

**MINUTES OF THE ORLAND CITY COUNCIL**  
**REGULAR MEETING HELD October 5, 2021**

**CALL TO ORDER**

Meeting called to order by Mayor Roundy at 6:30 p.m.

Meeting opened with the pledge of allegiance.

**ROLL CALL**

Councilmembers present: Councilmembers Dennis Hoffman, Chris Dobbs, Billy Irvin  
*(arrived at 6:45pm)*, Vice Mayor Jeffrey A. Tolley and Mayor  
Bruce T. Roundy

Councilmembers absent: None

Staff present: City Manager, Peter Carr; City Attorney, Greg Einhorn; City  
Clerk/Administrative Services Manager, Janet Wackerman,  
Public Works Director, Ed Vonasek; Fire Chief Justin Chaney;  
City Engineer Paul Rabo, City Planner Scott Friend and Police  
Chief, Joe Vlach

**ORAL AND WRITTEN COMMUNICATIONS**

Citizen Comments: Lindsey Mower, resident, requested Councilmembers consider a dog park for Orland. She stated she has received a lot of feedback strongly advocating for one and offered to help in any way to make the park happen.

**PRESENTATION** - Sustainable Groundwater Management Act (SGMA) Groundwater Sustainability Planning - Lisa Hunter, Glenn County Water Resource Coordinator

Ms. Hunter gave an overview of the Plan, pointing out its organization and how it will be eventually implemented once it is accepted by agencies in the Glenn Groundwater Authority.

*(Councilmember Irvin arrived at 6:45pm)*

Mayor Roundy stated more discussion about the plan will be held at a future Council meeting. Mr. Carr added that it is important to protect drinking water by having good objectives and thresholds in place. He asked Ms. Hunter who would hold the Glenn Groundwater Authority accountable? She stated the State is the backstop so if not making reasonable progress, can come in to manage the Authority.

Ms. Hunter encouraged everyone to review the plan on the County's website and use the public comment period before the final draft is adopted.

**CONSENT CALENDAR**

- A. Approve Warrant List (payable obligations).
- B. Approve City Council minutes for September 21, 2021.
- C. Adopt Resolution 2021-21, Resolution for Paying and Reporting the Value of Employer-Paid Member Contribution.
- D. Contract Award for Liberty Bell Apartments Administrative Services.

Mayor Roundy asked if any Councilmember would like to pull anything from the consent calendar. Vice Mayor Tolley moved, seconded by Councilmember Irvin to pull items B and D. The motion carried 5-0 to pull and discuss items 6B and D.

Councilmember Irvin asked for clarification on how Housing Tools was selected for administrative services. Ms. Wackerman explained there was a selection process where proposals received were ranked from 0 to 100 by three City staff members. Councilmember Irvin asked what did one have over the other. Ms. Wackerman stated she has worked with both contractors, but Housing Tools is local and has a larger staff so that gave them a higher ranking. She added that the contractor will be providing services that cannot be performed adequately by City staff.

Vice Mayor Tolley asked that the word "agricultural" be removed from page 2, paragraph three, first sentence. He added that he had reviewed the tape of the meeting and found that he had not used that word to describe what wells he was asking about. City Clerk Wackerman stated the word will be removed before the minutes are printed into the official record.

Action: Vice Mayor Tolley moved, seconded by Councilmember Dobbs to approve the consent calendar. The motion carried 4-1 by the following voice vote:  
AYES: Councilmembers Dobbs and Hoffman, Vice Mayor Tolley and Mayor Roundy  
NOES: Councilmember Irvin  
ABSENT: None  
ABSTAIN: None

## **ADMINISTRATIVE BUSINESS**

### **A. Policy Change — Irrigation Canal and Irrigation Lateral Canal Undergrounding and Surface Treatment (Discussion/Action) — Scott Friend, City Planner**

Mayor Roundy introduced Scott Friend, City Planner, to present the agenda item.

Mr. Friend stated Staff engaged the Board of the Orland Unit Water Users Association in a dialog about proposed policy changes to the City's irrigation canal policy. Staff recommended to the Board that limits to the size of pipe would determine whether it is placed underground. Any pipe 30" or less would be required to be placed underground and anything greater than 30" would not be required to be underground but will be fenced per City and OUWUA standards for access, maintenance, and access control. Mr. Carr noted that the letter from OUWUA states they did not vote on the policy, but City Staff received no negative feedback from the Board.

Vice Mayor Tolley asked if Attachment A was what the City wants and also OUWUA. Mr. Friend stated City prepared the document which was a reflection of concerns heard over the years from the OUWUA. Mr. Carr added that the important part of Attachment A is in the box "Proposed City Policy."

Councilmember Irvin asked why the difference in 30" diameter or not and why not all canals or not. Mr. Friend stated the OUWUA Board suggested 30", Staff originally had 24", so 30" was selected. Mr. Rabo added that pipe size increases costs for the project and as Mr. Friend stated, 24" was suggested until input from OUWUA Board and it was switched to 30". Councilmember Irvin stated he thought the policy was going to be to not cover at all. Mr. Rabo stated with Staff and input from OUWUA, this policy seemed reasonable to keep it at a small pipe diameter. Councilmember Irvin asked why it never came back to City Council to cover the canals. Mr. Friend stated it was discussed at the Council's August meeting and Staff was directed to have a dialogue with OUWUA Board.

Rick Massa, OUWUA Manager, stated he found Mr. Rabo's presentation that he gave at the OUWUA Board meeting outstanding. He added that at the Board meeting attended by City Staff, only one Board member mentioned everything under 30" should be underground. There was no vote, just discussion that was welcomed and appreciated. He recognized the pressure requirement was pretty

high for a while and it has been lowered to 50 PSI but the Board may discuss lowering it. He urged Councilmembers to work with OUWUA. Councilmember Irvin asked Mr. Massa what the action/reaction would be if the policy was passed. Mr. Massa stated he didn't want to make threats but that if you want to cross a ditch, it may be tough.

Councilmember Hoffman asked how long it would take the OUWUA Board to okay the 30" pipe. Mr. Massa stated there is a lot of detail in Attachment A. Lateral 40 and SC by the high school are very expensive to underground and that would be the kind of project that would get traction. There are other problems that the OUWUA has besides the existing ditches with fences and that is with trash and weeds collecting and complaints about spraying. He agrees dedicating a one-foot strip to the City will give them enforcement and is a good idea but it will have to go thru the Bureau of Reclamation. He also agrees that an assessment district could be put into place. Councilmember Hoffman asked if the developer could go before the Board for each site. Mr. Massa stated he cannot speak for the Board but something that seems reasonable would be site by site.

Councilmember Irvin asked how the big ditch by the Arch got covered and who paid for it. Mr. Massa stated that was part of the Hoff Subdivision and was before he became OUWUA Manager. The ditch behind the high school was covered with State funds when the high school campus was expanded. He offered that the Creekside Subdivision that is currently under review would be a good example of a case-by-case basis for the open canal that is present there. Councilmember Irvin asked why the land on top of the covered canal is never used even though the developer paid for the cost to cover it. Mr. Massa stated OUWUA tries to keep up their right-of-way the best they can.

Councilmember Dobbs asked if there was a timeline for when this policy can go to the OUWUA Board. Mr. Massa stated it will be discussed at their October 14th meeting.

Mike Visinoni, M& D Development/Visinoni Construction, asked for the Councilmembers to think about the impact on new construction the canals present. He added that a lot of people live in Chico and can't afford homes there or with COVID, can now work anywhere. He had applied in April to OUWUA to cover the pipeline adjacent to the homes he is building at Linwood II and has still not heard from them. He is unable to sell any lots until receiving an authorization from OUWUA to cross their canals. Issues with the canal requirements are killing the costs and City should think about what is best for the City.

Vice Mayor Tolley stated he appreciated Councilmembers Hoffman and Dobbs comments. He added we need to act like a city and what Mr. Visinoni is saying why we need to act. He wants to work together but we need deadlines. He asked OUWUA to get back to Council to tell them what they think. Moving forward, safety is extremely important.

Mayor Roundy stated this has been an issue for some time and health and safety has been at the forefront. He likes the fencing idea and doesn't see a problem with it. This is very important for our community for its growth and economic development.

Councilmember Hoffman moved to direct Staff to draft an ordinance to modify the policy for a case-by-case basis. Motion died from lack of a second.

Mr. Friend stated a case-by-case basis does not advance the ball; if a potential developer doesn't know if they have to underground or not it keeps an uncertainty. A standard is created with the policy.

Mr. Carr stated the draft Policy doesn't need an ordinance, just a minute order.

Mr. Carr stated a developer will go elsewhere because of the uncertainty of whether they can develop or not. There are a considerable number of properties that cannot be developed because of their proximity to canals.

Councilmember Irvin asked if this is for safety, why couldn't the City come up with the funding after 31 years. Mr. Einhorn stated the canals are not City property. He added the City doesn't have the legal basis to require all owners adjacent to canals put up fencing, but it can be a condition of development. Policy was intended to promote development but also promotes public safety.

Mr. Rabo stated the OUWUA Board was presented conditions that City would impose to developers. Fence would go on developers' property and there would be abutters rights and one-foot easements, creating City authority to maintain along the fence and enforce codes. A maintenance district would be established with the property owners. Homeowners would maintain the fence. After several calls with Mr. Massa, he understood maintenance was an issue. A pull thru access at either end of the fence will be available. Mr. Friend added the policy provides that if the project is phased, prior to the first home occupied, improvement of the full length of the property needs to be in place in the first phase.

Councilmember Irvin asked why the one-foot easement. Mr. Friend stated if there is dumping over the fence, the City can engage. Mr. Vonasek stated the City is trying to be a good neighbor.

Mayor Roundy stated safety and maintenance have been thought thru.

Action: Councilmember Hoffman moved to adopt a modified policy addressing when, where and how irrigation canals shall be placed underground in the City of Orland as outlined in the Policy Position and Recommendation Paper dated October 5, 2021, seconded by Councilmember Dobbs. The motion carried 4-1 by the following voice vote:

AYES: Councilmembers Hoffman and Dobbs, Vice Mayor Tolley and Mayor Roundy  
NOES: Councilmember Irvin  
ABSENT: None  
ABSTAIN: None

### **B. Fire Dispatch Services MOU (Discussion/Action)— John Mc Dermott, 1st Assistant Chief**

Assistant Chief McDermott stated County of Glenn along with fire chiefs of Orland and Willows and all districts in the County are in agreement to provide unified dispatch services through the Glenn County Sheriff's office. He expects the consolidated system will shave at least 2 to 5 minutes off their notification/response time. Councilmember Irvin asked how they could get any quicker than they are now.

Action: Councilmember Dobbs moved, seconded by Councilmember Irvin, to approve the Centralized Fire Dispatch Services MOU as presented. The motion carried, 5-0 by the following voice vote:

AYES: Councilmembers Dobbs, Irvin and Hoffman, Vice Mayor Tolley and Mayor Roundy  
NOES: None  
ABSENT: None  
ABSTAIN: None

### **C. City Consultant Compensation (Discussion/Action) — Pete Carr, City Manager**

Mr. Carr updated Councilmembers on the status of agreements and compensation rates for the city's professional services consultants as requested by Vice Mayor Tolley.

Vice Mayor Tolley stated he had zero grievances when he brought it up and zero grievances now but just wants transparency in government for the citizens of the town. He added that Mr. Einhorn and paid employees are doing a great job and no problems were raised.

Action: Vice Mayor Tolley moved, seconded by Councilmember Hoffman to approve contract updates of the City Attorney, City Engineer, City Planner, City Accounting Consultant and the City Building Inspector. Motion carried 5-0 by the following voice vote:

AYES:	Vice Mayor Tolley, Councilmembers Hoffman, Irvin and Dobbs, Mayor Roundy
NOES:	None
ABSENT:	None
ABSTAIN:	None

Mayor Roundy commended the City Manager and the City addressing transparency.

### **C. Verbal Update on Drought Conditions (Discussion/Direction) — Pete Carr, City Manager**

Mr. Carr reported that at present there are 215 distressed and 150 dry wells. A total of 210,000 gallons of water has been sold to date in bulk sales to County residents. Another bottled water distribution is scheduled for October 6, 2021. Glenn County received funding from the Department of Water Resources (DWR) to provide shower vouchers, bulk water and bottled water. A meeting will be held October 14 to provide information on drought assistance and how County residents can connect to the City's water system.

Water production for September was 64.7 million gallons, 1% less than usage for September 2020. In 2013 usage was 83 million gallons. Wells levels are steady and are not seeing much drop.

Staff has been working with DWR to increase wells and storage capacity. The \$7.8 million that is available will allow mains to be constructed in the County where there is the highest concentration of dry wells. Laterals and meters up to the homes will also be funded by the State. Any connections in the County will be charged the established rate for non-city customers, which is double the city rate.

Councilmember Hoffman asked if the water usage chart took into consideration an increase in population. Mr. Carr stated he did not adjust for a population increase and the census shows an increase around 1% per year.

Jody Samons, EB3 Development, announced the North Valley Community Foundation has received a \$1.8 million grant to help with costs for those experiencing dry wells. There will be an information hotline available for inquiries on tanks, pumps and shower vouchers. Mr. Carr stated there will be more information at the October 14 meeting.

### **CITY COUNCIL COMMUNICATIONS AND REPORTS**

Councilmember Hoffman:

- Nothing to report.

Councilmember Irvin:

- Has attended two football games and found the Orland High stadium and field amazing;
- Visited the Habitat for Humanity site in Yuba City.

Councilmember Dobbs

- Will be attending meetings for the Fire Department and the Glenn County Fish & Game next Wednesday.

Vice Mayor Tolley:

- Attended the memorial service for local business owner Brittany Hibdon;
- Also noted the passing of Jerry Palmer, former Commissioner on the Public Safety Commission;
- Visited the Habitat for Humanity site in Yuba City.

Mayor Roundy:

- Visited the Habitat for Humanity site in Yuba City;
- Attended the play *Hamilton* and highly recommends it;
- LAFCO's October meeting has been cancelled.

**ADJOURN TO CLOSED SESSION AT 9:01 P.M.**

**CITIZEN COMMENTS ON CLOSED SESSION ITEMS — None**

**CLOSED SESSION** — Pursuant to Government Code Section 54956.8: Conference with Real Property Negotiators, the City Council will hold a Closed Session. More specific information regarding this meeting is indicated below.

PROPERTY: APN 040-145-015, 011 and 013  
 AGENCY NEGOTIATOR: Pete Carr, City Manager  
 NEGOTIATING PARTY: Gary Campbell  
 UNDER NEGOTIATION: Price and terms of payment.

PROPERTY: APN 046-290-004  
 AGENCY NEGOTIATOR: Pete Carr, City Manager  
 NEGOTIATING PARTIES: Nancy A. Villalobos Trust.  
 UNDER NEGOTIATION: Price and terms of payment

**RECONVENE TO REGULAR SESSION — 9:12 P.M.**

**REPORT FROM CLOSED SESSION** - Direction was given to staff.

Meeting Adjourned 9:13 P.M.

Janet Wackerman, City Clerk

Bruce T. Roundy, Mayor