

MINUTES OF REGULAR MEETING, ORLAND CITY COUNCIL, Monday May 5, 2014 7:30 p.m.

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
Salina Edwards and Mayor Jim Paschall

Councilmembers absent: None

Staff present: Finance Director Daryl Brock, City Engineer Ken Skillman, City Planner
Scott Friend, Chief of Police J.C. Tolle (arrived at 7:55 p.m.), City
Attorney Greg Einhorn, Assistant City Manager Angie Crook and City
Manager Pete Carr

ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments:

Joseph Baugher, 226 Stonycreek Dr., stated his concerns and those of other neighbors regarding the increased traffic on his street to and from Stony Creek. Mr. Baugher submitted photographs of debris that has accumulated in the creek and is a concern for increased fire danger. Mr. Baugher requested the City contact the property owners to consider erecting a gate and fence so there would be limited access to the creek.

Rick Kuntz, 213 Stonycreek Dr., stated he had concerns of the constant traffic on Stonycreek Drive to the creek.

Bea Bible, 220 Stonycreek Dr., advised she walks down to the creek every day and sees wildlife, garbage, bonfires smoldering, etc. She advised it is a dangerous situation and access should be limited to the creek.

Ray Gollnick, 120 Woodhaven Ct., stated there is a significant fire danger and would like to see warning signs posted of the dangers.

Louis and Ann Johnson, 2018 Stonycreek Dr., stated there is too much traffic on Stonycreek Dr.

Council advised they understand the citizens' concerns; however, it will need to be investigated further.

Mayor Paschall read a proclamation declaring May 11 through May 17, 2014 as "National Police Week" with Special Recognition of May 4 – 5, 2014 as "California Peace Officer Memorial Ceremonies" and May 15, 2014 as "National Peace Officers Memorial Day."

Presentation:

Chief of Police J.C. Tolle was to present the "Police Officer of the Year" award. The presentation was postponed until the next regularly scheduled Council meeting.

CONSENT CALENDAR

- A. Approve Warrant List (payable obligations).
- B. Approve City Council minutes for April 7 and April 21, 2014.
- C. Receive and file Orland Arts Commission minutes for March 19, 2014.
- D. Receive and file Planning Commission minutes for February 20, 2014.
- E. Receive and file Economic Development Commission minutes for March 11, 2014.
- F. Consider passage for second reading and adoption of Ordinance No. 2014-04 entitled "An Ordinance of the City Council of the City of Orland amending Title 8 of the Orland Municipal Code to regulate smoking and secondhand smoke."

ACTION: Councilmember Gee moved, seconded by Vice Mayor Edwards to approve the consent calendar as presented. The motion carried 5-0 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. Zoning Ordinance Text Amendment- Adult Oriented Business (ZCA 2014-02) A city-initiated amendment to Title 17, Zoning, of the City of Orland Municipal Code to regulate adult oriented businesses. The amendment would add definitions and development standards for adult oriented businesses; and include adult oriented businesses in the Industrial Use Table.

City Planner Friend presented for introduction and first reading the proposed amendment to Title 17 regulating Adult Oriented Businesses. The Orland Planning Commission has recommended approval to the Council, which would establish a new Municipal Code Chapter containing definitions and development standards for adult oriented businesses. Regulations would establish a minimum 1,500 foot spacing requirement between one adult oriented business and another adult oriented business, as well as parks, playgrounds, and churches or any establishment likely used by minors. In addition, regulations would only allow adult oriented business in the M-H, Heavy Industrial Zone and would require the granting of a use permit. Development standards would also apply, such as lighting minimums, employee staffing etc. Mr. Friend stated about three parcel were identified as to a possible location for an adult oriented business. Vice Mayor Edwards stated 250 feet was inadequate for residences to be located next to an adult oriented business. Mr. Friend advised we cannot prohibit this type of business. City Attorney Einhorn explained it precludes any adult business in the city, except for the area identified as the old "Crystal Geyser" location. Vice Mayor Edwards stated Item H. (Personnel Registers of Entertainers) should state "available for inspection by the Chief of Police or his designee. Mr. Einhorn advised it could be changed to "Orland Police Department".

The Public Hearing opened for comments at 7:57 p.m. Byron Denton, 127 Tanner Way, advised he would hope this type of business would go broke. Marcy Porras, 6237 County Road 9, advised the City needs to prevent this type of business from coming into the community; would assist in a petition. Joseph Baugher thanked the Council for trying to make it as difficult as possible to

prevent this type of business in coming in. The Public Hearing closed at 8:03 p.m.

Mayor Paschall advised we cannot prohibit this kind of business from coming in; we can only strictly regulate it. Councilmember Gee questioned if the City has any obligation to County residents. City Attorney Einhorn advised the Conditional Use Permit requirement would provide certain conditions and notification to those that live within 300 feet from a proposed project. Councilmember Roundy advised the City and County should have discussions to be clear that all jurisdictions are on the same page.

ACTION: Councilmember Hoffman moved, seconded by Councilmember Roundy to determine the project is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3); and approve ZCA#2014-02 and conduct the first reading of Ordinance No. 2014-XX amending Title 17, Zoning, by adding Chapter 17.86 – Adult Oriented Businesses and amending Sections 17.44.030 and 17.52.040; including the abovementioned amendment to include Orland Police Department. The motion carried 5-0 by the following voice vote:
AYES: Mayor Paschall, Vice Mayor Edwards and Councilmembers Gee, Hoffman and Roundy.
NOES: None
ABSENT: None
ABSTAIN: None

2. Conduct a public hearing to receive public input regarding Unmet Transit Needs – Mardy Thomas, Glenn County Senior Planner

Mardy Thomas gave the annual review of the Unmet Transit Needs process and requested public comments to address any concerns. Mr. Thomas noted ridership is up 10% for Glenn Ride. Mr. Thomas noted ridership is mainly students going to Butte College. Ridership has struggled at times for the Dial-a-Ride in Orland, however, it is doing better.

The Public Hearing opened for comments at 8:14 p.m. Byron Denton advised Glenn Ride is a tremendous benefit to the area. Mr. Denton stated he had not been in favor of running the bus on Saturday's, however, Mr. Thomas previously advised him that ridership on Saturday's consists mostly of riders going to work. With no further comments the Public Hearing closed at 8:16 p.m.

Vice Mayor Edwards requested that bus information be furnished to the local doctors and dentists in town. Mr. Thomas advised there are possibilities of bus service from Corning to Orland in the future.

ADMINISTRATIVE COMMUNICATIONS

City Engineer:

City Engineer Skillman brought forward for review and consider the adoption of Resolution No. 2014-05 to adjust water/sewer rates. Annual review of the rates is determined by the Consumer Price Index (CPI) for a period from March, 2013 to March, 2014. The new rates would increase by 3.4%. The proposed rates are \$30.85 bi-monthly for water and \$32.90 bi-monthly for sewer.

ACTION: Councilmember Roundy moved, seconded by Councilmember Hoffman to adopt Resolution No. 2014-05 to adjust water/sewer rates. The motion carried 5-0 by the following voice vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

City Engineer Skillman brought forward for review and consider the adoption of Resolution No. 2014-06 for annual adjustments to Main Replacement Charges, Capacity Fees and Lateral Installation Charges. The increase is based on the Consumer Price Index (CPI) which is 3.4%. This increase reflects the corresponding rise in related construction and material costs associated with these fees.

ACTION: Councilmember Hoffman moved, seconded by Councilmember Gee to adopt Resolution No. 2014-06 for annual adjustments to Main Replacement Charges, Capacity Fees and Lateral Installation Charges. The motion carried 5-0 by the following voice vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

City Engineer brought forward for review and consider the adoption of Resolution No. 2014-07 to adjust Maintenance District Assessments. Staff reviewed all maintenance district assessments and it was determined that a slight increase of 3.4% in these assessments is warranted due to rising costs of products and materials used to perform the operations and maintenance of each district.

ACTION: Councilmember Hoffman moved, seconded by Councilmember Roundy to adopt Resolution No. 2014-07 to adjust Maintenance District Assessments as presented. The motion carried 5-0 by the following voice vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

City Manager:

City Manager Carr and Finance Director Brock brought forward for discussion and review the 2014-2015 Preliminary Enterprise Fund Budget. Major projects related to the enterprise funds include a CDBG grant-funded well capacity study and the purchase and installation of a new sewer headworks and flow monitoring system for the wastewater treatment plant. Water and sewer rates will increase 3.4% this next fiscal year. The water fund is anticipating a cash balance on June 30,

2013 of approximately \$51,000. The sewer fund is recovering from a negative cash flow and anticipates a balance to be \$15,000 at the end of the fiscal year. The City may begin construction of a new well on Eva Drive, dependent on funding from the State Revolving Fund application. City Manager Carr recommended planning for upgrades or replacements on the brine ponds this coming year.

Councilmember Gee asked if the State Income tax intercepts will take place this year for delinquent accounts. Mr. Carr confirmed it will be done this fall. Councilmember Roundy requested the amount of delinquent accounts and late charges to date.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Roundy reported on the following:

- Will be attending Water Advisory Board meeting tomorrow at 1:30 p.m.;
- American Legion planted trees at Bihler field; thanked city crew for their help;
- Attended City golf tournament.

Councilmember Hoffman reported on the following:

- Attended VIPS dinner; great turnout and dinner.

Councilmember Gee reported on the following:

- City/County EDC meeting is cancelled;
- Attended Plant sale and Chamber of Commerce craft show;
- Attended VIPS graduation and dinner.

Mayor Paschall reported on the following:

- Attended Glenn Chorale performance;
- Attended VIPS graduation.

ADJOURN

Meeting adjourned at 9:10 p.m.

_____Clerk

_____Mayor