

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

ROLL CALL

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

Councilmembers absent: None

Staff present: Grants Administrator Janet Wackerman; Interim Police Chief J.C. Tolle; Finance Director Daryl Brock; City Attorney Greg Einhorn; Assistant City Manager/City Clerk Angie Crook; and Interim City Manager Gail Wingard

ORAL AND WRITTEN COMMUNICATIONS

Citizen Business:

None

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Roundy reported on the following:

- Attended annual Golf Tournament which was a success.
- Attended Sacramento Valley Division meeting in Shasta Lake City.
- Attended League of California Cities Community Service policy meeting in Ontario.

Councilmember Hoffman reported on the following:

- Congratulated Councilmember Roundy for being inducted in the Orland High School Sports Hall of Fame.
- Tickets available for Orland Chamber Best of the West dinner scheduled for April 13, 2012

Vice Mayor Gee reported on the following:

- Attended City/County Economic Development meeting; looking for members for the strike team.
- Advised County/City websites could use updates; representative from Chico State to give a presentation on building websites at a future date and advised local business Geek Time (Jerry Allen) also builds websites.

Mayor Elliott reported on the following:

- Orland Recreation Center will be holding an Easter Egg Hunt April 7th at Vinsonhaler Park.
- Receive letter from Chamber of Commerce requesting Council support for future Orland Chamber Rod and Custom Car Show.

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 March 19, 2012.
- C. Approve Warrant List.
- D. Receive and file Arts Commission minutes for February 15, 2012.
- E. Receive and file Economic Development Commission minutes for February 6, 2012.

Vice Mayor Gee request Item C. (warrant list) removed from the consent calendar. Vice Mayor Gee asked for explanation concerning engineering invoice for Rolls Anderson Rolls, check # 036521. Staff noted approximately \$13,000 was billed for Lateral 40. Council requested clarification from staff regarding check # 036521 before payment is made.

Councilmember Roundy moved, seconded by Councilmember Hoffman to approve the consent calendar except for check # 036521 to Rolls Anderson Rolls until further clarification from staff. Motion carried with no abstentions.

PUBLIC HEARING

1. Request public input on the submittal of proposed activities/application for the 2012 California Development Block Grant Program (CDBG) Notice of Funding Availability (NOFA).

Grants Administrator Wackerman requested public comments regarding the 2012 CDBG grant application to extend Papst Avenue across the Orland Water Users Association's Lateral 40 in order to provide additional ingress and egress for the residents on the north side of Bryant Street. City Engineer Skillman determined the estimated cost to extend Papst Avenue to be \$794,848. Preliminary work regarding the application to the Orland Unit Water Users Association and inspection of Lateral 40 were already conducted to evaluate the soundness of the pipe. City Impact Fees in the amount of \$93,662 will be added to the grant funds. A total of \$852,195 will be requested. In addition, a study is needed to analyze the City's wells and distribution system for future demand. A total of \$26,250 will be requested for study and administrative costs. Grants Administrator Wackerman advised both grants are looked at separately. The Public Hearing opened for comments at 7:48 p.m. No comments were received, the Public Hearing closed at 7:49 p.m. Grant Administrator Wackerman advised Council is to consider adopting a Resolution approving an application for funding and the execution of a grant agreement and any amendments thereto from the 2012 allocation of the state CDBG program. Vice Mayor Gee advised he will abstain from voting on the item as he owns property in the area. Councilmember Paschall asked the City Attorney whether he should abstain from voting as well, since he is president of the Orland Unit Water Users Association. City Attorney Einhorn advised if there is no direct financial impact, there is no need to abstain. Grant Administrator Wackerman advised the total amount of \$877,195, is being requested, which is reflected in the Resolution.

Councilmember Roundy moved, seconded by Councilmember Paschall to adopt Resolution No. 2012-04 approving an application for funding and the execution of a grant agreement and any amendments thereto from the 2012 allocation of the State CDBG Program. Motion carried, Councilmember Gee abstained.

ADMINISTRATIVE COMMUNICATIONS

Finance Director:

Finance Director Brock brought forward for discussion and possible action regarding a Development Impact Fees Nexus Study. Finance Director Brock advised the last nexus study was prepared in 1995 by Quad Knopf; it was a 20 year plan. Finance Director Brock advised it is premature to begin a new study without knowing whether the City's long term goals are the same as presented in the last study. Finance Director Brock advised a committee should be formed to address this issue. Council discussed the possibility of contract Planner Pacific Municipal Consultants reviewing the 1995 study and giving guidance to the Planning Commission on the City's goals and objectives for the future. Pacific Municipal Consultants have noted they can prepare a comprehensive study for approximately \$35,000 - \$50,000 when the City determines to move forward.

Council directed staff to request contract Planner Scott Friend, Pacific Municipal Consultants, to meet with the Planning Commission and review present study and report back to Council.

City Attorney:

City Attorney Einhorn brought forward for discussion and possible action regarding regulation of retail sales of drug paraphernalia. The California Health and Safety Code section 11364.7 prohibits the "trafficking" (which includes sales) of drug paraphernalia. City Attorney Einhorn stated sales that appear to be drug paraphernalia are usually part of a retail tobacco product establishment; some cities have enacted a tobacco license measure. The measure would require licensing of tobacco retailers and could include a provision prohibiting the sale of drug paraphernalia. City Attorney Einhorn stated some cities have enacted outright bans of paraphernalia sales. City Attorney Einhorn advised both methods are difficult to enforce, time consuming and have to show the intent of the owner/operator. Councilmember Gee did not feel it was necessary to move forward with more regulations that are difficult to enforce. It was noted no other complaints have been received at this time, other than the correspondence from Glenn County Public Health. Councilmember Hoffman felt a ban would not be a good use of this regulation. Interim Police Chief Tolle agreed. Mayor Elliott stated he does not want to ignore the situation just because it's difficult to regulate. Councilmember Roundy advised it could be very tough to show the intent of the owner/operator.

No action was taken by Council at this time.

City Attorney Einhorn brought forward for discussion and direction regarding inconsistencies in the Orland Municipal Code section 2.12.120. The code currently states the City Manager has the authority to appoint, remove, promote and demote any and all officers and employees of the City. The OMC sets forth specific exceptions: elected City Clerk, elected City Treasurer and the City Attorney. City Attorney Einhorn stated this is inconsistent with the OMC, whereas certain department head employment contracts (e.g., Police Chief) have stated the City Council with the authority to appoint, remove promote and demote, pursuant to the employment contract. City Attorney Einhorn stated the amendment to the OMC would provide Council with the authority to appoint, remove, promote a department head employee if the contract of employment so provides.

City Attorney Einhorn advised Council may also want to consider changes to OMC section 2.08.030 to better align with OMC section 2.12.120. Councilmember Roundy advised in the past there was a City Administrator and feels this is just an oversight that was not corrected in the OMC when the City changed to a City Manager form of government. Councilmember Roundy stated the City Manager's job is to be trained in personnel matters; there are no political ramifications. Vice Mayor Gee advised the Council should have oversight in these matters; as the City Manager can still make recommendations. Vice Mayor Gee stated the responsibility should end with the Council. Councilmember Roundy noted the Council is the final authority, as Department Heads can appeal a City Manager's decision to appoint, remove demote or promote to Council. Councilmember Paschall stated he has concerns with the City Manager making the final decision. Councilmember Paschall does not feel Council should micromanage staff, as the City Manager should oversee day to day operations. Mayor Elliott stated he does not want to micromanage any department but supports to change the inconsistency in the OMC. Councilmember Roundy stated the voters should decide the Council's responsibility. Vice Mayor Gee stated the Council was elected to manage the City's business. It was noted the Glenn County Board of Supervisors have oversight over their county Department Heads.

The following proposed OMC amendment:

2.12.120 - Power to appoint and remove.

It shall be the duty of the city manager to appoint, remove, promote and demote any and all officers and employees of the city, subject to all applicable personnel ordinances, rules and regulations. Decisions to appoint, remove, promote, demote or otherwise discipline a department head shall be appealable to the city council, to the extent that such appeal is consistent with applicable personnel ordinances, rules and regulations. **Remove - Exceptions to this section are elected city clerk and elected city treasurer, and city attorney appointed by city council.**

Add - Exempt from this section are the elected city clerk and the elected city treasurer. Also exempt from this section are the city attorney appointed by the city council and department heads, officers, employees and agents employed by the city pursuant to contract where such contract provides for appointment, removal, promotion and/or performance review by the city council.

2.08.030 - Department heads.

A. The following positions shall be designed as department heads:

1. Chief of police;
2. Director of public works and parks;
3. City librarian.

B. The positions designated in subsection A of this section shall be appointed by the city council and shall serve at the pleasure of the council. Their compensation shall be fixed by resolution.

Direction was given to City Attorney Einhorn to bring forward amendment to the OMC for First Reading at the next regularly scheduled Council meeting on April 16, 2012.

Interim City Manager:

Interim City Manager Wingard brought forward for discussion and possible action to consider amending time frame on placement of political signs. The City of Willows permits political signs 60 days in advance, as well as the County of Glenn. The State permits political sign postings 90 days in advance. Council agreed with uniformity between the County and the City of Willows.

Councilmember Hoffman moved, seconded by Vice Mayor Paschall to change the political sign policy indicating the date to place political signs is 60 days in advance of said election. Motion carried with no abstentions.

Vice Mayor Gee asked the press if they could publish a map of the new congressional district.

Interim City Manager Wingard brought forward for discussion and direction on solar panel energy on City properties. Interim City Manager Wingard stated there is interest from a solar company to place solar panels on 12 or 20 acres of City property. It was estimated the City could receive approximately \$30,000 a year for twenty years. Mayor Elliott suggested taking a look at all advantages available in regards to trade offs for installation, etc. to reduce overhead costs in operating a solar energy project.

Council supported staff in pursuing these efforts.

Interim City Manager Wingard brought forward for discussion and direction on a letter to State Government regarding American Disability Act exploits. Mayor Elliott stated businesses agree they want to accommodate those with disabilities. However, it is the abuse of frivolous lawsuits against business owners demanding monetary settlements that are creating a hardship. The letter requests lawmakers to consider a bill to address the abuse of a good law

Council directed staff to forward letter to Senate President pro Tempore Darrell Steinberg.

Interim City Manager Wingard brought forward for discussion and direction regarding a letter to the League of California Cities regarding membership concerns and annual dues.

Council directed minor edits of the letter and to forward to the League of California Cities with annual membership dues.

Adjourned to Closed Session at 9:25 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: City Manager.

Reconvened to Open Session at 9:42 p.m.

REPORT FROM CLOSED SESSION

Direction was given to Interim City Manager

ADJOURN

Meeting adjourned at 9:43 p.m.

Clerk

Mayor