

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

ROLL CALL

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

Councilmembers absent: Mayor Jim Paschall

Staff present: JC Tolle, Interim Chief of Police; Daryl Brock, Finance Director; Scott Friend, Interim City Planner; Greg Einhorn, City Attorney; and Angie Crook, Asst. City Manager/City Clerk.

ORAL AND WRITTEN COMMUNICATIONS

Citizen Business:

Bob Pasero, Vice Chairman Orland Heroes Memorial Project, which is dedicated to building a memorial for our fallen heroes from Orland, will be doing a calendar fundraiser. The 2012 calendars may be purchased for \$12. Mr. Pasero challenged the City Council to purchase a calendar to help defray costs for the bronze sculpture memorial that will honor our fallen heroes.

Bob Bishop, 224 Mellane Circle, provided Council with a handout of the March 15, 2010 Council staff report. Mr. Bishop requests staff take another look for Technical Advisory Committee (TAC) meeting minutes, agenda and notices that reference a meeting of TAC approval of the Negative Declaration for the General Plan Update.

Brandy Branzelle, 322 Byron Way, introduced her new service dog name Diego for the hearing impaired.

Ms. Branzelle advised in honor of 11/11/11 the Army Corps of Engineers will be offering a fee waiver to service members and their families at Black Butte Lake (boat launch and day use fees).

Ms. Branzelle advised effective November 17th the US Post Office will no longer accept any type of mail to be shipped to Iraq.

Ms. Branzelle request Council pull Item F. on the consent calendar for discussion.

Proclamation:

A proclamation was presented declaring Key Club Week November 7 – 11, 2011 in the City of Orland.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Gee had no comments.

Councilmember Roundy stated the Glenn County EDC Steering committee is moving along well.

Councilmember Roundy advised there will be a Sacramento Valley Division League of California Cities meeting on December 2nd in Gridley. Councilmember Roundy will be attending an RCD State Directors meeting next week. The Art Gallery has a new show in progress. The Orland Pantry is gearing up for the holidays.

Councilmember Hoffman advised the Chamber of Commerce Car show was a success. The Orland Business Improvement Association is holding the Tree lighting Ceremony On November 29, 2011 in downtown Orland.

Vice Mayor Elliott advised Mayor Paschall is recovering from surgery.

Vice Mayor Elliott request Agenda Item VIII.A.1 concerning the proposed secondhand smoking Ordinance be brought forward at this time.

City Attorney Einhorn brought forward request for discussion and direction to consider proposed Ordinance to regulate smoking in outdoor places. The proposed ordinance would prohibit smoking 20 feet from any building or structure; no-smoking signage would be required in no smoking areas; and violations are enforceable as fines (\$100), civil actions (\$250 - \$1,000), misdemeanors or as nuisance actions. Students from the group "Students Working Against Tobacco" request Council to consider a smoke-free policy in outdoor places. Interim Chief of Police Tolle advised Council the ordinance may be difficult to enforce without a formal complaint from a citizen. Councilmember Hoffman advised the ordinance may be too restrictive for private business owners (costs of signage, etc.) Councilmember Hoffman advised prohibiting smoke-free areas in parks or government buildings may be reasonable. Councilmember Roundy felt most smokers are considerate of others and do not smoke around others in public areas, however there should be an ordinance in place to keep the public areas clean and free of second-hand smoke. Vice Mayor Elliott had some concerns with language in the ordinance. The proposed ordinance prohibits smoking 20 feet from any structure or building; rather than 20 feet from the entrance to the business. Vice Mayor Elliott suggested business owners post their own signage at their discretion and possibly amend ordinance to require signage on city-owned properties. Dwight Foltz, Glenn County Board of Supervisor, stated there are enough laws without additional regulation and questioned if this is a benefit for the whole community. Trish Saint-Evens, 6825 County Road 15, advised she understands trying to keep an area safe (prohibit smoking 20 feet from entrance to building), however, citing individuals is not the correct way to handle the issue. Sharon Nord, 717 Trinity Street, agreed with Ms. Saint-Evens and also feels its offensive to our rights. Brandy Branzelle, 322 Byron Way feels the ordinance could be costly to the City. April Hine, 4675 County Road O, stated her children have rights too, as they spend a lot of time in the parks. Ms. Hine stated there is a need for enforcement. Councilmember Hoffman feels the City would be overstepping their bounds. After lengthy discussion, recommendations were made to City Attorney Einhorn to amend the following changes and bring back at the next regularly scheduled meeting: changes to required signage not to burden the business owners; reduce fine amounts to \$25 and civil actions brought on by the City of Orland of up to \$100; change language to prohibit smoking 20 feet away from any entry to any public accessible building.

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 17, 2011.
- C. Approve Warrant List.
- D. Receive and file Economic Development Commission minutes for September 6, 2011.
- E. Approve Waste Management's proposed fee increase of 5.02% on fees for collection of solid waste with the exception of the senior rate which will remain the same; effective December 1, 2011.
- F. Approve and authorize Public Works Director to sign amended Lease Agreement with Digital Path, Inc.

Vice Mayor request whether Council desires to pull Item F. per Ms. Branzelle's request.

Councilmember Hoffman moved, seconded Councilmember Gee to approve the consent calendar as presented. Motion carried with Mayor Paschall absent.

It was noted Digital Path, Inc. has increased the amount of antennas they have placed on the water tank from four (4) to nine (9), therefore increased compensation to the City from \$150 to \$500.

PUBLIC HEARING

1. Conduct Public Hearing and upon conclusion of receiving public comments, consider, by motion to adopt Resolution No. 2011-14 approving the Annual Appropriations Limit for the Fiscal Year 2011-2012.

Finance Director Brock gave a report on the Annual Appropriations Limit for Fiscal Year 2011-2012. The appropriations shall be subject to a limitation at 2,925,116 million dollars. The Public Hearing opened for comments at 8:40 p.m. No comments were received, therefore the Public Hearing closed at 8:41 p.m.

Councilmember Roundy moved, seconded by Councilmember Gee to adopt Resolution No. 2011-14 approving and adopting the Annual Appropriations limit for the Fiscal Year 2011-2012. Motion carried with no abstentions and Mayor Paschall absent.

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.

- (A) Consideration of Initial Study/Mitigated Negative Declaration (SCH #2011032064).
- (B) Consideration of Project (Amendment to PD CUP #2004-03, Benson Estates).

Interim City Planner Scott Friend gave an overview on the request for two amendments to the previously approved project. Mr. Benson is requesting to remove the originally approved age restriction (senior only 55 years +) to moderate housing and to modify Condition of Approval #21 to the rear yard main building setbacks be reduced from twenty feet (20") to fifteen (15") for the 34 lots, due to an easement grant to the Orland Unit Water. Councilmember Gee advised he was against removing the age restriction due to a need for subsidized housing for seniors in the City of Orland. Councilmembers Roundy and Hoffman like the proposed project with solar incentives; as well as opening up more opportunities due to the current economic conditions. Mr. Benson explained with the current market changes seniors in retirement are either staying put or continuing to work. With the current construction market, it would be more viable to offer opportunities for home ownership to younger families. Vice Mayor Elliott stated with keeping the age restriction may hopefully increase the likelihood of future senior housing development. Vice Mayor Elliott stated a land use issue is at stake.

Councilmember Hoffman moved, seconded by Councilmember Roundy to adopt the findings in the staff report and approve an amendment to Planned Development Conditional Use Permit #2004-03, Amendment, for Benson Estates to revise the project from Senior-only housing (55 years +) to moderate-income housing.

Roll Call Vote:

Ayes- Councilmembers Hoffman and Roundy

Noes- Councilmember Gee and Vice Mayor Elliott

Motion failed 2 -2. Mayor Paschall absent.

Councilmember Roundy moved, seconded by Councilmember Gee to approve and adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring Program per State CEQA Guidelines, Section 15074 and approve the following Revised Condition of Approval #21 listed below.

Findings for adoption of the updated Mitigated Negative Declaration:

- 1. The City of Orland has considered the updated Mitigated Negative Declaration and Initial Study prepared for the project and attached herein, and any comments received as part of the public review of the document; and**
- 2. The City of Orland finds that on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment; and**
- 3. The City of Orland finds that development of the proposed use will not constitute an actual or potential endangerment of the public health; and**

4. The City of Orland has independently reviewed, analyzed, and considered the proposed updated Mitigated Negative Declaration with mitigation measures prior to making a decision on the project, and hereby finds that the document adequately represent impacts associated with this project; and
5. The City of Orland finds that the updated Mitigated Negative Declaration and Initial Study reflects the City's independent judgment and analysis; and
6. The City Clerk is designated as custodian of the documents and/or other materials, which constitute the record of proceedings upon which the decision of the City Council is based, and this record shall be maintained at Orland City Hall, located at 815 Fourth Street, Orland, CA 95963; and
7. The project will have a de minimum effect on fish and wildlife (Fish and Game Code Section 711.4).

Revised Condition of Approval #21:

21. The rear yard main building setback may be reduced from twenty feet (20') to fifteen feet (15') for the 34 lots for this project due to an easement grant to the Orland Unit Water Users Association permit.

Motion carried with no abstentions and Mayor Paschall absent.

City Attorney:

City Attorney Einhorn presented for consideration authorization for Mayor to execute Interim City Manager Employment Agreement with Gail Wingard. The terms indicate the Interim City Manager will be compensated at an hourly rate of \$60 per hour and the work schedule shall be three (3) days to possibly four (4) days each week, at the discretion of the Interim City Manager. City Attorney Einhorn noted Mr. Wingard has expertise in the recruitment process for a new City Manager which is considerably cost effective when considering costs of outside consultants.

Councilmember Gee moved, seconded by Councilmember Hoffman to approve the Interim City Manager Agreement with Gail Wingard. Motion carried with no abstentions and Mayor Pashcall absent.

City Attorney Einhorn presented for consideration authorization for City Manager to amend existing contract Planning services with Pacific Municipal Consultants (PMC). The contract will provide the day to day planning services due to Ms. Sailsbery's absence. City Einhorn explain this is an hourly contract, on an as needed basis only. It is noted, a specific day would be recommended to allow for staff to make planning appointments for customers or work on existing projects. Council discussion suggested the Interim City Manager will work with PMC to determine necessary level of planning services that are needed. Vice Mayor Elliott felt the amended agreement would promise eight (8) hrs a week, when an on call basis agreement is already in place.

Councilmember Hoffman moved, seconded by Councilmember Roundy to approve and authorize City manager to execute amended agreement with Pacific Municipal Consultants to provide planning services.

Roll Call Vote:

Ayes: Councilmembers Gee, Hoffman and Roundy

Noes: Vice Mayor Elliott

Absent Mayor Paschall

Motion carried 3-1, with no abstentions and Mayor Paschall absent.

City Attorney Einhorn presented for consideration and discussion of impact fee payment agreement proposed by Savannah Investment, LLC owners of Sapphire Plaza, and accompanying implementing Resolution. If approved, agreement would allow occupancy while the impact fees are paid over time. Terms are proposed by Savannah, and subject to response/negotiation/rejection by the Council, with adoption of Resolution if necessary.

It was the consensus of the Council to discuss the matter at the next scheduled Council meeting when the Mayor is present.

ADJOURN

Meeting adjourned at 9:14 p.m.

_____ Clerk

_____ Vice Mayor