

MINUTES OF THE ORLAND CITY COUNCIL
REGULAR MEETING HELD DECEMBER 16, 2019

CALL TO ORDER

Meeting called to order by Mayor Roundy at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Meeting opened with the pledge of allegiance.

ROLL CALL

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

Councilmembers absent: Billy Irvin

Staff present: Chief of Police Joe Vlach, City Planner Scott Friend, Attorney Greg Einhorn and Assistant City Manager/City Clerk Angie Crook and City Manager Pete Carr

ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments:

Byron Denton, 127 Tanner Way, thanked the Public Works department for doing a great job decorating and Christmas tree lighting etc. Mr. Denton stated the main sewer line which is getting replaced is 50% complete.

Ron Lane, 223 E. Mill St., stated he was a part of the canned food drive. They collected over 7,000 pounds of food from the Orland Unified School District. Mr. Lane thanked the leadership class teachers at C.K. Price school for their help. Mr. Lane challenged them to collect 10,000 pounds of food next year.

Reappointments/Appointments:

Economic Development Commission – three (3) vacancies with new terms expiring Dec. 31, 2021.

Applicants: Brien Hamilton & Ron Lane (consider reappointment), Ceceilia Gunness and Russell Pierce

Action: Vice Mayor Roundy moved, seconded by Councilmember Edwards to approve EDC recommendation to reappoint Brien Hamilton and Ron Lane and appoint Russell Pierce to the new opening with terms to expire Dec. 31, 2021. The motion carried unanimously by the following voice vote:

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

Library Commission – Three (3) vacancies with new terms expiring Dec. 31, 2021.

Applicants: Lynda Fitzgerald (consider reappointment), Krstin Baugher and Ceceilia Gunness

Action: Councilmember Hoffman moved, seconded by Councilmember Edwards to approve reappointment of Lynda Fitzgerald and appoint Kristin Baugher and Ceceilia Gunness to the Library Commission with terms to expire Dec. 31, 2021.

The motion carried unanimously by the following voice vote:

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

Parks & Recreation Commission – two (2) vacancies with new terms expiring Dec. 31, 2021.

Applicants: Karen Baldrige and Jason Ovitz (consider reappointment)

Action: Councilmember Hoffman moved, seconded by Councilmember Edwards to approve reappointment of Karen Baldrige and Jason Ovitz to the Parks & Recreation Commission with terms to expire Dec. 31, 2021. The motion carried unanimously by the following voice vote:

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

Public Works & Safety Commission – one (1) vacancy with a new term expiring Dec. 31, 2021.

Applicants: Brien Hamilton, John McDermott and J.C. Tolle

Action: Vice Mayor Roundy moved, seconded by Councilmember Edwards to approve Public Works & Safety Commission recommendation to appoint J.C. Tolle to the Public Works & Safety Commission with a term to expire Dec. 31, 2021. The motion carried unanimously by the following voice vote:

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

CONSENT CALENDAR

- A. Approve Warrant List (payable obligations).
- B. Approve City Council minutes for December 2, 2019.
- C. Approve Special Meeting City Council minutes for December 5, 2019.

Action: Vice Mayor Roundy moved, seconded by Councilmember Edwards to approve the consent calendar as presented. The motion carried unanimously by the following voice vote:

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

NOES: None

ABSENT: Councilmember Irvin

ABSTAIN: None

PUBLIC HEARINGS

Conduct a Public Hearing and adopt a Resolution for implementation of the updated Development Impact Fee Study – Scott Friend, City Planner

Mr. Friend brought forward request to adopt the Development Impact Fee Study and updated Development Impact Fee Schedule.

Mayor Paschall opened the Public Hearing for comments at 6:12 p.m. Byron Denton, 127 Tanner Way, asked if there was anything in the City code that addresses damage to streets or sidewalks when contractors use heavy equipment when building homes in the area. With no further comments the Public Hearing was closed at 6:13 p.m. Mr. Friend stated regarding Mr. Denton's question, any damages to curb or street would need to be corrected before a permit was finalized. There is no ordinance on that issue.

Mr. Friend stated the new Development Impact Fees represents the prospective reimbursement (per capita) for anticipated costs of capital infrastructure. The total DIF have slightly decreased (particularly water and sewer); police and fire increased slightly.

Action: Vice Mayor Roundy moved, seconded by Councilmember Edwards to approve the proposed project which is exempt from further environmental review pursuant to Section 15273 of the Public Resources Code. The motion carried unanimously by the following voice vote:

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

NOES: None

ABSENT: Councilmember Irvin

ABSTAIN: None

Action: Vice Mayor Roundy moved, seconded by Councilmember Edwards to adopt Resolution No. 2019- 33 adopting the Development Impact Fee Study prepared by NBS and Colgan Consulting and adopting the proposed Development Impact Fee schedule outlined in the Resolution. The motion carried unanimously by the following voice vote:

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

Conduct a Public Hearing a adopt a Resolution for implementation of the updated Planning User fee Study – Scott Friend City Planner

Mayor Paschall opened the Public Hearing at 6:22 p.m. Byron Denton thanked Council for getting 100% in recovery costs to the City for services provided. With no further comments the Public Hearing closed at 6:23 p.m.

Mr. Friend advised the planning user fees have not been increased in almost a decade and will include a C.P. I. adjustment annually.

Action: Councilmember Hoffman moved, seconded by Councilmember Edwards to approve Resolution No. 2019- 34 approving and adopting the 2019 Planning Application and User Fee Study and Rate Schedule. The motion carried unanimously by the following voice vote:

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

ADMINISTRATIVE BUSINESS

A. Planning Department, Building Department & Code Enforcement Annual Review – Scott Friend City Planner

Mr. Friend gave an annual review of the Planning and Building Department and Code Enforcement. Mr. Friend reviewed activities that occurred in 2019. There were 2 Parcel Maps, 4 Site Plan Reviews, 15 Administrative Use Permits, 7 Home Occupation Permits, 3 Conditional Use Permits and 3 Annexations/Re-zonings. The Planning Department is currently in process with two Zoning Code amendments: “Hobby” bee keeping standards and front-yard landscaping requirements. Other Zoning Code amendments include: Accessory Dwelling Unit changes and Urban Land Use Buffer regulations. Projects completed in 2019 include the

undergrounding of Linwood canal (walking path over the top), Road MM sewer environmental work, Fee study updates completed, as well as the environmental for the Tehama Street Rehabilitation project. Mr. Friend advised of possible projects that could proceed in 2020, such as Linwood Phase II subdivision and Penbrook Subdivision, as well as an affordable family and senior housing project. The “Sunny” Truck wash project will be moving forward in 2020 and a proposed hotel and commercial project as well along Commerce Lane. The Housing Element annual report will also need to be updated in August 2020.

Mr. Friend gave a brief year end summary of the Building Department. There were 339 total permits issued. Total fees collected were \$170,008. Code Enforcement had a total of 125 cases, 78 (overgrown vegetation) and 34 (trash and debris) cases. The City will also be adopting new building codes for 2019 in near future.

B. Consider Garage Conversion Code Enforcement policy – Pete Carr, City Manager

City Manager Carr brought forward proposed policy to manage code violations related to unpermitted garage conversions. A recent case involved a homeowner converting a one-car garage to living space without a permit and has no practical way to replace enclosed parking. Mr. Carr stated a building permit could be issued for the garage, including requirement that at least one additional concrete parking space be provided. Council discussed and directed staff to develop language to address the issue in the municipal code. It will be presented to the Planning Commission first.

C. Request to adopt final reading of Ordinance No. 2019-06 authorizing an Amendment to the Contract between the City Council of the City of Orland and the Board of Administration of the California Public Employees’ Retirement System – Angie Crook, Asst. City Manager City Clerk

City Clerk Crook advised Council to approve final reading and adopt Ordinance 2019-06 authorizing an amendment to the contract between the City Council of the City of Orland and the Board of Administration of the California Public Employees’ Retirement System (CalPERS) adding a Fire member PEPRA category.

Action: Councilmember Edwards moved, seconded by Vice Mayor Roundy to approve the final reading of Ordinance No. 2019-06 authorizing an Amendment to the Contract between the City Council of the City of Orland and the Board of Administration of the California Public Employees’ Retirement System as presented. The motion carried unanimously by the following voice vote:
AYES: Councilmembers Hoffman, Edwards, Vice Mayor Roundy and Mayor Paschall
NOES: None
ABSENT: Councilmember Irvin
ABSTAIN: None

D Updated contract proposal for 824 Fourth Street flooring – Pete Carr, City Manager

Julie van Tol thanked Council for their action at the last Council meeting to repair the flooring inside her restaurant. Ms. van Tol stated before Council votes again for expensive repairs, there is still the issue of ongoing operating expenses while the café is closed. Ms. van Tol stated there is no use to repair the building in an effort to do right by the tenant, if the tenant still ends up out of business because she cannot cover the ongoing operating costs while being closed, due to the City's responsibility to provide a usable space. Ms. van Tol stated the City needs to compensate for loss of business in real time while this is happening. Ms. van Tol stated she has considered getting a loan to cover operating expenses, however she does not know the length of time she will be closed. Ms. van Tol stated a break on rent during or after repairs does not help the issue, as expenses continue while being closed. Ms. van Tol stated the least favorable outcome in her opinion, is for the City spending substantial monies and her being unable to reestablish and reopen for business. Ms. van Tol advised she has sought legal counsel but would like to seek a peaceful remedy.

City Attorney Einhorn advised the City has not been presented with a specific demand or claim and is not in a position to respond. Mr. Einhorn advised the lease did expire in September. Ms. van Tol said her intention is to continue her business.

City Manager Carr requested Council to consider revised contract proposals from lowest bidder for pending flooring project at 824 Fourth Street. At the last Council meeting on December 5th, ABC Constructors was awarded a contract to remove and replace the floor inside the restaurant portion of the building. It was identified after the fact that prevailing wage was not included and a revised proposal was requested. The other bidders were also invited to revise their bid. ABC Constructors revised their bid from \$89,235 up to \$127,965. Modern Building's bid remained the same at \$134,850. Butte Construction revised their bid from \$894,000 down to \$357,706. Mayor Paschall stated he felt it's too much of an investment for the City to put into an old building.

Action: Vice Mayor Roundy moved, seconded by Councilmember Hoffman to award contract to ABC Constructors for \$128,000 to repair flooring at 824 Fourth Street. The motion carried 3-1 by the following voice vote:

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

ABC Constructors stated work will begin January 6, 2020 and should be completed in 2-3 weeks.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Edwards:

- Served on interview panel for EDC Commission;
- Served as hearing officer for code enforcement hearings;
- Attended Orland Rotary meeting.

Vice Mayor Roundy:

- Wished everyone a Merry Christmas and Happy New Year.

Councilmember Hoffman:

- Served on interview panel for Public Works & Safety Commission;
- Attended Orland Volunteer Fire Dept awards dinner;
- Chamber meeting at Round Table Wednesday;
- Planning Commission meeting on Thursday;
- Chamber of Commerce Santa is busy.

Mayor Paschall stated he was pleased to see everyone in attendance at the Council meeting.

ADJOURN

Meeting adjourned at 7:40 p.m.

Angela Crook, City Clerk

James Paschall Sr., Mayor