

MINUTES OF REGULAR MEETING, ORLAND CITY COUNCIL, MONDAY July 20, 2015

7:00 p.m.

CALL TO ORDER

Roll Call:

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

Councilmembers absent: None

Staff present: City Attorney Greg Einhorn, Assistant City Manager/City Clerk
Angie Crook and City Manager Pete Carr

Citizen Comments:

None

Adjourned to closed session at 7:01 p.m.

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Negotiator(s): Greg Einhorn, City Attorney
Charles Gee, Councilmember
Bruce Roundy, Councilmember

Employee Organization(s): United Public Employees of California Local #792
(Mid Management and General Units)

Meeting adjourned to open session at 7:26 p.m.

REPORT FROM CLOSED SESSION

Direction was given to negotiators.

Meeting reconvened to regular session at 7:30 p.m.

Roll Call:

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

Councilmembers absent: None

Staff present: Chief of Police J.C. Tolle, Public Works Director Forrest Marston, City
Engineer Ken Skillman, Finance Director Daryl Brock, City Attorney
Greg Einhorn, Assistant City Manager/City Clerk Angie Crook and City
Manager Pete Carr

Meeting opened with the pledge of allegiance.

ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments:

None

CONSENT CALENDAR

- A. Approve Warrant List (payable obligations).
- B. Approve City Council minutes of July 6, 2015.
- C. Receive and file Arts Commission minutes for June 17, 2015.
- D. Adopt Resolution No. 2015-16 authorizing the Public Works Director to sign agreements and related documents to receive Federal and State Transportation Funding.
- E. Approve Project Objectives List for Fiscal Year 2015/2016.
- F. Approve lease amendment for 824 Fourth Street.
- G. Authorize City Manager to negotiate contract with Rolls Anderson & Rolls to provide engineering services for Papst Avenue road improvements.

ACTION: Councilmember Roundy moved, seconded by Councilmember Hoffman to approve the consent calendar as presented. The motion carried by the following voice vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

PUBLIC HEARINGS –

1. Tentative Parcel Map TPM2015-02 (Bohannon): A request by Mr. Jim Bohannon, Property Owner, to divide an existing parcel of land approximately 1.43 acres in size and described as Glenn County Assessor's Parcel Number 041-121-010 into two parcels of 16,246 square feet (Parcel 1) and 46,264 square feet (Parcel 2). The subject property is located south of Walker Street (SR32), east of East Street and west of Papst Avenue. The subject parcel is currently occupied by the Orland Mini-Storage, Orland Saw and Mower and Edson's Reusables. Access to the project site is currently taken from Walker Street. The applicant is not proposing to establish any new access points or new structures. The City of Orland General Plan designates the site with the C-Commercial land use designation and is zoned with the C-2 – Community Commercial zoning district. No specific plan of development has been submitted on the site at this time.

City Manager Carr brought forward the recommendation made by the Planning Commission at their June 18, 2015 meeting to approve the map as presented, subject to the findings and conditions of approval contained within the report. The public hearing opened for comments at 7:35 p.m. After receiving no comments, the public hearing closed at 7:36 p.m. Mr. Carr noted the subject parcel map is required to be considered by the City Council, in addition reviewed by the Planning Commission, as the conditions of approval for the map request a dedication.

ACTION: Councilmember Roundy moved, seconded by Vice Mayor Edwards to adopt Resolution No. 2015-17 approving a Tentative Parcel Map to divide an existing developed parcel located at 235 and 239 East Walker Street (APN:041-121-010); find that the project is categorically exempt from further review pursuant to the California Environmental Quality Act; adopt the required Findings and approve TPM#2015-01 subject to the Conditions of Approval listed below by the following voice vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Findings of Approval for TPM#2015-01:

1. *The proposal will not have a significant adverse impact on the environment and the project has been determined to be exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15315 of CEQA Guidelines.*

In accordance with the State CEQA Guidelines, as developed under Public Resources Code Section 21084, the project has been determined to be categorically exempt from further environmental review pursuant to Section 15315 of the State CEQA Guidelines. The project involves the division of one parcel into two parcels. In addition, the project is in conformance with the General Plan and zoning regulations and all services are available to the parcel. Approval of the project would not allow for any use or development of the property not otherwise already allowed without the approval of a discretionary action by the City.

2. *Section 66474 of the California Subdivision Map Act requires a City to deny approval of a tentative map if it makes any of the following findings:*

- a. *That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.*

The proposed map is consistent with the density/intensity standards as specified in the Orland General Plan and shall be made to be consistent with City General Plan policies upon implementation of the project Conditions of Approval.

- b. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The division of land is consistent with the density/intensity standards of the Orland General Plan and is consistent with the document.

- c. *That the site is not physically suitable for the type of development.*

The site is a fully developed parcel physically suitable for the development. The applicant is proposing to divide one 1.43 acre residential lot into two parcels of 16,246 square feet (Parcel 1) and 46,264 square feet (Parcel 2). The lots meet the development

regulations of the Orland Municipal Code and project conforms to the policies of the Orland General Plan.

- d. *That the site is not physically suitable for the proposed density of development.*

The zoning of the site is C-2, Community Commercial and the project meets the intensity standards of the City's General Plan. No new development is proposed as a part of the project. The site is physically suitable to accommodate the existing development on the site.

- e. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The project does not propose any new development on this site nor are any new physical improvements proposed with this action. The site is currently fully built-out with existing uses and has been determined to be exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15315 of the CEQA guidelines.

- f. *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

No conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified.

- g. *That the design of the subdivision or type of improvements will conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision.*

There are no easements that will be affected with approval of the Tentative Parcel Map.

Approved Use: Tentative Parcel Map resulting in two new parcels from the lot identified as APN: 041-121-010 in the City of Orland, CA.

Conditions of Approval:

General -

1. Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the City prior to recording the Parcel Map.
2. Owner or an agent of Owner shall satisfy, and the project shall meet, all applicable requirements provided by federal, state, and local laws, City of Orland Municipal Code, City of Orland Land Division Standards, City of Orland Development Requirements, City of Orland General Plan, and regulations including the requirements provided by the Subdivision Map Act (Government Code Section 66410).
3. Pursuant to section 66474.9 of the California Government Code, the subdivider shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the County, its agents, officers, or employees to attack,

4. set aside, void, or annul, an approval by the Planning Commission or City Council concerning this subdivision, which action is brought within the time period provided for in Section 66499.37. The City shall promptly notify the applicant of any such claim, action or proceeding and shall cooperate fully in the defense of the action. If the City fails to so notify the applicant or to cooperate fully in the defense, the applicant shall not be obligated by this condition.

Public Works Department -

5. The property shall be subdivided in substantial compliance with the conditionally approved Tentative Parcel Map. Any substantive changes prior to recordation of the Parcel Map shall require review and approval by the Planning Commission.
5. Developer shall dedicate an additional 10 foot wide strip of right-of-way across the property frontage to the City of Orland along State Route 32.
6. Developer shall enter into a Deferred Improvement Agreement for any missing frontage improvements which have not been constructed prior to council approval of the final parcel map.
7. Prior to issuance of a building permit for any future development on either of the two parcels, the applicant shall construct street frontage improvements including curb, gutter, sidewalk and shall widen the asphalt pavement street section to match as required by the City and Caltrans
8. All future infrastructure improvements shall be designed and constructed in conformance with the City of Orland "Land Division Standards and Improvement Standards" and the Caltrans Improvement Standards, latest edition. The developer shall have a registered engineer prepare and submit construction details, plans and profiles, grading plans, typical sections and project specifications prior to commencement of any construction within Caltrans right-of-way.
9. Developer shall pay all actual city attorney and city engineer fees incurred in the review of this project.
10. As Walker Street is Caltrans State Route 32, the developer shall provide a file copy of an approved Caltrans Encroachment permit to the City Engineer prior to commencement of any construction within that right-of-way.
11. Prior to issuance of a building permit for any future development on either of the two parcels, all utilities serving the parcels shall be installed underground and meet the design standards of the service provider.
12. Prior to issuance of a building permit for any future development on either of the two parcels, any conflicting, existing utilities shall be relocated at the applicant's expense.

Planning Department:

13. Owner/applicant shall apply for and receive all permits deemed necessary from the City of Orland Engineering, Public Works, and Building Departments, wherever applicable.

14. Prior to recording of the Parcel Map, the property owner shall fully abate, achieve compliance and close all open Code Enforcement and Building Code Enforcement cases open and pending on the property.

2. Proposed Amendments to Water and Sewer Service Charges.

Consider protests to proposed amendments to water and sewer charges.

Consider adoption of Resolution amending the service charges schedule establishing new water and sewer rates for Fiscal Years 2015-2016, 2016-2017, and 2017-2018, and for providing a CPI adjustment thereafter.

City Manager Carr gave a slide presentation and overview of the proposed water and sewer rate increases. Mr. Carr stated rates for water and sewer must increase to achieve deferred but required maintenance for ongoing operation and meet planned capital expenditure upgrades. Water allotment would also be reduced as a drought mitigation to help offset revenue declines as customers use less water. The City Engineer evaluated and determined the priority and estimated costs of planned projects. Rate comparisons were given. The proposed rates are as follows:

PROPOSED WATER RATES:

Proposed for Fiscal Year 2015-2016 (starting July 25, 2015):

	Inside City Limits	Outside City Limits
Fixed Bi-Monthly Charge Rate	\$38.60	\$77.20
Per 1,000 gallons over 12,000 gallons	\$1.00	\$2.00

Fiscal Year 2016-2017 (starting July 1, 2016):

	Inside City Limits	Outside City Limits
Fixed Bi-Monthly Charge Rate	\$46.30	\$92.60
Per 1,000 gallons over 12,000 gallons *	\$1.20	\$2.40

Fiscal Year 2017-2018 (starting July 1, 2017):

	Inside City Limits	Outside City Limits
Fixed Bi-Monthly Charge Rate	\$55.60	\$111.20
Per 1,000 gallons over 12,000 gallons *	\$1.50	\$3.00

* =restored to 15,000 when more than 183 days of the preceding fiscal year are not under State of California mandated drought restrictions.

PROPOSED SEWER RATES:

Proposed for Fiscal Year 2015-2016 (starting July 25, 2015):

	Inside City Limits	Outside City Limits
Fixed Bi-Monthly Charge Rate	\$39.50	\$79.00
Per 1,000 gallons over 12,000 gallons	\$0.50	\$1.00

Fiscal Year 2016-2017 (starting July 1, 2016):

	Inside City Limits	Outside City Limits
Fixed Bi-Monthly Charge Rate	\$45.40	\$90.80
Per 1,000 gallons over 12,000* gallons	\$0.60	\$1.20

Fiscal Year 2017-2018 (starting July 1, 2017):

	Inside City Limits	Outside City Limits
Fixed Bi-Monthly Charge Rate	\$52.20	\$104.40
Per 1,000 gallons over 12,000* gallons	\$0.70	\$1.40

* =restored to 15,000 when more than 183 days of the preceding fiscal year are not under State of California mandated drought restrictions. The overage charge shown here applies only to commercial customers.

City Clerk Crook advised she has received three protests votes at this time. The public hearing opened at 8:15 p.m. Merlyn Head, 65 E. Central Street, asked when the new increase would go into effect. Mr. Carr stated the new rates would be effective July 25th, therefore, the October 1st billing (7/25 – 9/25) would reflect a new rate increase. Lloyd Green, 1001 Benson Drive, agreed the new rates are still less than the water rates he pays in Willows. Mr. Green asked if the new Pilot Flying J Travel Center would also pay the new increase. Staff advised businesses would pay the same increase. Marjorie Palmer, 716 Shasta Street, submitted a letter of protest regarding the 3,000 gallon decrease in allotment of water. Ms. Palmer felt residents can conserve water without being punished by a reduction. Karli Olson, 598 Lynn Drive, read and submitted a letter of protest against the proposed increase in water and sewer rates. Ms. Olson felt the facts regarding the increase are misrepresented. Connie King, Orland resident, who owns parcels in town, felt the rate increase was too high. Wade Elliott, representing the homeowners at the Village at Fairview, advised residents water allotments may be disproportionately affecting residents as they don't even use near the 12,000 gallon level. Mr. Elliott stated other multiple family developments similar to the Village at Fairview (i.e. Paigewood), use less water individually, in comparison to a single family home the rates are based upon.

With no further comments, the public hearing closed at 8:30 p.m. Councilmember Gee stated the surcharge for the drought could definitely go away dependent on the weather situation. Councilmembers Roundy and Gee agreed that the City needs to plan ahead and take care of infrastructure issues. Councilmember Hoffman advised maintenance has been deferred for so long, that many pipes need to be fixed. Vice Mayor Edwards stated Mr. Elliott's concerns should be considered. Vice Mayor Edwards also had serious concerns with the tree situation during the drought and the aftermath it could cause this winter. Mayor Paschall stated it would be difficult to lower rates for one group of users and not the others. Mayor Paschall stated the pipes need to be replaced and rates increased to cover these costs. Councilmember Roundy advised the issue of multifamily residence water use should be well noted. Council thanked staff for all their work in addressing cost factors, drought issues, etc. City Clerk Crook verified she received four protests. Another protest was received by the City Clerk after Council action.

ACTION: Councilmember Roundy moved, seconded by Vice Mayor Edwards to adopt Resolution No. 2015-18 amending the service charges schedule establishing new water and sewer rates for fiscal years 2015-2016, 2016-2017, and 2017-2018, and for providing a CPI adjustment thereafter. The motion carried by the following voice vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Staff agreed to evaluate the Elliott/Village concern and report back to Council.

ADMINISTRATIVE BUSINESS

City Manager:

City Manager Carr gave an update on drought mitigation/water conservation measures. Regulations on lawn irrigation have been the most common questions received by staff. Several customers have received warnings and/or personal contact in regards to watering restrictions. The most common mistake has been watering on the wrong day of the week. No fines have been issued to date. The well levels have been inspected monthly and are generally consistent with 2013 and 2014.

City Manager Carr gave an update on local economic development projects. The Planning Commission recently approved the Pilot Flying J project and annexation. There will be a public hearing at the next regularly scheduled Council meeting on August 3, 2015. Starbucks is in construction and scheduled to open by the end of September. The online video showcase is coming along very well. The Economic Development Commission has been busy working on downtown signage, facade improvement, lodging, etc.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Roundy reported on the following:

- Quarterly LOCC meeting in Winters this Friday;
- Annual League Conference will be held in San Jose in Sept.;
- Attended Planning Commission meeting;
- Attended luncheon at Farwood ; guest speaker Assemblyman Gallagher.

Councilmember Hoffman reported on the following:

- A movie in the park scheduled for Saturday.

Councilmember Gee reported on the following:

- Attended GSRMA meeting; new investment advisor;
- Attended Assemblyman Gallagher luncheon;
- Will be attending California Joint Powers Authority meeting in Sept.;
- Otters Invitational Swim meet was well attended.

Vice Mayor Edwards reported on the following:

- Transportation Commission campaigning to buy half price tickets for Glenn Ride this month;
- Attend Library Commission meeting; Ms. Perez stepped in for Library Director Meza;
- UC Davis Ag Department and Extension will be holding meeting on how to take care of trees during the drought;
- Commended new restaurant – East Coast Foods on food and cleanliness.

Mayor Paschall thanked staff and Pete for the well-informed presentation on proposed water/sewer rates.

ADJOURN

Meeting adjourned at 9:11 p.m.

_____ City Clerk

_____ Mayor