newspaper in advance. City Manager Poczobut stated October is the earliest the City can notice, as Waste Management has to wait for the September CPI index figure to be released. With no further comments, the Public Hearing closed at 8:16 p.m. Council advised action on the issue will be held at the next regularly scheduled meeting.

2. **Planned Development Conditional Use Permit #2004-03 Amendment: Benson Estates**

To revise the approved Benson Estates project from Senior-only (55 years +) to moderate housing and from 36 to 34 lots with Lot "A" serving as a park area and storm water approved by the Orland City Council on September 7, 2004. The Assessor's Parcel Numbers are 040-190-030 through 040-190-064, the Zoning is "PD" (Planned Development) with the underlying "R-1" (Single Family Residential) Zoning District with requested modifications and the General Plan Land Use Designation is "Low Density Residential" (R-L: 6 dwelling units per acre). The site is located on the north side of Newport Avenue, west of Cortina Drive, south of Cortina Court, east side of Interstate "5", Orland, Glenn County, CA. **Environmental Review:** Updated Mitigated Negative Declaration.

City Manager Poczobut gave a review of the Planned Development Conditional Use Permit Amendment for Benson Estates. Mr., Richard Benson reported he is requesting to change the originally approved Planned Development Use Permit from Senior-only (55 years plus) housing to moderate housing due to the existing economic conditions. Mr. Benson intends to use a local contractor to build 3 – 4 units at a time, pending the market sales. The homes would be 1200 - 1400 s.f. in size and include solar features to reduce energy costs. Mr. Benson stated costs for the homes would range from approximately \$200,000 – \$215,000. Vice Mayor Elliott confirmed with the applicant that he would have the ability to sell his development with the amended entitlements if he so desired. The Public Hearing opened for comments at 8:29 p.m. Sharon Nord, 717 Trinity Street, stated she originally sold the property to Mr. Benson and does not believe his intentions are to sale the property. Ms. Nord stated she has seen these types of homes with solar features and advised this would be a great project for Orland. With no further comments the Public Hearing closed at 8:31 p.m. Council advised a decision on the project will be made at the next regularly scheduled Council meeting on November 7, 2011.

ADMINISTRATIVE COMMUNICATIONS

City Manager:

City Manager Poczobut brought forward a request to approve the design and drafting improvement plans and construction details contract with Rolls, Anderson and Rolls, at a cost of \$47,520 for the Papst Avenue crossing and undergrounding of Lateral 40 along Byron Way to Lateral 50. City Manager Poczobut stated having the design completed is the final step in preparing the project as shovel ready. The Bureau of Reclamation is requesting the design completion in order to complete the State Historical Preservation Office (SHPO) request. Funding for the proposed project would be expended from Development Impact Fees. Councilmember Gee request to abstain as he owns

property within the vicinity of the project. Mayor Paschall request advice from Assistant City Attorney Gingery on whether he had a conflict since he is a member of the Orland Unit Water Users Association board. Assistant City Attorney Gingery advised if there is no financial benefit; there would be no conflict.

Vice Mayor Elliott moved, seconded by Councilmember Hoffman to approve the design and drafting improvement plans and construction details for \$47,520 with Rolls, Anderson and Rolls for the Papst Avenue crossing and undergrounding of Lateral 40 along Bryant Street from Byron Way to Lateral 50. Motion carried 4-0. Councilmember Gee abstained.

City Manager Poczobut brought forward amendment to contract for Planning services with Pacific Municipal Consultants (PMC). The City received notification from Community Service's Director Sailsbery's doctor that she will be on medical leave for six months. Staff advised PMC has provided services for the City since 1995 and currently has an ongoing contract for services which is open-ended and is on as needed basis. Staff is recommending PMC be present for a half day twice a week as this would allow for planning appointments for customers. Council discussed level of planning services the City should consider. Council advised they will consider decision at the next regularly scheduled meeting when a PMC representative is present.

Meeting adjourned to Closed Session at 9:00 p.m.

CLOSED SESSION

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

Closed Session was held regarding Conference with Legal Counsel – Pending Litigation; Pursuant to Government Code Section:54956.9(b); 1. City of Orland v. Tollett; 2. City of Orland v. Perry; 3. City of Orland v. Western Insurance Co.; 4. Friends of v. City of Orland (Crystal Geyser).

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

REPORT FROM CLOSED SESSION

Direction was given to Assistant City Attorney Gingery.

A report was received from Assistant City Attorney Gingery.

ADJOURN

Meeting adjourned at 9:51 p.m.

_____ Clerk

_____ Mayor