

CITY COUNCIL

Dennis Hoffman, Mayor
Jeffrey A. Tolley, Vice-Mayor
Bruce T. Roundy
William "Billy" Irvin
Chris Dobbs

CITY OFFICIALS

Jennifer Schmitke
City Clerk

Leticia Espinosa
City Treasurer

CITY OF ORLAND

INCORPORATED 1909

815 Fourth Street
ORLAND, CALIFORNIA 95963
Telephone (530) 865-1600
Fax (530) 865-1632



CITY MANAGER

Peter R. Carr

AGENDA REGULAR MEETING, ORLAND CITY COUNCIL

Tuesday, April 5, 2022

This meeting will be conducted pursuant to the provisions AB361 which suspends certain requirements of the Ralph M. Brown Act.

This City Council meeting will be held at Carnegie Center, 912 Third Street, Orland and teleconferenced using Zoom technology. Councilmembers and City staff may choose to be in person or remote.

The public is encouraged to participate in the meeting via Zoom or can participate at Carnegie Center.

ZOOM Link ID# 817 3643 8150

ZOOM Telephone - Please call: 1 (669) 900-9128

1. CALL TO ORDER – 6:30 P.M.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ORAL AND WRITTEN COMMUNICATIONS

A. Public Comments:

Members of the public wishing to address the Council on any item(s) not on the agenda may do so at this time when recognized by the Mayor. However, no formal action or discussion will be taken unless placed on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. Please direct your comments to the Mayor or Vice Mayor. **(Oral communications will be limited to three minutes).**

5. **CONSENT CALENDAR**

- A. Warrant List (payable obligations) (p.1)
- B. Approve City Council Minutes for March 15, 2022 (p.7)
- C. AB361 Compliance (p.18)
- D. Purchase of Materials for Evidence Facility (p.20)
- E. Fire Department Labor Cost Share MOU (p.21)
- F. Third Quarter Report on Fiscal Year Objectives (p.30)

- G. Receive and file Arts Commission Minutes of February 16, 2022 (p.32)
- H. Receive and file Arts Commission Minutes of March 16, 2022 (p.33)
- I. Receive and file Library Commission Minutes of January 10, 2022 (p.34)
- J. Receive and file Recreation Commission Minutes of January 26, 2022 (p.35)
- K. Zoning Code Amendment – Second Reading: Adoption of Objective Design Standards (p.38)
- L. Municipal Code Amendment ZCA #2022-02 – Second Reading: Proposed amendments to revisions to: Revise Title 17 Zoning to include new State requirements for Accessory Dwelling Units and Junior Accessory Swelling Units (p.63)
- M. Municipal Code Amendment ZCA #2022-003 – Second Reading: Proposed amendments include revisions to: Revise Title 17 Zoning to include requirements for Electric Vehicle Charging Stations (p.77)

6. ADMINISTRATIVE BUSINESS

- A. Verbal Update on Drought Conditions and Water Connection Project (Discussion) – Pete Carr, City Manager
- B. Orland Area Water Supply Project (Discussion/Action) – Pete Carr, City (p.81)
- C. Fiscal Year 2022-23 Budget Discussion #1: Assumptions, Capital Improvement Planning, DIF, Staffing, General Fund (Discussion/Direction) – Pete Carr, City (p.84)
- D. Use of American Rescue Plan Act (ARPA) Funds (Discussion/Action) – Pete Carr, City (p.92)
- E. Graffiti Abatement (Discussion/Direction) – Pete Carr, City Manager (p.96)

7. CITY COUNCIL COMMUNICATIONS AND REPORTS

8. CLOSED SESSION

- A. Public Comments: The Public will have an opportunity to directly address the legislative body on the item below prior to the Council convening into closed session. Public comments are generally restricted to three minutes.
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Government Code Section 54956.8
Property: 824 4th Street, Orland, California
Agency negotiators: Pete Carr; Greg Einhorn
Negotiating parties: Julie van Tol
Under negotiation: price and terms of payment
- C. CONFERENCE WITH LABOR NEGOTIATION
Government Code Section: 54957.6
Agency Negotiators: Peter R. Carr; Rebecca Pendergrass; Greg Einhorn
Council Members Bruce Roundy and Billy Irvin
Employee Organizations: United Public Employees of California Local #792 (Mid Management and General Units); Orland Police Officers Association; Unrepresented Employees (All other not in UPEC)

9. RECONVENE TO REGULAR SESSION

10. REPORT FROM CLOSED SESSION

11. ADJOURN

CERTIFICATION: Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on March 30, 2022.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street, in Orland or on the City's website at www.cityoforland.com where meeting minutes and audio recordings are also available.

In compliance with the Americans with Disabilities Act, the City of Orland will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's Office 865-1610 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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CITY MANAGER

Peter R. Carr

WARRANT LIST

April 5, 2022

Warrant	3/30/22	\$	235,099.30
Payroll Compensation	3/24/22	\$	103,455.35
Payroll Compensation	3/10/22	\$	110,194.90
PERS	3/17/22	\$	21,956.19
		\$	<u>470,705.74</u>

APPROVED BY

Dennis Hoffman, Mayor

Jeffrey A. Tolley, Vice-Mayor

Bruce T. Roundy, Councilmember

William "Billy" Irvin, Councilmember

Chris Dobbs, Councilmember

REPORT.: Mar 30 22 Wednesday
 RUN...: Mar 30 22 Time: 13:05
 Run By.: Leticia Espinosa

CITY OF ORLAND
 Cash Disbursement Detail Report
 Check Listing for 03-22 thru 03-22 Bank Account.: 1001

PAGE: 001
 ID #: PY-DP
 CTL.: ORL

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
054823	03/29/22	NOR29	NORTH VALLEY INDUSTRIES I	-288.77	INV2862u	Ck# 054823 Reversed
055097	03/29/22	RED00	REDDING-EUREKA FREIGHTLIN	-24.85	63642u	Ck# 055097 Reversed
055113	03/16/22	HAR06	TRAVIS HARRIS	237.00	03152022H	FD/MEASURE A PER DIEM 3/21/22-3/25/22
055114	03/17/22	GLE14	GLENN COUNTY	225.00	03172022H	ENGINEER/DWR WATER - MAP FEE
055115	03/25/22	CLE05	JUDY CLEVER	50.00	03252022H	AC/CLEANING OF GALLERY
055116	03/25/22	WES16	West Mitsubishi	3000.00	03252022H	COUNCIL/FACADE IMPROVEMENT
055117	03/25/22	POS00	POSTMASTER	1230.99	MARCH2522H	WATER/SEWER BILLING
055118	03/25/22	GLE14	GLENN COUNTY	211.50	03252022H	ENGINEER/DWR WATER - MAP FEE
055119	03/30/22	4LE00	4 LEAF INC.	4745.91	J0741-22B	BD/PLAN REVIEW COMMERCE LN & NEWVILLE RD
055120	03/30/22	ABS01	ABSOLUTE HEATING & AIR	278.00	211340-1	BM/AC REPAIR FOR LIBRARY
055121	03/30/22	AIR01	Airgas-USA, LLC	384.02	123758025	FD/MEASURE A - MEDICAL OXYGEN
055122	03/30/22	ALL11	All In Vinyl & Design	107.75	03152022	PD/6FT BANNER
055123	03/30/22	AMA02	SYNCB/AMAZON	839.74	03102022	LIB/ZIP BOOKS
055124	03/30/22	AND06	EDGAR ANDRADE	100.00	APRIL2022	Measure A UNIFORMS
055125	03/30/22	ATT05	A T & T	151.99	17874017	FD/MEASURE A -PHONES
055126	03/30/22	ATT06	A T & T	22.56 22.56 276.96 874.57 22.56	03102022 03122022 03292022 17915336 WHMAR2022	PW/HL LIFT STATION -470 PW/AIRPORT LIFTSTATION - 906 PW/WELL COMMUNICATIONS MULTI-DEPTS/PHONE PW/WH LIFT STATION - 843
			Check Total.....:	1219.21		
055127	03/30/22	ATT07	A T & T	138.09 33.97	3/25/22 03072022	AC/PHONE SERVICE PW/SHOP
			Check Total.....:	172.06		
055128	03/30/22	ATT09	AT&T MOBILITY	845.32	MARCH2022	PD/CELL PHONE SERVICE (14)
055129	03/30/22	ATT10	AT&T MOBILITY (FIRST NET)	144.11 98.35	03292022 X03022022	PW/CELL PHONE USAGE MARCH FD/MEASURE A CELL PHONES
			Check Total.....:	242.46		
055130	03/30/22	BAL00	Knife River Construction	549.52	268719	STREETS/ASPHALT
055131	03/30/22	BAM00	BAMBAUER TOWING SERVICE	187.00 325.00	50112 50276	BAMBAUER TOWING SERVICE PW/VAC TRUCK TOWING
			Check Total.....:	512.00		
055132	03/30/22	BAS00	Basic Laboratory, Inc	1166.00	03292022	PW/LAB SERVICES
055133	03/30/22	BHU00	BHUPINDER SINGH	825.00	MARCH2122	COUNCIL/FACADE IMPROVEMENT
055134	03/30/22	BJO01	Beth Bjorklund	50.00	03262022	AC/GALLERY SHOW HANGING APRIL-MAY 2022
055135	03/30/22	BWC00	W.B. BENBOW	672.00	518	PW/SCADA SOFTWARE MONITORING & COORDINATION
055136	03/30/22	CAL23	CALIFA GROUP	3811.66	5380	LIB/BROADBAND INTERNET OCT-DEC2021
055137	03/30/22	CES00	Kyle Cessna	100.00	APRIL2022	Measure A UNIFORMS
055138	03/30/22	CLE05	JUDY CLEVER	12.47	03162022	AC/SUPPLYS
055139	03/30/22	COM02	Comcast	399.95	3222022	FD/INTERNET FOR FIREHOUSE
055140	03/30/22	COR04	CORBIN WILLITS SYSTEMS	508.34	00C203151	MULTI-DEPTS/MONTHLY SOFTWARE SUPPORT
055141	03/30/22	COR05	Corning Ford	453.91	806,839,8	PW/FLEET PARTS
055142	03/30/22	DOB01	CHRIS DOBBS	300.00	MARCH2022	CITY COUNCIL STIPEND
055143	03/30/22	ECO01	ECORP CONSULTING, INC	13385.00 31394.26	95253 95936,37,	PLANNING/PROFESSIONAL SERVICES PROFESSIONAL SERVICES/LINWOOD II,ORLAND PK,MAVERIK
			Check Total.....:	44779.26		
055144	03/30/22	FLE04	FLEMING, JOHN	2425.00	3/9-3/29	BD/INSPECTION SERVICES

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Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
055145	03/30/22	FLO03	JOSE FLORES	100.00	APRIL2022	Measure A UNIFORMS
055146	03/30/22	FRA00	FRANCOTYP-POSTALIA, INC.	126.07	105252456	MULTI-DEPST/POSTAGE METER RENTAL
055147	03/30/22	FUL00	KRISTOPHER FULLMORE	100.00	APRIL2022	Measure A UNIFORMS
055148	03/30/22	GLE07	Glenn County Fair	300.00	03212022	PD/COMMERCIAL EXHIBITORS SPACE RESERVATION
055149	03/30/22	GOL01	GOLDEN STATE RISK	51501.30	APRIL2022	HEALTH, VISION & DENTAL INSURANCE
055150	03/30/22	GOL05	GOLDEN STATE EMERGENCY VE	1347.91	C1032299	FD/MEASURE A-PARTS FOR TRUCK#20,28,WFD#16
055151	03/30/22	GRA02	GRAINGER, INC.	116.08	113	PD/SUPPLIES
055152	03/30/22	GRO00	Ferguson Enterprises Inc	1263.90	8123,9174	PW/WATER MATERIALS
055153	03/30/22	HOF00	DENNIS G. HOFFMAN	300.00	MARCH2022	CITY COUNCIL STIPEND
055154	03/30/22	HOM00	HOME DEPOT CREDIT SERVICE	1400.26	03162022	PW/PICKLEBALL
055155	03/30/22	IRV00	BILLY IRVIN	300.00	MARCH2022	CITY COUNCIL STIPEND
055156	03/30/22	JOH02	SEAN JOHNSON	100.00	APRIL2022	Measure A UNIFORMS
055157	03/30/22	KEL01	KELLER SUPPLY COMPANY	1245.15	484,265	PW/MULTI-CHLOR WELLS
055158	03/30/22	LOW00	Katherine Lowery	100.00	APRIL2022	Measure A UNIFORMS
055159	03/30/22	MAR17	MARTINDALE, RYAN	100.00	APRIL2022	Measure A UNIFORMS
055160	03/30/22	MIL00	MILLER GLASS, INC.	144.74	3356456	FD/MEASURE A -WINDOW REPAIR
055161	03/30/22	MIL07	MILLS, DARYL	100.00	APRIL2022	Measure A UNIFORMS
055162	03/30/22	MIL09	DARYL MILLS	200.00	03142022	PD/PER DIEM TRAINING
				133.97	MARCH1422	PD/MILAGE REIMBURSEMENT MAR.7-11
			Check Total.....:	333.97		
055163	03/30/22	MME00	Municipal Maintenance Equ	1043.42	168012	SEWER-VACCON PARTS
055164	03/30/22	NOR06	NOR-MAC INC.	3247.75	82924-001	PW/PARKS SUPPLIES
055165	03/30/22	NOR35	Northern Tool & Equipment	232.57	49951098	PW/SHOP TOOLS
055166	03/30/22	OAC00	Orland Area Chamber of Co	1750.00	3RDQARPA	ORLAND AREA CHAMBER/11 - ARPA
				2812.50	MARCH2022	COUNCIL/QUARTERLY SUPPORT
			Check Total.....:	4562.50		
055167	03/30/22	ORL12	Orland-Laurel Masonic Hal	400.00	MARCH2022	AC/RENT
055168	03/30/22	PAC06	PACE SUPPLY CORP	794.74	297580701	PW/PICKLEBALL SUPPLIES
055169	03/30/22	PAP01	PAPE MACHINERY	130.89	13373238	FD/MEASURE A - PARTS FOR ENGINE #28
055170	03/30/22	PET06	PETERSON	582.34	010214269	PW/EQUIPMENT SUPPLIES
055171	03/30/22	PGE00	PG&E	43597.09	3/18/22	MULTI-DEPTS/UTILITY USAGE
				9.88	03092022	REC/STANDBY POWER
				10.51	03102022	FD/MEASURE A - ELECTRICITY FOR COLUSA ST
				78.24	03182022	PW/TRAFFIC CONTROL
			Check Total.....:	43695.72		
055172	03/30/22	PIN01	EDGAR PINEDO	100.00	APRIL2022	Measure A UNIFORMS
055173	03/30/22	POL05	FERGUSON ENTERPRISES DBA	223.33	208637	PW/WATER MATERIALS
055174	03/30/22	QUI02	QUILL CORP.	1169.57	3/17/22	MULTI-DEPT/OFFICE SUPPLIES
				33.91	23185428	MULTI DEPTS/NAME PLATES
			Check Total.....:	1203.48		
055175	03/30/22	R&B00	R&B A CORE & MAIN COMPANY	717.11	455,919	PW/WATER PARTS
055176	03/30/22	RED00	REDDING-EUREKA FREIGHTLIN	20.93	65197	PW/FLEET SUPPLIES
				2519.10	03292022	FD/MEASURE A-PARTS FOR ENGINE#28
			Check Total.....:	2540.03		
055177	03/30/22	ROE02	Thomas Roenspie	100.00	APRIL2022	Measure A UNIFORMS
055178	03/30/22	ROU00	BRUCE T. ROUNDY	300.00	MARCH2022	CITY COUNCIL STIPEND

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Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
055179	03/30/22	SAC01	SACRAMENTO VALLEY MIRROR	885.60	651	LEGAL NOTICE FOR HE
055180	03/30/22	SIM01	SIMPLOT	770.42	46035	PARKS/CHEMICALS
055181	03/30/22	SUN02	SUNRISE ENVIRONMENTAL	919.56	127994	PW/SHOP SUPPLIES
055182	03/30/22	SUN05	Sun Life Financial	4364.99	MARCH2022	GAP MEDICAL INSURANCE
055183	03/30/22	TIA00	TIAA COMMERCIAL FINANCE,	1.38	03262022	MULTI/COPIER LEASE
055184	03/30/22	TOL04	JEFFREY TOLLEY	300.00	MARCH2022	CITY COUNCIL STIPEND
055185	03/30/22	USA00	Underground Service Alert	392.17	USB122999	UNDERGROUND SERVICE ALERT
055186	03/30/22	VAL00	VALLEY PETROLEUM	550.00	4753	PD/PRE-EMPLOYMENT EVAL/POLICE OFFICE RECRUIT
055187	03/30/22	VAL02	VALLEY ROCK PRODUCTS	129.18	0071260	PW/CONCRETE SAND
055188	03/30/22	VER03	Verizon Wireless	228.06	902017580	PW/SCADA COMPUTER, IPADS, PD/LAPTOP
				78.52	902017581	REC/CELL PHONE USAGE
				164.04	902017582	FD/MEASURE A -RESPONSE SERVICE FOR CITY ENGINE
			Check Total.....:	470.62		
055189	03/30/22	VIS03	WISE Company	24500.00	4037	PD/3-EVIDENCE ROOM COMPLETE INSTAL OF MATERIALS
055190	03/30/22	VLA00	RAYMOND J. VLACH	100.00	APRIL2022	Measure A UNIFORMS
055191	03/30/22	WEL02	Wells Fargo Vendor Fin Se	199.34	019393667	BD-PLAN/COPIER LEASE
055192	03/30/22	WEX00	WEX BANK	49.02	7977149BD	BLDG/FUEL
				2034.86	7977149FD	FD/FUEL
				5316.49	7977149PD	PD/FUEL
				4890.86	7977149PW	PW/FUEL
				79.11	977149REC	REC/FUEL
			Check Total.....:	12370.34		
			Cash Account Total.....:	235099.30		
			Total Disbursements.....:	235099.30		
			Cash Account Total.....:	.00		

REPORT.: 03/10/22
 RUN...: 03/10/22 Time: 14:34
 Run By.: Deysy Guerrero

CITY OF ORLAND
 Warrant Register

Warrant Number	Date	Payroll Date	**Employee** Num	Name	Actual Period	Fiscal Period	Gross Amount
14365	03/10/22	03/09/22	ALL01	ALLEN, TATUM	03-22	09-22	183.75
14366	03/10/22	03/09/22	COM01	COMBS, DANIEL T	03-22	09-22	255.00
14367	03/10/22	03/09/22	FOS02	FOSTER, MALLORY	03-22	09-22	217.50
14368	03/10/22	03/09/22	ORO02	OROZCO, EVVEN	03-22	09-22	270.00
14369	03/10/22	03/09/22	OVI00	OVITZ, BRADEN	03-22	09-22	97.50
14370	03/10/22	03/09/22	SMI03	SMITH, BLAKE	03-22	09-22	300.00
14371	03/10/22	03/09/22	WAT04	WATHEN, MIDASIA	03-22	09-22	135.00
Z04824	03/10/22	03/09/22	ALV01	ALVA, MICAELA	03-22	09-22	1760.12
Z04825	03/10/22	03/09/22	AND00	ANDRADE, EDGAR	03-22	09-22	2774.40
Z04826	03/10/22	03/09/22	BAL00	BALDRIDGE, THEA	03-22	09-22	217.50
Z04827	03/10/22	03/09/22	CAR03	CARR, PETER R	03-22	09-22	5769.23
Z04828	03/10/22	03/09/22	CES00	CESSNA, KYLE A	03-22	09-22	3784.41
Z04829	03/10/22	03/09/22	CHA01	CHANEY, JUSTIN	03-22	09-22	3881.08
Z04830	03/10/22	03/09/22	CON00	CONTRERAS, ISAAC	03-22	09-22	142.50
Z04831	03/10/22	03/09/22	CRA00	CRANDALL, JEREMY	03-22	09-22	2039.09
Z04832	03/10/22	03/09/22	ESPO0	ESPINOSA, LETICIA	03-22	09-22	1931.74
Z04833	03/10/22	03/09/22	FEN03	FENSKE, JOSEPH H	03-22	09-22	2911.84
Z04834	03/10/22	03/09/22	FLO00	FLORES, JOSE D	03-22	09-22	3182.81
Z04835	03/10/22	03/09/22	FULO0	FULLMORE, KRISTOPHER	03-22	09-22	3160.98
Z04836	03/10/22	03/09/22	GAM00	GAMBOA, YADIRA	03-22	09-22	465.00
Z04837	03/10/22	03/09/22	GUE01	GUERRERO, DEYSY D	03-22	09-22	2398.80
Z04838	03/10/22	03/09/22	GUE02	GUERRERO, JORGE	03-22	09-22	2107.62
Z04839	03/10/22	03/09/22	HAR00	ZOLLERHARRIS, TRAVIS	03-22	09-22	2107.93
Z04840	03/10/22	03/09/22	JOH01	JOHNSON, SEAN KARL	03-22	09-22	4511.15
Z04841	03/10/22	03/09/22	LOW00	LOWERY, KATHERINE	03-22	09-22	2815.12
Z04842	03/10/22	03/09/22	MAR02	MARTINDALE, RYAN EUGENE	03-22	09-22	2959.37
Z04843	03/10/22	03/09/22	MEJ00	APARICIO, LILIA MEJIA	03-22	09-22	2544.42
Z04844	03/10/22	03/09/22	MEZ00	MEZA, JODY L	03-22	09-22	3762.99
Z04845	03/10/22	03/09/22	MIL00	MILLS, DARYL A	03-22	09-22	3323.38
Z04846	03/10/22	03/09/22	MON03	MONDRAGON, MEAGAN N	03-22	09-22	1326.60
Z04847	03/10/22	03/09/22	MOR02	MORECI, CHRISTOPHER DAVI	03-22	09-22	1529.27
Z04848	03/10/22	03/09/22	MYE00	MYERS, KEVIN	03-22	09-22	621.30
Z04849	03/10/22	03/09/22	ORO03	OROZCO, ETHAN	03-22	09-22	232.50
Z04850	03/10/22	03/09/22	ORO04	OROZCO, JORDAN	03-22	09-22	217.50
Z04851	03/10/22	03/09/22	OVA00	OVARD, CONNOR	03-22	09-22	101.25
Z04852	03/10/22	03/09/22	PAI01	PAILLON, MICHAEL	03-22	09-22	2169.36
Z04853	03/10/22	03/09/22	PAN00	PANIAGUA, BLANCA A	03-22	09-22	477.13
Z04854	03/10/22	03/09/22	PEN01	PENDERGRASS, REBECCA A	03-22	09-22	3000.01
Z04855	03/10/22	03/09/22	PER00	PEREZ, MARGARITA T	03-22	09-22	1899.15
Z04856	03/10/22	03/09/22	PIN00	PINEDO, EDGAR ESTEBAN	03-22	09-22	3186.80
Z04857	03/10/22	03/09/22	POR00	PORRAS, ESTEL	03-22	09-22	1763.18
Z04858	03/10/22	03/09/22	PUN00	PUNZO, GUILLERMO	03-22	09-22	1951.78
Z04859	03/10/22	03/09/22	PUR01	PURCHASE, HEATHER	03-22	09-22	1415.49
Z04860	03/10/22	03/09/22	RIC01	RICE, GERALD W	03-22	09-22	2001.75
Z04861	03/10/22	03/09/22	ROD00	RODRIGUES, ANTHONY	03-22	09-22	3296.81
Z04862	03/10/22	03/09/22	ROE00	ROENSPIE, THOMAS LUKE	03-22	09-22	4139.99
Z04863	03/10/22	03/09/22	ROM00	ROMERO, ARNULFO	03-22	09-22	2666.08
Z04864	03/10/22	03/09/22	SCH03	SCHMITKE, JENNIFER	03-22	09-22	2284.82
Z04865	03/10/22	03/09/22	STE01	STEWART, ROY E	03-22	09-22	2798.05
Z04866	03/10/22	03/09/22	SUA02	SUAREZ, BRYAN E	03-22	09-22	1998.93
Z04867	03/10/22	03/09/22	SWI00	SWINHART, ROBERT	03-22	09-22	1770.32
Z04868	03/10/22	03/09/22	VAL00	VALENZUELA, BRENDA	03-22	09-22	316.54
Z04869	03/10/22	03/09/22	VLA00	VLACH, RAYMOND JOSEPH	03-22	09-22	4753.08
Z04870	03/10/22	03/09/22	VON00	VONASEK, EDWARD J	03-22	09-22	4266.98

110194.90

REPORT.: 03/24/22
 RUN...: 03/24/22 Time: 16:04
 Run By.: Deysy Guerrero

CITY OF ORLAND
 Warrant Register

Warrant Number	Date	Payroll Date	**Employee** Num	Name	Actual Period	Fiscal Period	Gross Amount
14372	03/24/22	03/23/22	COM01	COMBS, DANIEL T	03-22	09-22	90.00
14373	03/24/22	03/23/22	FOS02	FOSTER, MALLORY	03-22	09-22	82.50
14374	03/24/22	03/23/22	ORO02	OROZCO, EVVEN	03-22	09-22	90.00
Z04871	03/24/22	03/23/22	ALV01	ALVA, MICAELA	03-22	09-22	1760.12
Z04872	03/24/22	03/23/22	AND00	ANDRADE, EDGAR	03-22	09-22	2774.40
Z04873	03/24/22	03/23/22	CAR03	CARR, PETER R	03-22	09-22	5769.23
Z04874	03/24/22	03/23/22	CES00	CESSNA, KYLE A	03-22	09-22	3784.41
Z04875	03/24/22	03/23/22	CHA01	CHANEY, JUSTIN	03-22	09-22	3881.08
Z04876	03/24/22	03/23/22	CRA00	CRANDALL, JEREMY	03-22	09-22	2241.73
Z04877	03/24/22	03/23/22	ESP00	ESPINOSA, LETICIA	03-22	09-22	1931.74
Z04878	03/24/22	03/23/22	FEN03	FENSKE, JOSEPH H	03-22	09-22	2911.84
Z04879	03/24/22	03/23/22	FLO00	FLORES, JOSE D	03-22	09-22	481.85
Z04880	03/24/22	03/23/22	FUL00	FULLMORE, KRISTOPHER	03-22	09-22	3160.98
Z04881	03/24/22	03/23/22	GAM00	GAMBOA, YADIRA	03-22	09-22	465.00
Z04882	03/24/22	03/23/22	GUE01	GUERRERO, DEYSY D	03-22	09-22	2398.80
Z04883	03/24/22	03/23/22	GUE02	GUERRERO, JORGE	03-22	09-22	2107.63
Z04884	03/24/22	03/23/22	HAR00	ZOLLERHARRIS, TRAVIS	03-22	09-22	1905.29
Z04885	03/24/22	03/23/22	JOH01	JOHNSON, SEAN KARL	03-22	09-22	4511.15
Z04886	03/24/22	03/23/22	LOW00	LOWERY, KATHERINE	03-22	09-22	3284.90
Z04887	03/24/22	03/23/22	MAR02	MARTINDALE, RYAN EUGENE	03-22	09-22	2310.06
Z04888	03/24/22	03/23/22	MEJ00	APARICIO, LILIA MEJIA	03-22	09-22	2451.00
Z04889	03/24/22	03/23/22	MEZ00	MEZA, JODY L	03-22	09-22	3762.99
Z04890	03/24/22	03/23/22	MIL00	MILLS, DARYL A	03-22	09-22	3005.21
Z04891	03/24/22	03/23/22	MON03	MONDRAGON, MEAGAN N	03-22	09-22	1326.60
Z04892	03/24/22	03/23/22	MOR02	MORECI, CHRISTOPHER DAVI	03-22	09-22	1529.27
Z04893	03/24/22	03/23/22	MYE00	MYERS, KEVIN	03-22	09-22	621.31
Z04894	03/24/22	03/23/22	PAI01	PAILLON, MICHAEL	03-22	09-22	2000.55
Z04895	03/24/22	03/23/22	PAN00	PANIAGUA, BLANCA A	03-22	09-22	598.58
Z04896	03/24/22	03/23/22	PEN01	PENDERGRASS, REBECCA A	03-22	09-22	3000.01
Z04897	03/24/22	03/23/22	PER00	PEREZ, MARGARITA T	03-22	09-22	1899.15
Z04898	03/24/22	03/23/22	PIN00	PINEDO, EDGAR ESTEBAN	03-22	09-22	2618.43
Z04899	03/24/22	03/23/22	POR00	PORRAS, ESTEL	03-22	09-22	1763.18
Z04900	03/24/22	03/23/22	PUN00	PUNZO, GUILLERMO	03-22	09-22	2154.43
Z04901	03/24/22	03/23/22	PUR01	PURCHASE, HEATHER	03-22	09-22	1353.56
Z04902	03/24/22	03/23/22	RIC01	RICE, GERALD W	03-22	09-22	2001.74
Z04903	03/24/22	03/23/22	ROD00	RODRIGUES, ANTHONY	03-22	09-22	2660.41
Z04904	03/24/22	03/23/22	ROE00	ROENSPIE, THOMAS LUKE	03-22	09-22	4019.73
Z04905	03/24/22	03/23/22	ROM00	ROMERO, ARNULFO	03-22	09-22	2666.07
Z04906	03/24/22	03/23/22	SCH03	SCHMITKE, JENNIFER	03-22	09-22	2284.82
Z04907	03/24/22	03/23/22	STE01	STEWART, ROY E	03-22	09-22	2798.05
Z04908	03/24/22	03/23/22	SUA02	SUAREZ, BRYAN E	03-22	09-22	1998.93
Z04909	03/24/22	03/23/22	SWI00	SWINHART, ROBERT	03-22	09-22	1770.31
Z04910	03/24/22	03/23/22	VAL00	VALENZUELA, BRENDA	03-22	09-22	208.25
Z04911	03/24/22	03/23/22	VLA00	VLACH, RAYMOND JOSEPH	03-22	09-22	4753.08
Z04912	03/24/22	03/23/22	VON00	VONASEK, EDWARD J	03-22	09-22	4266.98

103455.35

MINUTES OF THE ORLAND CITY COUNCIL
REGULAR MEETING HELD MARCH 15, 2022

CALL TO ORDER

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

Meeting opened with the Vice Mayor Jefferey Tolley leading the Pledge of Allegiance.

ROLL CALL

Councilmember present: Councilmembers Bruce Roundy, Billy Irvin (arrived at 6:32 PM), Chris Dobbs, Vice Mayor Jeffrey Tolley and Mayor Dennis Hoffman

Councilmembers absent: None

Staff present: City Manager, Peter Carr; City Clerk, Jennifer Schmitke; Assistant City Manager/ Director of Administrative Services, Rebecca Pendergrass; Police Chief, Joe Vlach; City Planner, Scott Friend; City Attorney, Greg Einhorn; Library Director, Jody Meza; Fire Chief, Justin Chaney

ORAL AND WRITTEN COMMUNICATIONS

A. Public Comments:

Scott Bambauer, 4295 Hwy 99 W, stated that he is the only bulk water distributor working with the Department of Water Resources (DWR) and North Valley Community Foundation (NVCF), and he has been purchasing water thru the City of Orland’s hydrants since July of 2021. Mr. Bambauer explained that he was told at the beginning of March that the water sales thru the City of Orland were going to discontinue as of April 1, 2022. Mr. Bambauer stated that this would leave more than 70 residents without water deliveries because he could not justify driving to Willows every day to pick up the needed water. Mr. Bambauer asked the City of Orland to reconsider their decision on not allowing him to fill up at local hydrants so he can continue to supply the residents of Orland who need water due to their dry wells. (Council discussed this item under Agenda item 6E Administrative Business.)

CONSENT CALENDAR

- A. Approve Warrant List (payable obligations)
- B. Approve City Council minutes for March 1, 2022
- C. Receive and file Economic Development Commission Minutes of February 8, 2022
- D. Lease Agreement for City Hall Equipment
- E. Resolution 2022-07 Accepting Easement Interests
- F. Agreement for City Attorney Services for 2022 Labor Negotiations

Action: Councilmember Irvin moved to accept the consent calendar as presented, seconded by Councilmember Dobbs. The motion carried by roll call vote 5-0.

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

ABSTAIN: None

PUBLIC HEARING

A. Zoning Code Amendment ZCA#2022-01: Adoption of Multi-Family Residential - Objective Design Standards

Mr. Friend introduce the Zoning Code Amendment ZCA#2022-01 stating that this Ordinance Amendment is a direct result of SB35 which was passed in 2018. SB35 requires all City’s in the State of California to have a ministerial objective process for approving multi-family developments. Mr. Friend gave the example that if there was an apartment complex that had 10% or more of affordable units a developer could petition the City under SB35 to review the process using a process involving no discretion. Mr. Friend explained that no discretion means no Planning Commission or City Council consideration, only staff-level approval.

Mr. Friend stated that as part of SB35 the laws say that to apply any design standards to a qualifying project the City must have Objective Design Development Standards (ODDS). Mr. Friend explained that currently the City of Orland does not have any ODDS and went on to explain that last year the City applied for a grant as part of SB2 to get the City money to develop ODS. Mr. Friend reported the new standards would be inserted as a new chapter into the zoning code a section 17.18 and the standards will only apply to multi-family development projects and only projects that had an affordability component of 10% or more of affordable residential units.

Councilmembers questioned the type of standards the City would be setting as well as what would happen if the Ordinance was denied. Mr. Friend briefly gave examples of standards that could be set as well as what would happen if the Ordinance didn’t pass.

Mayor Hoffman opened the Public Hearing at 6:45 PM.

Public Hearing closed at 6:47 PM with no comments.

Action: Councilmember Roundy moved that the City Council determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15061(b)(3), the Commonsense Exemption, seconded by Councilmember Dobbs. The motion carried by roll call vote 5-0.

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

Action: Councilmember Roundy moved that the City Council adopt Ordinance 2022-01 approving ZCA #2022-03 as presented herein and making findings for the amendment of the General Plan seconded by Councilmember Dobbs. The motion carried by roll call vote 5-0.

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

B. Zoning Code Amendment ZCA #2022-04: Revise Title 17 Zoning to Residential – Small Home Overlay District

Mr. Friend introduced the Zoning Code Amendment ZCA#2022-04 and noted that the Planning Commission was recommending denial of this Ordinance to the City Council. Mr. Friend reported that there was a certain amount of funding allotted to all Cities for various actions to remove housing barriers in the State of California. One of the items approved many years ago by Council was for the City to consider the adoption of a program for the advancement of small residential dwelling units commonly known as 'tiny homes. Mr. Friend explained as part of SB2 the City approved and applied for funds to help establish a district that could create a tiny home program in the City.

Mr. Friend disclosed that at the February 2022 Planning Commission meeting, the Commissioners voted unanimously 4-0 to recommend denial to Council.

Mayor Hoffman summarized that if Council denies this Ordinance the City will retain more control over future homes involving 'tiny homes' as the developer would have to go through the City's existing Planned Development (PD) processes. However, if this Ordinance was approved and a developer come in and says they would like to put in five (5) tiny home neighborhoods, it would be more difficult to stop them. Mayor Hoffman asked staff if the city already had a process to approve a 'tiny home' project and Mr. Friend stated that it did.

Mayor Hoffman opened the Public Hearing at 6:55 PM.

Public Hearing closed at 6:57 PM with no comments.

Action: Councilmember Roundy moved that the City Council adopt Resolution #2022-10 denying the Municipal Code Amendment as presented herein, seconded by Vice Mayor Tolley. The motion carried by roll call vote 5-0.

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

C. Zoning Code Amendment ZCA#2022-02: Accessory Dwelling Units/Junior Accessory Dwelling Units

Mr. Friend introduced the Zoning Code Amendment ZCA#2022-02 a proposed amendment to the Zoning Code to incorporate new State requirements for Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) into the City's code.

Mr. Friend explained that the state legislature authorized on January 1, 2021, SB13, AB 881 and AB 68 regarding ADU's and JADU's. Mr. Friend reported that in every legislative session, it seems that the legislature finds it necessary to alter the existing law concerning these items. Mr. Friend explained that every time the law is altered the City then must present to Council a Zoning Code Amendment (ZCA) to align the City Code with the state laws.

The Planning Commission held a Public Hearing at their regular meeting in February and voted to recommend that the Council approve this item by a unanimous 4-0 vote.

Mayor Hoffman opened the Public Hearing at 7:07 PM.

Marjorie Palmer, 760 Shasta St. Mrs. Palmer stated concern for ADU's and JADU's being allowed in backyards and questioned if water, sewer, and electricity is going to be required to be separate from the main house. Mr. Friend explained how setbacks are applied for the units and explained that that it is up to the utility service provider to determinate if ADU's and JADU's must have a separate meter and service for electricity, but that it was his understanding that water and sewer can connect through the main house.

Public Hearing closed at 7:09 PM.

Action: Vice Mayor Tolley moved that the City Council determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15061(b)(3), the Commonsense Exemption, seconded by Councilmember Roundy. The motion carried by roll call vote 5-0.

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

Action: Vice Mayor Tolley moved that the City Council adopt Ordinance 2022-03 approving ZCA #2022-02 as presented herein and making findings for the amendment of the General Plan, seconded by Councilmember Dobbs. The motion carried by roll call vote 5-0.

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

D. Zoning Code Amendment ZCA #2022-03 Electric Vehicle Charging

Mr. Friend introduced the Zoning Code Amendment ZCA#2022-03 which proposes amendments to the current code including requirements and definitions for electric vehicle charging stations and including a definition for generators-electric. Mr. Friend stated that state legislature requires that all cities have provisions addressing EV charging. Orland currently does not have any provisions specifically addressing EV charging infrastructure. Mr. Friend explained that if approved the new provisions added to the zoning code will comply with state law and help to comply with State statutes regrading EV charging requirements. Mr. Friend noted to the City Council that the proposed Ordinance would add a new requirement to the City Code requiring all new single-family residential developments having a garage to provide a dedicated 220-volt electrical circuit to facilitate the inclusion of EV charging infrastructure.

Councilmember Irvin asked if the wording in the Ordinance could be changed to allow new home builders to appeal the 220-volt circuit (plug) requirement due to it not being state law yet or changing the wording that once the law passed then the Ordinance would become effective. Councilmember Irvin stated he is against making people pay for something that is not passed into law yet. Mr. Friend stated that he would have to come back to council with a different item and he

noted that he too is against making rules before they are laws. Mayor Hoffman mentioned a variance could also be an option.

Mr. Dobbs asked for clarification if the requirements are for new construction. Mr. Friend stated it would be and he noted that it was his belief based upon conversations with contractors that the cost for the infrastructure necessary to comply with this requirement would be approximately \$50-\$100 if installed during the construction process.

Chief Chaney stated that if the plug is not installed at the time of the home being built that the cost is going to be a lot more than \$50.00. The same install once the house is complete would probably be around \$300-400. However Chief Chaney agreed with the information from Mr. Friend if done during the construction process.

Mayor Hoffman opened the Public Hearing at 7:27 PM.

Grant Carmon, County Supervisor, asked about additional expenses and guidelines that would allow vehicles being able to serve as the power source for the home if the power went out besides the 220 plugs. Mr. Friend stated there are a lot of additional expenses as well as more information and regulations on these types of connections.

Public Hearing closed at 7:29 PM.

Action: Councilmember Dobbs moved that the City Council determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15061(b)(3), the Commonsense Exemption, seconded by Councilmember Irvin. The motion carried by roll call vote 5-0.

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

Action: Councilmember Dobbs, moved that the City Council adopt Ordinance 2022-02 approving ZCA #2022-03 as presented herein and making findings for the amendment of the General Plan seconded by Councilmember Irvin. The motion carried by roll call vote 5-0.

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

ADMINISTRATIVE BUSINESS

A. Fire Department Labor Cost Share

City Manager Carr presented a revised arrangement for cost share of the Fire Chief position for future years. Mr. Carr reminded Council that back in 2018 the City entered a memorandum of understanding (MOU) with Orland Fire Protection District for the jointly funded full-time paid chief. The MOU provided cooperative recruitment and hiring of a chief as well as a cost share structure.

Mr. Carr explained that the chiefs' responsibilities and time were assumed to be applied roughly along call volume line and the District thought they would receive an increase in revenues through parcel tax assessments, but neither assumption has been realized.

Mr. Carr stated that the past three years having a paid chief has shown that Chief Chaney's time throughout the week is not correlating with call volume and that the Chief spends more than 55% of his time serving the City more than the District. Mr. Carr went on to explain all the additional tasks such as meetings, trainings and development consultations Chief Chaney has taken on as the department head. Mr. Carr shared that the MOU to be revised to 75% City and 25% District to align closer to approximation of time and responsibility for the chief.

Councilmember Irvin stated concerns about the District not being able to pay their portion of the Fire Chief's portion for year three. Chief Chaney stated that the money to pay for his salary is already allotted into the District's budget through the County, Chief Chaney reassured Councilmember Irvin that the District will pay for their share of the third year. Councilmember Irvin asked if the Council votes to stay with call volume and the District cannot pay for their share what would happen. Chief Chaney stated at the point where the District could not pay then the Council would have to discuss the future. Councilmember Irvin stated that he heard the District was dipping into reserve funds to pay for their part of the MOU. Chief Chaney shared that the District is not using reserve funds yet but strike team funds from the previous bad fire years. Chief Chaney stated that the District is looking for other ways to gain funding through the County as well as other ways to improve their standing financially to be in a better solution down the road to help with the MOU.

Vice Mayor Tolley asked what would happen if Orland Volunteer Fire Department and Orland Rural Fire District no longer served the City of Orland, and Cal Fire was the only option the city had, what the logistics would look like and how much would that cost the city. Chief Chaney stated that around eight years ago Corning looked at bringing Cal Fire in and for two paid fire fighters using Corning's equipment it was around \$1.5 million for a year of service.

Mayor Hoffman opened the Public Hearing at 8:04 PM.

Matt Romano, 929 Third St., stated that the City is growing, and the City needs a Chief. Mr. Romano believes that if everyone works together and supports the volunteer fire department it will be around for a long time, since the City is the bigger user of the Chief's time the City should pay the bigger amount. Mr. Romano also expressed his concerns if the fire department was to dissolved and what it would do to citizens of Orland's insurance premiums.

Mayor Hoffman clarified that the City is not trying to get rid of the Fire Chief, just looking at changing the MOU.

Public Hearing closed at 8:07 PM.

Action: Vice Mayor Tolley Moved to approve the revised MOU with the 75/25 cost share formula, seconded by Councilmember Dobbs. The motion carried by roll call vote 4-1.

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

B. Library Capital Project

Library Director Meza presented to Council the opportunity to apply for a grant that would help offset costs of capital improvements for the Library building. Ms. Meza stated that the State Library is offering to fund capital repairs to community libraries by a grant which requires a 25% City match. Ms. Meza stated that other than some cosmetic updates, the new meeting room, and restrooms the library has not had many structural improvements since the 70's. Ms. Meza is hopeful that the Library roof which is leaking and HVAC system which is aged will be able to be replaced using these grant funds.

Mayor Hoffman asked how much the grant would be. Ms. Meza stated that staff has been discussing everything that needs to be updated or replaced not only the HVAC and roof but possibly windows and doors also. Ms. Meza announced that recently funds from American Rescue Plan Funding (ARPA) will also help with costs on these much-needed repairs. Ms. Meza mentioned that City staff has been working on getting contractor quotes and scope for the projects.

Mr. Carr recalled that back in September Council approved funding up to \$80,000 out of ARPA for the roof repairs and flooring at the Library. Mr. Carr stated that department heads are working together to get all costs together and he estimated the total cost would be around \$300,000, with the \$80K serving as match.

Action: Councilmember Irvin moved to adopt Resolution 2022-08 authorizing the grant application, acceptance, and execution of the grant funds from the state of California budget act of 2021 (SB19), seconded by Councilmember Dobbs. The motion carried by roll call vote 5-0.

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

C. Annual Financial Audit Report

Mr. Carr presented the 2021 annual independent financial audit report for Council acceptance. Mr. Carr discussed and answered questions by Council.

Mayor Hoffman opened the Public Hearing at 8:22 PM.

Public Hearing closed at 8:23 PM with no comment.

Action: Councilmember Roundy moved to accept the annual financial report and the auditor's management letter as presented, seconded by Councilmember Irvin. The motion carried by roll call vote 5-0.

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

D. Debt Reduction Proposal

Assistant City Manager/Director of Administrative Services Rebecca Pendergrass presented a proposal from the City Treasurer regarding an early loan pay-off. Ms. Pendergrass stated City is in a good position to be able to pull slightly from the reserves to pay off some loans early.

Mayor Hoffman opened the Public Hearing at 8:25 PM.

Matt Romano, 929 Third St., asked where the three Orland Police Department (OPD) loans would come out of, and Mr. Carr stated Measure A Public Safety Fund. Mr. Romano asked for the total of the three loans, Ms. Pendergrass replied with a total of \$245,000. Mr. Romano then asked where the other two loans would come out of, and Ms. Pendergrass replied that the remaining two would be split between general fund, water, and sewer.

Public Hearing closed at 8:27 PM.

Ms. Pendergrass discussed and answered questions by Council.

Action: Councilmember Irvin moved to approve items 3, 4 and 5 out of Measure A Fund to pay the loans off and leave items 1 and 2 as is seconded by Councilmember Roundy. The motion carried by roll call vote 5-0.

AYES: Councilmember Roundy, Irvin, Dobbs, Vice Mayor Tolley and Mayor Hoffman

NOES: None

ABSENT: None

ABSTAIN: None

E. Drought Update and Water Shortage Contingency Plan

City Manager Carr stated there have been no reported changes to the dry wells within the last few weeks. Mr. Carr explained that the 150 pending connections to City water are waiting for the green light from Department of Water Resources (DWR) on the financing end and the engineers who are designing the system. Mr. Carr shared that the system that is currently being designed will be closer to \$12 million than the \$7.8 that was previously awarded and is hopeful that he will hear any day the total awarded.

Mr. Carr reported that the City's wells are holding steady, and they continue to be monitored weekly. Mr. Carr stated there was one well a few weeks back that had dipped but is now back up and no longer a concern.

Mr. Carr stated that about a month ago the City discontinued the program of filling up tanks at the Fire Department which was not a problem because DWR started funding North Valley Community Foundation (NVCF) so that they could provide bottled water and bulk water to homes. Mr. Carr stated the majority of the those that signed up for the program are up and running. Mr. Carr stated he was concerned about the well levels at the beginning of March and decided to see if the City of Willows could step up and take over the bulk water sales program, but it turns out Willows thought it was for small tank fill ups only, not the 4000-gallon bulk trucks. Mr. Carr explained that the cost to drive to Willows and back for the water haulers would not be cost effective and might cause some hardship. Mr. Carr shared that in the month of February 155,000 gallons were sold to homes in need which is about 0.4% of the City's total water usage. Mr. Carr advised that the City continue the program until there is another viable solution.

Councilmember Roundy asked if the state pays for the water that is delivered to those who are getting water delivered. Mr. Carr stated that the hauler pays the City and then the hauler gets reimbursed from DWR/North Valley Community Foundation (NVCF).

Mayor Hoffman asked how long till the new wells will be installed. Mr. Carr stated he is currently waiting on the contract between DWR and the City, so no schedule is established yet.

Councilmember Irvin asked if the City could start drilling the well that was approved before the DWR project and then get back funded from the DWR money. Mr. Carr explained that the two wells are being handled separately the well that was approved first has financing coming from outside DWR, currently the city is waiting on engineering designs before drilling test holes.

Mayor Hoffman opened the Public Hearing at 8:40 PM.

Bruce Wilcox, Co Road KK, shared with Council that he and his wife are in their 70's and have been having to fill his swamp cooler every few hours by hand, was going without showers and has not been able to wash his clothes at home for months. Mr. Wilcox asked City Council to keep the bulk water program available for all those that are in need.

Grant Carmon, District 1 Supervisor for Glenn County, stated he is attending the meeting to be the voice of his constituents and is asking the City of Orland to continue providing water for the City and County residents in need.

Sherree Gray, County resident, stated her frustrations for not being connected to the City water system through the DWR program as well as spoke about disappointment in hearing about the City discontinuing bulk water distribution.

Jody Samons, NVCF Manager, stated NVCF is currently serving 102 families on the program with funding to serve up to 200 families. Ms. Samons shared that there are currently two vendors helping install pumps, each installation takes around 3-4 hours to install. Ms. Samons stated that Scott Bambauer is the only vendor that bid to provide the water delivery service and he has gone above and beyond showing up at the time of each installation of pumps. Ms. Samons thank Council for their consideration of keeping the water available for all those in need.

Public Hearing closed at 9:00 PM.

Council was unanimous in giving direction to Mr. Carr to keep the water available for bulk deliveries.

Mr. Carr reminded Council that as discussed at the March 1st meeting the City has been in stage 1 of the water contingency plan since June/July of 2021, stage 1 is awareness and educational. Stage 2 of the water contingency plan has restrictions on outdoor watering including hours of the day and days of the week you can water your yard as well as tiers that add costs to usage over the base allotment.

Councilmember Irvin stated his opinion is to defer the resolution till the next meeting or until it is determined that the wells are being affected more than normal.

Vice Mayor Tolley asked Mr. Carr if the City of Orland is in an emergency state currently. Mr. Carr stated the City declared a drought emergency last June. Vice Mayor Tolley asked if the well levels are proving to be a concern currently. Mr. Carr explained that the wells are holding steady currently they are monitored weekly, there is concern but it is not a dire situation.

Councilmember Roundy expressed that the residents of the City could do their part to help the community by using less water. Councilmember Roundy stated his support for moving into stage 2 as soon as possible to help the community and neighbors.

Councilmember Dobbs stated the City should conserve water now and get in front of any future problem with water the City may face.

Vice Mayor Tolley stated he felt that the City is not in dire need, so he expressed interest in continuing to monitor well levels and asking the community to cut back on water use to help the people in need.

Kelly O'Brien, County Resident and Glenn County Dry Wells Facebook Administrator, expressed her frustration with Councilmembers believing that the current drought situation is not a dire emergency. Ms. O'Brien addressed the drought concerns that a lot of County residents have been experiencing for almost a year and that more will experience in the future. Ms. O'Brien also expressed frustration with the DWR project not connecting all residents in need.

Mayor Hoffman expressed interest in moving into stage 2 in the water contingency plan to help the community.

Action: Councilmember Dobbs moved, seconded by Councilmember Roundy to adopt a resolution of the Orland City Council recognizing the local emergency due to drought conditions in the City of Orland and advancing to Stage 2 of the City of Orland water shortage contingency plan starting May 1, 2022. The motion carried 3-2 by the following roll call vote.

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

Vice Mayor Tolley requested that his comment be on record that he is not against going to stage 2 but he felt it was too early to start restricting water. He also stated he is in favor of continuing the water delivery program to those throughout the County and City who need it.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Roundy:

- Will be attending the Glenn County Sustainability Water meeting, Wednesday March 16, 2022,
- Will be attending the Transportation and Transit meeting, Thursday March 17, 2022,
- Will be in Folsom March 25, 2022 for the Sacramento Valley Division quarterly meeting.

Councilmember Irvin:

- Wanted on record that he is not against the paid Fire Chief position, he has been against the negotiation process since day one,
- Share that he hopes he can continue to water his lawn and that it stays green.

Councilmember Dobbs:

- Orland Volunteer Fire Department (OVFD) ticket drive will be Saturday March 12, 2022,
- OVFD Fireman's Ball is Saturday March 19, 2022.

Vice Mayor Tolley:

- Stated he is working with other locals on having a skatepark interest meeting at 418 Walker St on March 21, 2022 from 6-7 pm, hoping to get the community involved,
- Will be attending the Recreation Commission meeting Wednesday March 23, 2022 to present a skatepark.

Mayor Hoffman:

- The 4th Street Ice Cream Shop had its grand opening Saturday March 5th, 2022,
- Will be attending the Chamber of Commerce Meeting on Wednesday March 16, 2022.

MEETING ADJOURNED AT 9:36 PM

Jennifer Schmitke, Deputy City Clerk

Dennis Hoffman, Mayor

CITY OF ORLAND
RESOLUTION NO. 2022-04
RESOLUTION TO IMPLEMENT TELECONFERENCING REQUIREMENTS
DURING A PROCLAIMED STATE OF EMERGENCY

WHEREAS, the Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public and that any person may attend and participate in such meetings;

WHEREAS, the Brown Act allows for legislative bodies to hold meetings by teleconference, but imposes specific requirements for doing so;

WHEREAS, on March 17, 2020, in order to address the need for public meetings during the present public health emergency, Governor Newsom issued Executive Order No. N-29-20, suspending the Act's teleconferencing requirements; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order No. N-8-21, continuing the suspension of the Brown Act's teleconferencing requirements through September 30, 2021; and

WHEREAS, these Executive Orders allowed legislative bodies to meet virtually as long as certain notice and accessibility requirements were met; and

WHEREAS, the State Legislature amended the Brown Act through Assembly Bill No. 361 (AB 361) on September 16, 2021; and

WHEREAS, AB 361 amended the Brown Act so that a local agency may use teleconferencing without complying with the regular teleconferencing requirements of the Act, where the legislative body holds a meeting during a proclaimed state of emergency and makes certain findings; and

WHEREAS, Government Code section 54953 requires that the legislative body make additional findings every 30 days in order to continue such teleconferencing.

NOW THEREFORE, the City of Orland hereby finds, determines, declares, orders, and resolves as follows:

1. That the foregoing recitals are true and correct and incorporates them by this reference.
2. The City Council of the City of Orland finds, by a majority vote, the following:
 - a. That there exists a proclaimed state of emergency; and
 - b. State or local officials have imposed or recommended measures to promote social distancing.

3. The City Council and any of its committees, joint committees, ad hoc groups, and staff is authorized to take all steps and perform all actions necessary to execute and implement this Resolution in compliance with Government Code section 54953.

4. This Resolution shall take effect April 5, 2022 and shall remain in effect for thirty (30) days thereafter (until May 3, 2022), provided the conditions set forth in Section 2 remain.

PASSED AND ADOPTED by the Orland City Council this fifth day of April 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Dennis Hoffman, Mayor

ATTEST:

Jennifer Schmitke, City Clerk

By: _____

I, Jennifer Schmitke, City Clerk of the City of Orland, hereby certify that the attached is a true and correct copy of a Resolution duly made by the City Council at a regular meeting of said City Council, at Orland, California, on the fifth day of April, 2022, the original of which is on file in my office and duly and regularly entered in the official records of proceedings of the City Council of the City of Orland.

Dated: _____

Jennifer Schmitke, City Clerk

CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: 5.D.

MEETING DATE: April 5, 2022

TO: Honorable Mayor and Council
FROM: Pete Carr, City Manager
SUBJECT: Purchase of Materials for Evidence Facility (Action by Consent)

City Manager will seek Council approval to purchase certain building materials from a City employee for the City Police Department evidence facility.

BACKGROUND

All local law enforcement departments are responsible to maintain unclaimed stolen property and physical evidence for pending criminal investigations, and in many cases district attorneys order that certain evidence be retained for much longer. Evidence can be as small as a bullet or as large as a recreational vehicle. Bicycles and weapons are common examples, but we are storing several vehicles. Certain high-value items are stored in a more secure facility with strict regulation of access. Items stored at the Orland Public Works (OPW) municipal corp yard tend to be lower value and larger/bulkier.

DISCUSSION

The City's plan is to set two existing shipping containers approximately 20 feet apart, enough to get vehicles between them, then construct a roofed & enclosed structure. This will increase capacity to house required law enforcement evidence within OPW's fenced corp yard. The evidence will be shielded from public view, secured and better protected from the elements. The building materials needed include posts, doors, roofing structure and metal sheeting.



Cost estimate for new materials is \$8,000 to \$10,000. The fire chief has the materials available as surplus from his former business. City staff estimates the transaction value to be far under market value for the materials and they are readily available. The planned facility will be similar to this sample photo but with a roof sloping to the rear, enclosed front and back with two 10' wide doors at the front.

RECOMMENDATION: Authorize purchase of construction materials as proposed.

Fiscal Impact of Recommendation: \$1500 from ARPA funds; project and funding previously approved. This action is to approve the materials sourcing.

CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: 5.E.

MEETING DATE: April 5, 2022

TO: Honorable Mayor and Council
FROM: City Manager and Fire Chief
SUBJECT: **Fire Department Labor Cost Share MOU** (Action by Consent)

BACKGROUND

As part of agreeing to jointly fund and hire a full-time paid chief in 2018, the City entered a memorandum of understanding (MOU) with the Orland Fire Protection District. This MOU provided for cooperative recruitment and hiring of a chief, as well as a cost-share structure. The cost share specified was:

Year 1	City pays 100%
Year 2	City and District each pay 50%
Year 3	District pays 100%
Year 4+	Cost share per % of calls from the previous calendar year

Call volume was at that time about 55% City and 45% District. That proportion continues today.

The intent of the Years 1-3 arrangement was to help bridge budgets until the District would receive an expected increase in revenues through a successful parcel tax assessment. The plan assumed the chief's responsibilities and time would be applied roughly along call volume lines. Neither assumption (revenues or chief time) has been realized.

The District paid the Year 2 cost share as agreed, and is committed to pay the Year 3 obligation as agreed. For Year 4 and beyond, the District has initiated a conversation with us about the reality of continuing to use call volume as the basis for cost share. Council considered this topic at its March 15th meeting and directed staff to prepare a new MOU with a 75/25 cost share.

DISCUSSION

The proposed draft MOU restarts the term at July 1, 2022 and continues indefinitely unless otherwise notified by one of the parties to the agreement. Cost share is set at 75% City 25% District, payable as invoiced quarterly or annually. Other terms of the original agreement remain intact.

Attachment: Revised Proposed MOU City of Orland and Orland Fire Protection District

RECOMMENDATION:

Approve the MOU as presented, authorize City Manager to execute.

Fiscal Impact of Recommendation: Approximately \$30k in FY23 budget, general fund.

**AN AGREEMENT BETWEEN THE CITY OF ORLAND AND THE
ORLAND FIRE PROTECTION DISTRICT OF GLENN COUNTY
REGARDING PROFESSIONAL FIRE CHIEF SERVICES**

This agreement (“Agreement”) is entered into by and between the City of Orland, a California municipal corporation (“City”), and the Orland Fire Protection District of Glenn County, a California special district (“District”), to provide for shared services of a professional fire chief pursuant to the authority granted in Government Code § 54980 et seq. and Government Code § 6500 et seq.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth below, City and District agree as follows:

- 1.0 PURPOSE.** The purpose of this Agreement is to fund a compensated, full-time regular fire chief for both the City and the District by establishing a chief employment and cost-share protocol.
- 2.0 TERM.** This Agreement will commence July 1, 2022 and continue indefinitely (the “Term”) unless terminated earlier pursuant to the provisions contained herein.
- 3.0 EARLY TERMINATION.** During the term, either party may terminate this Agreement, without cause, upon 180 days written notice to the other party.
- 4.0 PERSONNEL SERVICES.** The City will provide specific personnel services to the District as follows:
 - 4.1 Fire Chief.** The City will provide the services of a Fire Chief to the District to perform the typical duties of a fire chief and an administrator who will attend regular and special meetings of the District, as required, to provide advice, present reports, make recommendations on fire and emergency response services and related matters, and receive direction. Additionally, the Fire Chief will perform the following specific services:
 - a. Coordinate services and operating activities of the Department with other fire service agencies within Glenn County and adjacent areas;
 - b. Participate in District community events in the same manner and to the same degrees as he or she participates in similar events in the City; and
 - c. Coordinate with the Glenn County Office of Emergency Services and other State and national offices of emergency services and disaster preparedness to provide emergency management and disaster preparedness services to the District.

The Fire Chief position will be guided by a mutually agreed job description.

- 4.2 Cost of Services.** The District will compensate the City based upon the Full Cost of Services for Fire Chief. The District will compensate the City by paying 25% of the Full Cost of Services, such amount invoiced by the City and paid by the District quarterly. The term Full Cost of Services includes: (i) the direct, out-of-pocket expenses for salaries, benefits, and payroll costs incurred for the Fire Chief; and (ii) costs for the same. Administration, training, and maintenance for the Fire Chief position is estimated to be 5% of total compensation.

Payment is due and payable within 30 days of the date of invoice. If payment is not received when due, it will be considered delinquent and subject to 1.5% interest per month on the outstanding balance. If the invoiced party disputes any amount billed on the invoice, the party must pay the undisputed portion of the bill. The parties, through their Designated Representatives, agree to work in good faith to resolve any billing disputes within 30 days.

- 4.3 Management.** When the Fire Chief is performing the duties and functions of a District employee, the Fire Chief shall report directly to the District Board. When performing the duties and functions of a City employee, the Fire Chief shall report to the City Manager.

- 4.4 Fire Chief Deemed City Employee.** With respect to services provided pursuant to this Agreement, the Fire Chief is deemed to be a City employee or City contract service provider for the purposes of exercising all of the rights, duties, privileges and obligations conveyed or imputed by law to that office within the District. This designation of the Fire Chief as a City employee pertains to the purposes set forth in this paragraph only and is not inconsistent with the indemnity provisions of Section 5.

- 4.5 Other Employees.** With respect to employees other than the Fire Chief, each party is responsible to its own employees when it comes to employer obligations and duties, provided under applicable State or federal laws. Each party is also liable for the conduct, actions, and omissions of its own employees.

- 4.6 Personnel Information.** Both the City and the District agree to release confidential Fire Department personnel information that is mutually relevant to both parties, to the other party.

5.0 INDEMNIFICATION AND RIGHT OF CONTRIBUTION.

- 5.1 Indemnification.** Pursuant to the authority granted under Section 895.4 of the California Government Code, each party (the “Indemnifying Party”) must indemnify, defend, and hold harmless the other party, including the other party’s elected officials, appointed officials, employees and agents (collectively, the “Indemnified Party”), against any and all liability, demands, claims, costs, damages, and expenses including reasonable attorney fees, (hereafter, “Losses”)

incurred by the Indemnified Party, arising from or relating to any negligent or wrongful act or omission of the Indemnifying Party or its elected officials, appointed officials, employees and agents, or from any Losses arising from the dangerous condition of the Indemnifying Party's property, arising from or related to that party's performance under this Agreement. Each party agrees to be responsible for any Losses suffered as a result of the use of that party's vehicle.

5.2 Defense. At its own cost and expense, the Indemnified Party may participate in the defense of any action or lawsuit, or in the prosecution of any appeal of any judgment or ruling in any such action or lawsuit, where the duty of defense or prosecution is imposed on the Indemnifying Party.

5.3 Contribution. The parties have a right of contribution against each other in the event of any judgment or liability against either party related to the parties' performance under this Agreement. The amount of contribution for which either party may be liable must not exceed that party's proportional fault in the action giving rise to the liability.

5.4 Identity of Personnel. For purposes of this section, whether the Fire Chief or volunteers are working on behalf of the City or the District at any certain time will be determined as follows:

- a. Call response – location of the call (City or District)
- b. Vehicle use – the owner of the vehicle (City or District)
- c. Administrative decisions – the nature of the decision or action, whether it was in furtherance of District business or City business.

6.0 VOLUNTEER FIREFIGHTERS. The volunteer firefighters that serve the City and the District function as one association (known as the "Orland Volunteer Fire Department or OVFD") to serve both agencies. The City will procure and maintain the workers' compensation policy for all volunteer firefighters; issue volunteer firefighter response stipends; pay for volunteer firefighter training and education. These costs are referred to as "full cost of service for volunteers." In the event that a volunteer firefighter is injured on the job and files a worker's compensation claim, the parties will share any additional expenses associated with the claim equally.

7.0 FIRE RESPONSE VEHICLES. Both the City and the District own their own fire response vehicles. The parties will continue to own separate fire response vehicles and be responsible for the costs of purchasing, maintaining and insuring said vehicles without contribution from the other party.

7.1 Maintenance Services. The City may provide maintenance services to the District for maintenance of its fire response vehicles at the request of the District. The District will coordinate directly with the City's Public Works Department – Corp. Yard to schedule maintenance. The District will compensate the City on a time and materials basis for maintenance services.

8.0 FIRE STATION BUILDINGS. The City and the District own an undivided half interest in one fire station at 810 Fifth Street and one fire station on Colusa Street, along with paved grounds on parcels from Colusa Street, south to Yolo Street. The District owns one unpaved parcel immediately south of Yolo Street. Jointly owned properties will be jointly maintained, improved and insured. Separately owned properties will be improved, maintained and insured without right of contribution from the other party. The parties will maintain their respective facilities as necessary for the performance of the obligations set forth in this Agreement.

9.0 AUTOMATIC RESPONSE AND MUTUAL AID. The City and District agree to respond to calls for service on a basis that is designed to provide the quickest response time within the boundaries of either agency without regard for the location of the political boundaries of the agencies. The Fire Chief is responsible for developing and updating maps, grid systems and such other means as are necessary to enable the parties to carry out the mutual intent of the parties to respond to all emergencies with those units that are able to respond in the most expedient manner possible, regardless of location, while documenting the jurisdictional location of the response.

10.0 INSURANCE. Each party must maintain during the term of this Agreement, a policy of general liability insurance with minimum limits of One Million Dollars per occurrence and Two Million Dollars aggregate. All policies obtained by either party must name the other party as an additional insured but only with respect to the claims for personal injuries or property damages arising out of the performance of the Agreement. All policies must provide that the coverage provided in the policy may not be cancelled or amended without first providing 30 days written notice to the other party.

11.0 ADMINISTRATION OF AGREEMENT.

11.1 Designated Representatives. The City designates the City Manager to represent the City on all matters pertaining the administration of this Agreement. The District designates the Chair of the Board, and the Vice Chair in his or her absence, to represent the District on all matters pertaining to the administration of this Agreement.

11.2 Joint Meeting. The City Council and the District Board may agree to meet in joint session at least once per year to discuss the provision of services under this Agreement and the anticipated costs for the succeeding fiscal year. Additional joint meetings may be scheduled and conducted as the parties deem necessary.

11.3 Committees. The City Council and the District Board may, from time to time, establish ad hoc committees of their respective bodies to review and consider any policy or other matter of mutual concern or interest beyond the scope of the Fire Chief's authority.

11.4 Delivery of Services. Acting under the general authority of the City Manager, the Fire Chief has the authority to direct the operations and delivery of all Services provided by the City to the District under this Agreement.

12.0 FIRE CHIEF EMPLOYMENT AND SUPERVISION.

12.1. Fire Chief Employment Committee.

- A. Composition
 - Three Current & Active OVFD Volunteers
 - Two District Board Members
 - One City Council Member (Fire Department Liaison)
 - City Manager
 - Total: 7*
- B. The Fire Chief Employment Committee shall have the authority to hire the Fire Chief, pursuant to an employment a contract with the City.
- C. The Fire Chief Employment Committee shall have the authority to terminate the Fire Chief, for cause, subject to due process hearing before the Fire Chief Employment Committee.

12.2. Authority and Responsibility of the City Manager.

- A. The City Manager shall undertake an annual review of Fire Chief's job performance and provide that review to the Fire Chief Employment Committee.
- B. The City Manager shall have the authority to undertake disciplinary investigations of the Fire Chief.
- C. The City Manager shall have the authority to impose discipline of written warnings and notices to correct upon the Fire Chief.
- D. The City Manager shall have the authority to suspend Fire Chief for up to 60 days, with pay, and appoint the First Assistant Chief as acting Fire Chief, if necessary. In that event, the City Manager shall meet with Fire Chief Employment Committee before any or further disciplinary action is taken.
- E. The City Manager shall have the authority to recommend employment termination of the Fire Chief, subject to due process hearing before an independent, experienced, qualified hearing officer, selected by the Fire Chief Employment Committee, whose decision shall be made in writing and shall be final and binding.

13.0 PRIOR AGREEMENTS. Upon the approval of both parties, this Agreement will supersede all previous agreements between the parties with respect to the subject matter contained herein.

14.0 GENERAL PROVISIONS.

14.1 Default. In the event a party to this Agreement fails to perform pursuant to the terms and conditions of this Agreement, the party to whom an obligation is owed will provide the non-performing party with at least 30 days prior written notice of said non-performance, upon which the non-performing party will have the opportunity to comply with the request for performance, or in the event of continued non-performance, the parties will have the right to pursue any and all available legal remedies.

14.2 Independent Contractor. The City is acting as an independent contractor under this Agreement; this Agreement does not create any relationship of employer or employee, or principal and agent, partnership or joint venture between the City and the District.

14.3 Notice. All notices, requests, claims, demands and other communications between the parties must be in writing. All notices must be given (i) by delivery in person, (ii) by a nationally recognized next-day courier service, (iii) by first class, registered or certified mail, postage prepaid, or (iv) by email to the email address of the party specified in this Agreement or such other address as either party may specify in writing. All notices will be deemed effected upon (a) receipt by the party to which notice is given, or (b) on the third (3rd) day following mailing, whichever occurs first.

If to City:
City of Orland
Attn: City Manager
815 4th St, Orland CA 95963

If to District:
Orland Rural Fire Protection District
810 5th Street
Orland, CA 95963

14.4 No Third-Party Beneficiary. This Agreement does not confer third party beneficiary status on any non-party, including the citizens, residents and visitors of either party.

14.5 Non-Waiver. The failure of one party to require performance of any provision contained herein will not affect that party's right to require performance at any time thereafter, nor will a waiver of any breach or default of this Agreement constitute a waiver of any subsequent breach or default or a waiver of the provision itself.

14.6 Severability. If any court of competent jurisdiction holds that any provision of this Agreement is illegal, unenforceable, or invalid for any reason, the remaining provisions of the Agreement will continue in full force and effect.

14.7 Non-Assignable. Neither party to this Agreement may assign any of its rights or delegate any of its duties under this Agreement without the prior express written consent of the other party, which consent may be withheld in that party's sole and absolute discretion. Any attempted assignment or delegation in violation of this provision may be voided at the option of the non-assigning or non-delegating party.

14.8 Binding on Successors. This Agreement is binding on the parties, any approved assignees or delegates, and on all successors-in-interest.

14.9 Interpretation. Each party to this Agreement and their respective counsel have participated fully in the review and revision of this Agreement. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party does not apply in interpreting this Agreement; it must be construed in a neutral manner.

14.10 Governing Law/Venue. This Agreement will be governed by and interpreted in accordance with the laws of the State of California. Any lawsuit brought to enforce, interpret, or otherwise relating to this Agreement, must be filed in the Glenn County Superior Court.

14.11 Attorney Fees. In the event of litigation relating to the subject matter of this Agreement, the prevailing party will be entitled to an award of reasonable attorneys' fees and costs.

14.12 Amendment or Modification. This Agreement may only be amended or modified upon the mutual consent of both parties in the manner and with the same formalities with which this Agreement was approved.

14.13 Entire Agreement. This instrument constitutes the entire agreement and understanding of the parties and supersedes any and all prior agreements and understandings, oral or written, relating to the subject matter hereof. Each party acknowledges that no other party, or any agent of any other party, has made any promise, representation, or warranty whatsoever, and acknowledges that the party has not executed or authorized the execution of this Agreement in reliance upon any such promise, representation or warranty, that is not expressly contained herein.

WHEREFORE, the parties hereto have duly approved this Agreement, and have authorized its execution on this _____ day of _____, 2022.

City of Orland

Orland Rural Fire Protection District

By: Dennis Hoffman, Mayor

By: Jack Bucke, Board President

ATTEST:

ATTEST:

Jennifer t. Schmitke, City Clerk

Phil Putnam, Clerk of the Board

APPROVED AS TO FORM:

Gregory Einhorn, City Attorney

**CITY OF ORLAND OBJECTIVES FY 21-22
FUNDED PROJECTS & CAPITAL OUTLAYS**

Adopted June 7, 2021
Updated March 31, 2022

Priorities	More Important	Less Important
More Urgent	Radio dispatch system phase 2 upgrade 75%	Engineering design of traffic signal and intersection Newville/Commerce 70%
	Engineering design for water storage, well, test wells (State Revolving Fund Planning Funds) 5%	Repair / replace Lely field lighting (ARPA) 10%
	<u>DWR EMERGENCY WATER CONNECTION</u> 15%	Complete Rec Trail phase II (State Parks grant) 0%
	Complete upgrade SR32/M½ lift station 30%	Housing Elem, VMT/Safety Elem/EJ Gen Plan Update 100%
	<u>OPD/City Hall Roof & Floor repairs (ARPA)</u> 10%	ADA improvements for Library 5%
	<u>Evidence storage & security (ARPA) (shed, conex)</u> 65%	Implement SCADA for Sewer System 35%
	<u>Library roof and HVAC repairs (ARPA)</u> 10%	<u>Cortina lift station</u> 50%
Less Urgent	<u>Resolve OUWUA canal issue</u> 100%	<u>Façade Improvement enhancement (ARPA)</u> 100%
	<u>OPD IT upgrades</u> 80%	Build Pump Track (DIF/ARPA) 0%
	Seek SB1 funds to overlay Shasta Street 90%	Restore Lollipop Land/Castle restroom (DIF) 0%
	Site Plan and budget future Public Safety Facility 0%	
	Replace 15 oldest fire hydrants 20%	
	Set plan w/funding agreements for brine ponds 0%	
	Add meter for industrial ponds inflow 0%	
	Build fire engine 27 50%	
	Create flexible 10-year fiscal forecast tool 0%	

UNFUNDED OBJECTIVES, PROJECTS & CAPITAL OUTLAYS

Expenditures deferred pending availability of funding—not necessarily in order of priority

031

Deferred to future years:

Upgrade softball fields fencing, grading	Parks – GenFund or Parks DIF	\$ TBD
Replace City Manager vehicle	Allocated	\$ 25k
Replace Building Inspector vehicle	GenFund-Building	\$ 25k
Multi-tenant freeway sign	Offset by future rent revenue	\$200k
Welcome to Orland sign – east entrance SR32	GenFund	\$ 20k
GIS inventory for Public Works infrastructure	Allocated (pavement assessment completed Nov 2021)	\$ 20k
Water main infrastructure upgrades (Design of multiple projects)	TBD	\$100k
Road M-1/2 Street Improvements (design of improvements)	State Funded - STIP (approved at GCTC for FY 22-23)	\$ 70k

**CITY OF ORLAND ARTS COMMISSION
MINUTES**

February 16, 2022

The Wednesday, February 16, 2022 meeting of the Orland Arts Commission was called to order at 7:03 PM by Chairman Rae Turnbull at the Orland Art Center. Commissioners present were: Jill & Steve Elliott, Mary Rose Kennedy and Paddy Turnbull. Absent: Mason Greeley, Jim Scribner, and Council Liaison Bruce Roundy. The minutes of the January 19, 2022 meeting were approved as emailed with no corrections or additions (motion made by Paddy Turnbull and seconded by Steve Elliott - motion carried). The Financial Report prepared by Rebecca Pendergrass was reviewed and filed for audit.

COMMISSIONER REPORTS AND UPDATES:

1. Commissioner Rae Turnbull reported that approximately 130 were in attendance for the February / March Artists Reception.
2. Commissioner Rae Turnbull reported that she has been in contact with two pianists who are interested in and are hoping to join the gallery's "Young Musicians Outreach Program.
3. Commissioner Rae Turnbull reported that the "Orland Art Center" sign on the South side of the building needs cosmetic repair. She has been in contact with Oscar Redes of Oscar's Signs and he will repair the sign as soon as he is able.
4. Commissioner Paddy Turnbull gave an update on the Docent roster and reported that there are three new Docents.

ITEMS FOR DISCUSSION AND ACTION:

None.

There being no further business, the meeting adjourned at 7:47 PM.

The next scheduled meeting will be held on Wednesday, March 16, 2022

Respectfully submitted by Jill Elliott and Rae Turnbull

CITY OF ORLAND ARTS COMMISSION
MINUTES
March 16, 2022

The Wednesday, March 16, 2022 meeting of the Orland Arts Commission was called to order at 7:00 PM by Chairman Rae Turnbull at the Orland Art Center. Commissioners present were: Jill & Steve Elliott, Mary Rose Kennedy, Jim Scribner, Paddy Turnbull and Council Liaison Bruce Roundy. Absent: Mason Greeley. The minutes of the February 16, 2022 meeting were approved as emailed with no corrections or additions (motion made by Paddy Turnbull and seconded by Steve Elliott - motion carried). The Financial Report prepared by Rebecca Pendergrass was reviewed and filed for audit.

COMMISSIONER REPORTS AND UPDATES:

1. Commissioner Rae Turnbull reported that approximately 40 were in attendance for the March 4th special presentation.
2. Commissioner Rae Turnbull reported on upcoming gallery exhibits and special presentations and asked that commissioners bring ideas for future special presentations that could encourage interactive participation with guests.
3. Commissioner Jill Elliott reported that the gallery's AT&T phone service contract expired and a less expensive contract was available so she signed the gallery up for it.

ITEMS FOR DISCUSSION AND ACTION:

1. It was decided the next scheduled meeting on Wednesday, April 20th will be held at 6 PM and devoted to reorganizing the gallery storage areas to facilitate moving forward with the auxiliary gallery space project.

There being no further business, the meeting adjourned at 7:44 PM.

The next scheduled meeting will be held on Wednesday, April 20, 2022 at 6:00 PM

Respectfully submitted by Jill Elliott and Rae Turnbull

Orland Library Commission Minutes of Monday, January 10, 2022

ITEM 1. Call to Order at 5:02 p.m. by S. Edwards

ITEM 2. Commissioners Present: M. Deeming, S. Edwards, A. Butler
Staff/Council Present: Librarian J. Meza

ITEM 3. No Citizen Comments

ITEM 4. Items for Discussion or Action

1. ACTION ITEM: Approve minutes of the November 8, 2021 meeting. Motion made by M. Deeming, 2nd by A. Butler passed unanimously.
2. Reports from City Librarian on financial and monthly statistics; Discussion was held regarding purchases made with donations.
3. Library Programs and Training: Librarian reported on the workforce development assistance services now available at the Library or on the website, called Career Pathways. Library is also offering access to websites to assist K-12 students. Pollinator education grant has been applied for and Commissioners recommended partnering with Master Gardeners.

ITEM 5. Commissioner and/or Friends of the Library Reports: no report.

ITEM 6. Adjourned 5:25 p.m.



Recreation Commission

Karen Baldrige, Chair
Shannan Ovard, Vice Chair
Larry Carmona
Joser Rosales
Jason Ovitz

City of Orland
Recreation Commission Minutes
January 26, 2022, 6:30pm

1. CALL TO ORDER – 6:30 p.m.

Meeting was called to order by Commission Chair Karen Baldrige at 6:30pm

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Commission members present – Chair Karen Baldrige, Vice Chair Shannan Ovard, Commissioner Jason Ovitz, Commissioner Larry Carmona

Commission members absent – Joser Rosales

Staff members present – Recreation Director Joe Fenske

4. ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments:

Any person may address the Recreation Commission at this time upon any subject within the authority of the Recreation Commission; however, public is advised to limit discussion to one presentation per individual. Please state your name and address for the record.

No citizens addressed the commission at this time.

5. CONSENT CALENDAR

A. Approve April 28th, 2021, Recreation Commission minutes.

Vice Chair Ovard moved, seconded by Commissioner Carmona to approve consent calendar.
Motion carried 4-0

6. ADMINISTRATIVE COMMUNICATIONS, REPORTS, AND ACTIONS

A. Appoint Commission Chair and Vice Chair

Vice Chair Ovard nominated Chair Karen Baldrige for another year as Commission Chair. Motion carried 4-0. Vice chair Ovard nominated Commissioner Ovitz for Vice Chair. Motion carried 4-0

B. Capital Improvement Projects – discussion and recommendation

The Recreation Commission discussed the current Capital Improvement list. Recreation Director Joe Fenske stated currently there are \$6,000 in the budget unobligated of Park Impact Fees. Mr. Fenske stated in the Fall of 2021, City was hoping to receive Prop 68 funding for Newport Park and the playground at the City Pool. The City did not receive funding for these projects. Mr. Fenske asked the Recreation Commission if they would like to place the following on the Capital Improvement list; develop Newport Park, develop a dog park, and replace the outdated playground

at the City Pool. Vice Chair Ovard made a motion, seconded by Commissioner Ovitz, motion carried 4-0, to add the following projects to the Capital Improvement list in order as:

- Replace outdated playground at the City Pool
- Development of Newport Park
- Development of a Dog Park.

Recreation Commission stated budgets for projects listed above would be determined when the other projects are finished, and more funding is available. A dog park is in the preliminary stages of discussion, no location has been determined yet.

C. Verbal discussion and recommendation to City Council: Recreation fees for programs, pool and facility rentals.

Recreation Commission evaluated the current program fees and discussed the need to find a balance between residents' ability to pay and to offset recreation expenses. Recreation Director Joe Fenske stated fees were most recently increases in 2014, 2016, and 2019 due to minimum wage increases. Prior to that the fees were not increased in several years. Mr. Fenske stated the department overall cost is approximately \$317k, the share of this cost varies across many programs, facilities, and employee wages.

The Recreation Commission discussed fees for youth and adult programs, park facility rentals, and City Pool operations, including the Orland Otters yearly contribution of \$3,500 to \$4,000 to help offset pool expenses. Recreation Commission discussed striking a balance between recovery of the City's costs and avoidance of exceeding residents' ability to pay. The recreation Commission decided to not recommend changes to park facilities currently. The Commission agreed upon a fee structure which keeps fees the same for City residents and non-residents.

Vice Chair Ovard made a motion, seconded by Commissioner Carmona motion carried 4-0 to recommend the following:

Program	Current Fee	Proposed Fee	Notes
Youth Soccer	\$50	\$60	
Youth Basketball	\$50	\$60	
Summer Camps	\$50	\$60	
Tumbling/Dance	\$50	\$60	
Adult Basketball	\$200	\$250	
Adult Fast Pitch Softball	\$750	\$850	
Adult Coed Softball	\$450	\$500	
Adult Volleyball	\$200	\$250	
Pool Operations:			
Daily Fee	\$2	\$3	
Individual Season Pass	\$55	\$75	**Pool is tentatively scheduled to be open 60 day swims and 26 evenings swims**
Family Season Pass	\$90	\$150	**Up to 8 immediate family members*
Public Swim Lessons	\$50	\$60	
Private Swim Lessons	\$75	\$85	
Pool Party Rentals	1-49 swimmers = \$75 50-74 swimmers = \$85 75-99 swimmers = \$100 100-124 swimmers = \$115 125-149 swimmers = \$130 150-174 swimmers = \$150 175-200 swimmers = \$160	1-49 swimmers = \$85 50-74 swimmers = \$95 75-99 swimmers = \$110 100-124 swimmers = \$125 125-149 swimmers = \$140 150-174 swimmers = \$160 175-200 swimmers = \$170	**These fees are per hour rate**
Sponsored Free Swim Days	Day Swim = \$250 Day swim and Evening = \$300	Day Swim = \$350 Day swim and Evening = \$400	
Park Reservations	Picnic Areas = \$40 Lely Covered Areas = \$75	Picnic Areas = \$40 Lely Covered Areas = \$75	

D. Verbal discussion on City Pool and adult program regulations and guidelines.

Recreation Director Joe Fenske informed the Recreation Commission that there were some incidents that took place this past summer and fall at the City Pool, Youth Programs, and Adult Programs that were inappropriate. Mr. Fenske stated that he dealt with each incident with the City Manager. Mr. Fenske stated that Recreation Staff has brought their concerns to him, and he wants to create Adult and Youth policies for all programs and there needs to be a code of conduct for parents to sign before each program starts. Mr. Fenske stated there needs to be a policy in place for the City Pool as well. Mr. Fenske stated it is important to have these policies in place before the summer season. Recreation Commission ask Mr. Fenske to research what other Recreation Departments do and to come back to the March meeting with more information.

7. COMMISSIONER REPORTS

A. Miscellaneous reports if any from commissioners.

No reports from Commissioners at this time.

8. ADJOURNMENT

Meeting adjourned at 7:50pm



CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: 5.K.

MEETING DATE: ~~March 15, 2022~~ April 5, 2022

TO: City of Orland City Council

FROM: Scott Friend, AICP – City Planner

MEETING DATE: ~~March 15, 2022~~ April 5, 2022; 5:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Zoning Code Amendment - Second Reading: Adoption of Objective Design Standards**

California State Senate Bill 35 (Government Code Section 65913.4), which went into effect on January 1, 2018, was part of a comprehensive bill package aimed at addressing the State's housing shortage and high costs. SB 35 requires the availability of a streamlined ministerial approval process for qualifying multifamily residential developments. As a part of this, bill cities and counties are required to establish objective design standards for qualifying multifamily residential development.

Environmental Review: Staff recommends that the City Council determine that the proposed action is *exempt* from further CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), the *common sense exemption* as the action will not include any physical development nor result in development which is not already considered in the particular zoning district.

Summary:

At its regular meeting of February 17th, 2022, the Planning Commission conducted a public hearing and engaged in discussion regarding the proposed Municipal Code Amendment action. Following the conduct of the public hearing and at the conclusion of the discussion on the matter, the Commission voted unanimously, 4-0, to recommend approval of the Municipal Code Title 17 Zoning Amendment to the City Council as presented.

Recommendation:

The Planning Commission recommends that the City Council take the following action(s):

1) Adopt City Council Resolution No. 2022-___, adopting Zoning Ordinance Text Amendment (ZCA) #2022-01 – Objective Design Standards as presented and determine that the proposed amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Background:

California State Senate Bill 35 (Government Code Section 65913.4), which went into effect on January 1, 2018, was part of a comprehensive bill package aimed at addressing the State’s housing shortage and high costs. SB 35 requires the availability of a streamlined ministerial approval process for multifamily residential developments, defined as a housing development that contains two or more residential units and is restricted to lower or moderate income households, in jurisdictions that have not yet made sufficient progress toward meeting their regional housing need allocation (RHNA). Those jurisdictions that have not met their RHNA are defined by the California Department of Housing and Community Development (HCD), which oversees this determination, as those cities and counties who have not met the RHNA, by income category, for a reporting period.

Included as a part of SB 35 streamlining requirements, cities are required to establish objective design standards for multifamily residential development that are eligible under SB 35. SB 35 defines an objective design standard as one that involves "no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant... and the public official prior to submittal." As a result, the City is required to develop and include in the Orland Municipal Code objective design standards. The draft Objective Design Standards ordinance, which is a new chapter (17.18) of the Municipal Code, is included as **Attachment A – Objective Design Standards**.

While not the subject of this staff report, information on SB 35 eligible projects is provided below as additional background material. SB 35 eligible projects have a number of state requirements for location and affordability, generally these include:

Location

1. The site has to be a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster.
2. At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.
3. It is zoned for residential use or residential mixed-use development or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use.

Affordability

1. The development proponent has committed to record, a land use restriction or covenant providing that all lower or moderate income housing units remain available at affordable housing costs or rent for no less than the following periods of time:

Objective Design Standards

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- a. Fifty-five years for units that are rented.
 - b. Forty-five years for units that are owned.
2. The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:
- a. The City’s latest Housing Element annual report reflects that there were fewer units of above moderate-income housing issued building permits than were required for the RHNA cycle and the project contains more than 10 units of housing, the project does the following:
 - i. The project dedicates a minimum of 10 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income.
 - b. The City’s latest Housing Element annual report reflects that there were fewer units of housing issued building permits affordable to either very low income or low-income households by income category than were required for the RHNA cycle and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income.

Discussion:

The subject of this staff report is the required Objective Design Standards as prescribed by SB 35. As defined in Gov. Code Section 65913.4(a)(5):

.... For purposes of this paragraph, “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal.....

Design vs. Development Standards

In the planning and development realm, there is an important distinction between development standards and design standards. While each inevitably play a large role in the overall look and feel of a structure, they have historically been treated and enforced differently.

Development Standards

Development standards are regulations pertaining to the physical modification of a structure or development, including the size and location of structures in relation to the lot. Development standards include maximum height of structures, minimum lot area, minimum setbacks, maximum lot coverage. By nature, these standards are objective because they establish standards that are verifiable by reference to known criteria (e.g., minimum lot size: 6,000 square feet, maximum

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height: 35 feet, etc.). In Orland, development standards are primarily established in the Zoning Ordinance.

Design Standards and Guidelines

Design standards and guidelines provide design guidance for City staff and applicants. Used in conjunction with the Zoning Ordinance and applicable development standards, design standards/guidelines provide a common basis for the evaluation of design during the project approval process. Typically, design standards incorporate objective language in the form of mandates whereas design guidelines are often subjective and make design recommendations. Where the word “shall” or “must” is used it is intended to be a mandate; and where the word “should” or “encouraged” is used, it is intended to be a recommended guideline. The mandates are treated as standards with little room for variation whereas the recommendations are subject to some interpretation and have room for minor deviations.

While the City has very few design requirements, design guidelines and standards can regulate a multitude of design features and provide some control over building design in the City for those projects that are ministerial, requiring no discretionary approval, in process. These features include lighting, articulation, building materials, color, fenestration, roof design, and building massing. SB 35 eligible projects would be, as required by SB 35, ministerial in process and would not be subject to any design review approval by the Planning Commission of City Council. As such, the adoption of Objective Design Standards is an important factor in assuring that future multifamily development meets the City’s objectives for design and compatibility.

The Objective Design Standards follows the City’s current site and design standards as identified in the Municipal Code. However, the Objective Design Standards expands these requirements in order to assure an adequately designed and aesthetically pleasing multifamily complex in response to SB 35’s elimination of discretionary design review for any qualified multifamily development requesting streamlined ministerial approval. The Objective Design Standards provides for site requirements including:

- street connectivity,
- the amount of parking,
- parking location, design, and access,
- parking lot lighting,
- onsite outdoor recreation areas,
- landscaping,
- fencing, and
- refuse containers.

The Objective Design Standards also provides requirements for building design including:

- building mass and articulation,
- façade transparency/limitation on blank walls,
- roofline,
- exterior theme, and
- screening of mechanical and electrical equipment.

As previously stated, upon review of the proposed amendment, the Planning Commission recommended that the City Council approve the proposed amendment to Title 17 Zoning as presented. The Planning Commission staff report is included herein as **Attachment B**.

Environmental determination:

Staff recommends that the Planning Commission determine that the proposed Municipal Code Amendment(s) to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment, and therefore the proposed revision is not subject to CEQA. A Notice of Exemption was prepared for this project and has been included with this staff report as **Attachment C -Notice of Exemption**.

Recommendation:

The Planning Commission recommends that the City Council approve the proposed Municipal Code Title 17 Zoning Amendment through adoption of City Council Ordinance #2022-____ included as **Attachment D**; approve the adoption of the Notice of Exemption included as **Attachment C**, and make the findings outlined in the staff report.

If the City Council determines that it intends to approve the matter as recommended, the following motion is offered for Council consideration:

Sample Motions:

1. California Environmental Quality Act (CEQA):

Move that the City Council determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15061(b)(3), the Common Sense Exemption.

2. Municipal Code Amendment:

Move that the City Council adopt Ordinance 2022-____ approving ZCA #2022-03 as presented herein and making findings for the amendment of the General Plan.

ATTACHMENTS

- **Attachment A** – Municipal Code Amendment – Chapter 17.18 Objective Design Standards
- **Attachment B** – Planning Commission Staff Report – dated February 16, 2022
- **Attachment C** – Notice of Exemption
- **Attachment E** – City Council Ordinance 2022-XX

CHAPTER 17.18 – OBJECTIVE DESIGN STANDARDS

Sections:

17.18.010 – Purpose.

California State Senate Bill 35 (Government Code Section 65913.4), which went into effect on January 1, 2018, requires the availability of a streamlined ministerial approval process for multifamily residential developments in jurisdictions that have not yet made sufficient progress toward meeting their regional housing need allocation (RHNA) as determined by the California Department of Housing and Community Development.

Included in the streamlining process, cities are required to establish objective design standards for multifamily residential development. SB 35 defines an objective design standard as one that involves "no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant... and the public official prior to submittal."

This chapter establishes Objective Design Standards that serve as minimum requirements for residential development in the City. Compliance with these standards will remove subjective or discretionary review of a proposed residential project. For any developer of a qualifying project seeking exceptions to these standards, or any of the City's applicable design guidelines, the City's existing discretionary design review process is available.

17.18.20 – Applicability

These standards are mandatory for any qualifying residential project that requests streamlined processing and ministerial approval pursuant to state law provisions that reference objective design standards. Qualifying residential projects are those that comply with Government Code Section 65913.4(a).

Section 65913.4(a)(2)(C) provides that Section 65913.4 applies to areas within a jurisdiction that is zoned for residential use or residential mixed-use development or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use. As such, these Objective Design Standards apply to developments meeting these requirements within the following zoning districts: R-1, R-2, R-3, C-1, C-2, and DT-MU. Section 65913.4(a)(1) defines a multifamily development as a development that contains two or more residential units.

17.18.30 – Objective Design Standards

A. Site standards

1. Street connectivity

- a) External Connectivity. Streets within any proposed subdivision or development site shall be aligned with existing and planned streets in adjacent neighborhoods so as to create a continuous street pattern. All streets, alleys, and pedestrian pathways in any subdivision or development site shall connect to other streets and to existing and planned streets outside the proposed subdivision or development.

- b) Internal connectivity. New streets must form a continuous and linked vehicular and pedestrian network within the development.
 - c) Cul-de-sacs and dead-end streets. Any cul-de-sac or other dead-end street longer than 300 feet shall be connected to other streets by a pedestrian path.
 - d) No gates/barriers. Automobile and pedestrian access points into multi-family residential developments shall not be gated or closed off to the public.
 - e) Block length/mid-block pedestrian connections. Blocks shall not exceed 600 feet in length, measured from street centerline to street centerline, unless mid-block pedestrian connections are provided at intervals of no more than 350 feet apart. Such pedestrian connections shall include a walkway at least 10 feet wide.
2. Parking required.
- a) Pursuant to Government Code Section 65913.4(e), no parking shall be required for those developments located within one-half mile of public transit.
 - b) Pursuant to Government Code Section 65913.4(e), the maximum required parking shall be one (1) space per dwelling unit. A carport or enclosed garage is optional.
3. Parking location, design, and access.
- a) All parking areas shall have adequate ingress and egress to and from a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site. Bumper rails or other barriers shall be provided where deemed necessary by the city to protect property.
 - b) Entrances and exits to parking lots and other parking facilities shall be provided at locations approved by the city engineer and planning director.
 - c) The parking area, aisles, and access drives shall be constructed with a minimum of six-inch base and a double chip and seal so as to provide a durable, dustless surface, and shall be graded and drained as to dispose of surface water, with the design and specification so such work is subject to the approval of the city engineer.
 - d) The use of cluster parking spaces into small parking areas, dispersed around the site, to avoid large paved expanses is required.
 - e) All parking lots shall include appropriately striped spaces for standard and compact cars as well as handicapped spaces.
 - f) No parking is allowed in setback areas along project boundaries.
 - g) A separation of pedestrian and automobile traffic paths is required to minimize conflict areas for safety.
 - h) Walkways to connect parking lots to building entrances shall be provided. Define walkways by landscaping, lighting and paving.
4. Parking lot lighting.
- a) Light fixture design shall be compatible with the design and the use of the principal structure on the site. Light fixtures shall be equipped with appropriate reflectors and shielded to prevent illumination of the adjacent properties.

- b) Incorporate placement of light fixtures into the landscape scheme of the project. Show location and type of all exterior lights on the landscape plans.
 - c) Height of any light poles shall be appropriate for the project and surrounding environment. Height of the light poles shall not exceed that of the main building.
 - d) Use bollard type luminaries, maximum of eight feet high for pedestrian areas.
 - e) Shield light sources to prevent any glare or direct illumination on public streets, adjacent properties, or highways.
 - f) All area lights shall be energy efficient type (High Pressure Sodium or equivalent).
 - g) All on-site pedestrian and automobile traffic areas shall be well lit for safety and security.
5. Onsite outdoor recreation areas.
- a) On each multifamily development of five (5) units or more within any district, whether such development is on a single recorded lot or on two or more adjacent recorded lots, such development shall provide usable and accessible open space for the recreation and outdoor living enjoyment of the development's residents and their guests. Such open space shall not be less than twenty-five percent (25%) of the total parcel area.
 Open space standards shall be as follows:
 - i. 1. Open space may be provided in more than one location.
 - ii. To qualify as required open space, such area shall have no area less than ten (10) square feet and at least fifty percent (50%) open to the sky and free of any overhead structural or architectural projections.
 - iii. Open space shall be improved. Improvements may consist of planting areas containing living plant materials, walks, patios, swimming and wading pools, arbors, temporary and removable shade elements, recreation equipment and facilities and such other appurtenances as are appropriate to serve the outdoor living needs of people.
 - iv. Garages, carports, open off-street parking areas, vehicular access driveways, trash enclosures, clothes- drying yards and non-landscaped areas shall not be included in calculating required open space.
 - b) In addition to those standards in subdivision (a), any multifamily project of fifteen (15) or more units shall provide the following recreation area:
 - i. A defined and fenced play area which may include fixed play equipment, ball courts, swimming or wading pools and similar child play facilities,
 - ii. The play area shall not be less than five hundred (500) square feet, or twenty-five (25) square feet for each apartment unit, whichever is greater.
 - iii. Be visible from multiple dwelling units within the project.
 - iv. Be protected from any adjacent streets or parking lots with a fence or other barrier at least four feet in height.
 - c) Exemptions. The play area requirement shall not apply to any development that is:

- i. Age-restricted to senior citizens; or
 - ii. Located within 300 feet of a public park.
 - d) For minimum setback requirements, refer to the zoning district.
- 6. Landscaping.
 - a) At a minimum, the following landscaping is required:
 - i. All areas not occupied by parking, driveways, pedestrian walkways, recreation areas, buildings, structures, and hardscape shall be landscaped.
 - ii. The required front yard shall be landscaped and not used for parking. The only area not landscaped within the required front yard is the driveway access to the required parking area, which shall not exceed twenty-five (25) feet in width,
 - iii. Landscaping within the front setback area shall include one fifteen (15) gallon-sized tree for each fifty (50) feet of frontage, and at least one gallon-sized shrub for each five feet of frontage,
 - iv. In addition to the required trees and shrubs, the landscaped area may also be planted with lawn or ground cover plants. Other decorative, non-plant ground covers may be used as long as they do not exceed twenty-five (25) percent of this landscaped area,
 - v. Parking lot landscaping shall be provided to enhance sites and building parking areas in compliance with the standards identified in Section 17.76.110 of this code.
 - vi. Where landscaping is provided, adequate irrigation and maintenance thereof shall be provided, including replacement of dead trees, shrubs, vines or other ground cover required pursuant to this section.
- 7. Fencing.
 - a) Any perimeter fencing utilized along a public street, shall be constructed of decorative iron, pre-painted welded steel, or wood picket material.
 - b) Fences and walls shall be compatible in style and material with the main structures on a site.
 - c) To avoid the monotony of long, solid walls and fences around the perimeter of projects, variation in height, and depth is encouraged.
 - d) Signs, lights, and other street furniture incorporated into the design of fences and walls are encouraged.
 - e) Barbed wire and chain link fencing is prohibited.
 - f) Fences and walls used for noise control shall be made of materials most suited for noise reduction, and which minimize reflective sound.
 - g) Security fencing and gates shall be of an open type to allow for maximum visibility of the secured area. Wrought iron and cast iron fences are recommended for security fences and gates for all uses.
 - h) Fencing shall be a maximum of six feet in height. Fencing over six feet in height, excepting subsection B above, shall require a building permit. All corner lots,

including corners on alleys, shall be a maximum of three feet in height within the front and exterior side yard setback areas.

- i) All fences shall be made of durable and weather-resistant materials as approved by the city.

8. Refuse containers.

- a) Provide dumpsters for garbage recycling, and green waste containers collection within a screened enclosure design specifically for that use.
- b) Shield all dumpsters within an enclosure a minimum of six feet tall. Allow adequate size to accommodate the needed dumpsters and recycling containers. All enclosures and gates should be detailed to withstand heavy use. Provide wheel stops or curbs to prevent dumpsters from banging into walls of enclosure.
- c) Provide an opening so that pedestrians can access the dumpsters without opening the large gates.
- d) Provide lighting at trash enclosures for nighttime security and use.
- e) Locate dumpster enclosures so that no dwelling is closer than 20 feet (including those on abutting properties), or more than 100 feet from a residential unit. No minimum distance from dwellings is required if dumpsters are located within a fully enclosed room.

B. Building design standards

1. Building mass and articulation.

- a) Building length. Buildings shall not be less than 20 feet or exceed 200 feet in width or length on any side.
- b) Façade articulation. All building facades that face or will be visible from a public street shall include one or more of the following treatments.
 - i. Exterior building walls shall vary in depth through a pattern of offsets, recesses, or projections.
 - ii. The building height shall be varied so that a portion of the building has a noticeable change in height; or roof forms are varied over different portions of the building through changes in pitch, plane, and orientation.
 - iii. The building façades shall incorporate details such as window trim, window recesses, cornices, belt courses, and other design elements.
- c) Maximum building height: 35 feet.
- d) Vertical articulation for tall buildings. In buildings of three or more stories, upper and lower stories shall be distinguished by incorporating one or more of the following features. These features may be applied to the transitions between any floors, except where otherwise specified.
 - i. A change in façade materials, along with a change in plane at least one inch in depth at the transition between the two materials.
 - ii. A horizontal design feature such as a water table, belt course, or bellyband.
 - iii. A base treatment at the ground floor consisting of a material such as stone, concrete masonry, or other material distinct from the remainder of the

façade and projecting at least one inch from the wall surface of the remainder of the building.

- iv. Setting back the top floor(s) of the building at least five feet from the remainder of the façade.
2. Façade transparency/limitation on blank walls.
 - a) At least 20 percent of the area of each street-facing facade of a residential building must consist of windows, doors, or other openings. No wall that faces a sidewalk, pedestrian walkway, or publicly accessible outdoor space shall run in a continuous plane of more than 30 feet without a window, door, or other opening.
 3. Roofline
 - a) Minimum roof slope: 3:12.
 - b) Minimum roof eave overhang, twelve (12) inches.
 4. Exterior theme
 - a) Buildings shall carry the same theme on all elevations. For the purposes of this standard, a theme includes primary (non-accent) materials and colors.
 - b) Affordable units and market rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable.
 5. Screening.
 - a) All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from the street. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building.



CITY OF ORLAND Staff Report

TO: **City of Orland Planning Commission**

FROM: Scott Friend, AICP – City Planner

MEETING DATE: February 17, 2022; 5:30 p.m.
Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Zoning Code Amendment: Adoption of Objective Design Standards**
California State Senate Bill 35 (Government Code Section 65913.4), which went into effect on January 1, 2018, was part of a comprehensive bill package aimed at addressing the State's housing shortage and high costs. SB 35 requires the availability of a streamlined ministerial approval process for qualifying multifamily residential developments. As a part of this, bill cities and counties are required to establish objective design standards for qualifying multifamily residential development.

Environmental Review: Staff recommends that the Planning Commission determine that the proposed action is *exempt* from further CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), the *common sense rule* as the action will not include any physical development nor result in development which is not already considered in the particular zoning district.

Previous Planning Commission Action:

The Objective Design Standards were brought before the Planning Commission at a duly noticed Planning Commission hearing on December 16, 2021. At that time, the Commission decided to continue this action to a later meeting in order to allow for additional Planning commission review. This item is being brought back to the Planning Commission for action as a noticed Public Hearing. A new public hearing notice was prepared and published for this action.

Background:

California State Senate Bill 35 (Government Code Section 65913.4), which went into effect on January 1, 2018, was part of a comprehensive bill package aimed at addressing the State's housing shortage and high costs. SB 35 requires the availability of a streamlined ministerial approval process for multifamily residential developments, defined as a housing development that contains two or more residential units and is restricted to lower or moderate income households, in jurisdictions that have not yet made sufficient progress toward meeting their regional housing need allocation (RHNA). Those jurisdictions that have not met their RHNA are defined by the California Department of Housing and Community Development (HCD), which oversees this determination, as those cities and counties who have not met the RHNA, by income category, for a reporting period.

Attachment B

Objective Design Standards

City of Orland Planning Commission Meeting – February 17, 2022

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Included as a part of SB 35 streamlining requirements, cities are required to establish objective design standards for multifamily residential development that are eligible under SB 35. SB 35 defines an objective design standard as one that involves "no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant... and the public official prior to submittal." As a result, the City is required to develop and include in the Orland Municipal Code objective design standards. The draft Objective Design Standards ordinance, which is a new chapter (17.18) of the Municipal Code, is included as **Attachment A – Objective Design Standards**.

While not the subject of this staff report, information on SB 35 eligible projects is provided below as additional background material. SB 35 eligible projects have a number of state requirements for location and affordability, generally these include:

Location

1. The site has to be a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster.
2. At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.
3. It is zoned for residential use or residential mixed-use development or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use.

Affordability

1. The development proponent has committed to record, a land use restriction or covenant providing that all lower or moderate income housing units remain available at affordable housing costs or rent for no less than the following periods of time:
 - a. Fifty-five years for units that are rented.
 - b. Forty-five years for units that are owned.
2. The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:
 - a. The City's latest Housing Element annual report reflects that there were fewer units of above moderate-income housing issued building permits than were required for the RHNA cycle and the project contains more than 10 units of housing, the project does the following:

Attachment B

- i. The project dedicates a minimum of 10 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income.
- b. The City’s latest Housing Element annual report reflects that there were fewer units of housing issued building permits affordable to either very low income or low-income households by income category than were required for the RHNA cycle and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income.

Discussion:

The subject of this staff report is the required Objective Design Standards as prescribed by SB 35. As defined in Gov. Code Section 65913.4(a)(5):

.... For purposes of this paragraph, “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal....

Design vs. Development Standards

In the planning and development realm, there is an important distinction between development standards and design standards. While each inevitably play a large role in the overall look and feel of a structure, they have historically been treated and enforced differently.

Development Standards

Development standards are regulations pertaining to the physical modification of a structure or development, including the size and location of structures in relation to the lot. Development standards include maximum height of structures, minimum lot area, minimum setbacks, maximum lot coverage. By nature, these standards are objective because they establish standards that are verifiable by reference to known criteria (e.g., minimum lot size: 6,000 square feet, maximum height: 35 feet, etc.). In Orland, development standards are primarily established in the Zoning Ordinance.

Design Standards and Guidelines

Design standards and guidelines provide design guidance for City staff and applicants. Used in conjunction with the Zoning Ordinance and applicable development standards, design standards/guidelines provide a common basis for the evaluation of design during the project approval process. Typically, design standards incorporate objective language in the form of mandates whereas design guidelines are often subjective and make design recommendations.

Objective Design Standards

City of Orland Planning Commission Meeting – February 17, 2022

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Where the word “shall” or “must” is used it is intended to be a mandate; and where the word “should” or “encouraged” is used, it is intended to be a recommended guideline. The mandates are treated as standards with little room for variation whereas the recommendations are subject to some interpretation and have room for minor deviations.

While the City has very few design requirements, design guidelines and standards can regulate a multitude of design features and provide some control over building design in the City for those projects that are ministerial, requiring no discretionary approval, in process. These features include lighting, articulation, building materials, color, fenestration, roof design, and building massing. SB 35 eligible projects would be, as required by SB 35, ministerial in process and would not be subject to any design review approval by the Planning Commission of City Council. As such, the adoption of Objective Design Standards is an important factor in assuring that future multifamily development meets the City’s objectives for design and compatibility.

The Objective Design Standards follows the City’s current site and design standards as identified in the Municipal Code. However, the Objective Design Standards expands these requirements in order to assure an adequately designed and aesthetically pleasing multifamily complex in response to SB 35’s elimination of discretionary design review for any qualified multifamily development requesting streamlined ministerial approval. The Objective Design Standards provides for site requirements including:

- street connectivity,
- the amount of parking,
- parking location, design, and access,
- parking lot lighting,
- onsite outdoor recreation areas,
- landscaping,
- fencing, and
- refuse containers.

The Objective Design Standards also provides requirements for building design including:

- building mass and articulation,
- façade transparency/limitation on blank walls,
- roofline,
- exterior theme, and
- screening of mechanical and electrical equipment.

Environmental determination:

Staff recommends that the Planning Commission determine that the proposed Municipal Code Amendment(s) to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment, and therefore the proposed revision is not subject to CEQA. A Notice of Exemption was prepared for this project and has been included with this staff report as **Attachment B -Notice of Exemption**.

Recommendation:

Staff requests that the Planning Commission consider the proposed revisions to the Municipal Code and recommend changes, if necessary. If no changes are considered necessary, staff recommends that the Planning Commission recommend for approval to the City Council, the Amendment(s) to the Orland Municipal Code, as contained herein, through adoption of Planning Commission Resolution #2022-XX (**Attachment C**). Staff also recommends that the Planning Commission recommend for approval to the City Council, adoption of the Notice of Exemption (**Attachment C**) prepared for the proposed action.

Staff recommends that the Planning Commission utilize the following process for consideration of this matter:

1. Accept a presentation of the project by staff;
2. Open the public hearing and take public testimony;
3. Close the public hearing and initiate consideration of the project by the Planning Commission; and
4. Motion and vote by the Planning Commission.

If the Planning Commission determines that it intends to recommend for approval the Municipal Code Amendment, staff presents the following motions for consideration:

I move that the Planning Commission adopt Planning Commission Resolution #2022-XX recommending for approval to the City Council, the Municipal Code Amendment as presented herein and approval of the Categorical Exemption as presented.

ATTACHMENTS

- **Attachment A** – Municipal Code Amendment – Chapter 17.18 Objective Design Standards
- **Attachment B** – Notice of Exemption
- **Attachment C** – Planning Commission Resolution 2022-XX

To: ■ Office of Planning and Research
 PO Box 3044, 1400 Tenth Street, Room 212
 Sacramento, CA 95812-3044

From: (Public Agency) City of Orland
815 Fourth Street
Orland, CA 95963
 (Address)

■ County Clerk
 County of Glenn
526 West Sycamore Street
Willows, CA 95988

Project Title: Amendment to Municipal Code for ADUs.

Project Location - Specific:

City of Orland – Citywide.

Project Location – City: Orland **Project Location – County:** Glenn

Description of Nature, Purpose, and Beneficiaries of Project: Amendment to Municipal Code incorporating Objective Design Standards.

Name of Public Agency Approving Project:

City of Orland

Name of Person or Agency Carrying Out Project:

City of Orland

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: §115061(b)(3) common sense rule
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The City of Orland City Council has determined that this project is exempt from CEQA as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment. Therefore, the project is exempt pursuant to CEQA Guidelines Section 15061(b)(3).

Lead Agency

Contact Person: Scott Friend, AICP Area Code/Telephone/Extension: (530) 865-1608

Signature: _____ Date: _____ Title: City Planner

■ Signed by Lead Agency

Date received for filing at OPR: N/A

CITY OF ORLAND

CITY COUNCIL ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY OF ORLAND CITY COUNCIL AMENDING TITLE 17, ZONING, OF THE CITY OF ORLAND MUNICIPAL CODE BY INCLUDING CHAPTER 17.18 – OBJECTIVE DESIGN STANDARDS TO COMPLY WITH STATE LAW REGARDING OBJECTIVE DESIGN STANDARDS

WHEREAS, On January 1, 2021, the State of California adopted revisions to Government Code Section 65913.4 requiring ministerial approval of qualifying multifamily developments; and

WHEREAS, adoption of revisions of Government Code Section 65913.4 by the State results in a necessary amendment to the City's Municipal Code to include Objective Design Standards; and

WHEREAS, the City of Orland, California did complete the necessary studies thereon, as provided by law, and;

WHEREAS, Title 1 *General Provisions* of the City Code does allow for amendment to the City Code; and

WHEREAS, the Planning Commission of the City of Orland, California held a duly noticed Public Hearing to consider the matter on February 17th, 2022, as provided by law; and

WHEREAS, no public comment was received as a result of the public hearing and upon the closing of the public hearing and deliberation on the matter, the Planning Commission recommended approval of the proposed Code amendment to the Council as presented; and

WHEREAS, the City Council of the City of Orland, California considered the Amendment to the Municipal Code Title 17 *Zoning* and the recommendation of the Planning Commission at a regular meeting of the City Council held on March 15, 2022; and

WHEREAS, the City Council held a duly noticed public hearing on the proposed amendments to Title 17, *Zoning*, in order to provide the community and interested parties the opportunity to comment on the proposed amendments; and

WHEREAS, Title 17- *Zoning* has been revised to include Chapter 17.18 *Objective Design Standards* as shown in **Exhibit A**; and

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Orland approve the associated CEQA Exemption and approves the Orland Municipal Code Amendments reflected in Exhibit A and incorporated herein by reference.

This Ordinance was introduced at the regular meeting of the City Council for a Public Hearing of the first reading (by title only) on March 15, 2022.

PASSED AND ADOPTED by the Orland City Council on this ____ day of _____, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

DENNIS HOFFMAN, MAYOR
CITY OF ORLAND

ATTEST:

APPROVED AS TO FORM:

JENNIFER SCHMITKE,
CITY CLERK

GREG EINHORN, ESQ.
CITY ATTORNEY

CODIFY _____

UNCODIFY _____

CHAPTER 17.18 – OBJECTIVE DESIGN STANDARDS

Sections:

17.18.010 – Purpose.

California State Senate Bill 35 (Government Code Section 65913.4), which went into effect on January 1, 2018, requires the availability of a streamlined ministerial approval process for multifamily residential developments in jurisdictions that have not yet made sufficient progress toward meeting their regional housing need allocation (RHNA) as determined by the California Department of Housing and Community Development.

Included in the streamlining process, cities are required to establish objective design standards for multifamily residential development. SB 35 defines an objective design standard as one that involves "no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant... and the public official prior to submittal."

This chapter establishes Objective Design Standards that serve as minimum requirements for residential development in the City. Compliance with these standards will remove subjective or discretionary review of a proposed residential project. For any developer of a qualifying project seeking exceptions to these standards, or any of the City's applicable design guidelines, the City's existing discretionary design review process is available.

17.18.20 – Applicability

These standards are mandatory for any qualifying residential project that requests streamlined processing and ministerial approval pursuant to state law provisions that reference objective design standards. Qualifying residential projects are those that comply with Government Code Section 65913.4(a).

Section 65913.4(a)(2)(C) provides that Section 65913.4 applies to areas within a jurisdiction that is zoned for residential use or residential mixed-use development or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use. As such, these Objective Design Standards apply to developments meeting these requirements within the following zoning districts: R-1, R-2, R-3, C-1, C-2, and DT-MU. Section 65913.4(a)(1) defines a multifamily development as a development that contains two or more residential units.

17.18.30 – Objective Design Standards

A. Site standards

1. Street connectivity

- a) External Connectivity. Streets within any proposed subdivision or development

Exhibit A

site shall be aligned with existing and planned streets in adjacent neighborhoods so as to create a continuous street pattern. All streets, alleys, and pedestrian pathways in any subdivision or development site shall connect to other streets and to existing and planned streets outside the proposed subdivision or development.

- b) Internal connectivity. New streets must form a continuous and linked vehicular and pedestrian network within the development.
 - c) Cul-de-sacs and dead-end streets. Any cul-de-sac or other dead-end street longer than 300 feet shall be connected to other streets by a pedestrian path.
 - d) No gates/barriers. Automobile and pedestrian access points into multi-family residential developments shall not be gated or closed off to the public.
 - e) Block length/mid-block pedestrian connections. Blocks shall not exceed 600 feet in length, measured from street centerline to street centerline, unless mid-block pedestrian connections are provided at intervals of no more than 350 feet apart. Such pedestrian connections shall include a walkway at least 10 feet wide.
2. Parking required.
- a) Pursuant to Government Code Section 65913.4(e), no parking shall be required for those developments located within one-half mile of public transit.
 - b) Pursuant to Government Code Section 65913.4(e), the maximum required parking shall be one (1) space per dwelling unit. A carport or enclosed garage is optional.
3. Parking location, design, and access.
- a) All parking areas shall have adequate ingress and egress to and from a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site. Bumper rails or other barriers shall be provided where deemed necessary by the city to protect property.
 - b) Entrances and exits to parking lots and other parking facilities shall be provided at locations approved by the city engineer and planning director.
 - c) The parking area, aisles, and access drives shall be constructed with a minimum of six-inch base and a double chip and seal so as to provide a durable, dustless surface, and shall be graded and drained as to dispose of surface water, with the design and specification so such work is subject to the approval of the city engineer.
 - d) The use of cluster parking spaces into small parking areas, dispersed around the site, to avoid large paved expanses is required.
 - e) All parking lots shall include appropriately striped spaces for standard and compact cars as well as handicapped spaces.
 - f) No parking is allowed in setback areas along project boundaries.
 - g) A separation of pedestrian and automobile traffic paths is required to minimize conflict areas for safety.
 - h) Walkways to connect parking lots to building entrances shall be provided. Define walkways by landscaping, lighting and paving.

4. Parking lot lighting.
 - a) Light fixture design shall be compatible with the design and the use of the principal structure on the site. Light fixtures shall be equipped with appropriate reflectors and shielded to prevent illumination of the adjacent properties.
 - b) Incorporate placement of light fixtures into the landscape scheme of the project. Show location and type of all exterior lights on the landscape plans.
 - c) Height of any light poles shall be appropriate for the project and surrounding environment. Height of the light poles shall not exceed that of the main building.
 - d) Use bollard type luminaries, maximum of eight feet high for pedestrian areas.
 - e) Shield light sources to prevent any glare or direct illumination on public streets, adjacent properties, or highways.
 - f) All area lights shall be energy efficient type (High Pressure Sodium or equivalent).
 - g) All on-site pedestrian and automobile traffic areas shall be well lit for safety and security.
5. Onsite outdoor recreation areas.
 - a) On each multifamily development of five (5) units or more within any district, whether such development is on a single recorded lot or on two or more adjacent recorded lots, such development shall provide usable and accessible open space for the recreation and outdoor living enjoyment of the development's residents and their guests. Such open space shall not be less than twenty-five percent (25%) of the total parcel area.

Open space standards shall be as follows:

 - i. 1. Open space may be provided in more than one location.
 - ii. To qualify as required open space, such area shall have no area less than ten (10) square feet and at least fifty percent (50%) open to the sky and free of any overhead structural or architectural projections.
 - iii. Open space shall be improved. Improvements may consist of planting areas containing living plant materials, walks, patios, swimming and wading pools, arbors, temporary and removable shade elements, recreation equipment and facilities and such other appurtenances as are appropriate to serve the outdoor living needs of people.
 - iv. Garages, carports, open off-street parking areas, vehicular access driveways, trash enclosures, clothes- drying yards and non-landscaped areas shall not be included in calculating required open space.
 - b) In addition to those standards in subdivision (a), any multifamily project of fifteen (15) or more units shall provide the following recreation area:
 - i. A defined and fenced play area which may include fixed play equipment, ball courts, swimming or wading pools and similar child play facilities,
 - ii. The play area shall not be less than five hundred (500) square feet, or twenty-five (25) square feet for each apartment unit, whichever is greater.
 - iii. Be visible from multiple dwelling units within the project.

- iv. Be protected from any adjacent streets or parking lots with a fence or other barrier at least four feet in height.
 - c) Exemptions. The play area requirement shall not apply to any development that is:
 - i. Age-restricted to senior citizens; or
 - ii. Located within 300 feet of a public park.
 - d) For minimum setback requirements, refer to the zoning district.
6. Landscaping.
- a) At a minimum, the following landscaping is required:
 - i. All areas not occupied by parking, driveways, pedestrian walkways, recreation areas, buildings, structures, and hardscape shall be landscaped.
 - ii. The required front yard shall be landscaped and not used for parking. The only area not landscaped within the required front yard is the driveway access to the required parking area, which shall not exceed twenty-five (25) feet in width,
 - iii. Landscaping within the front setback area shall include one fifteen (15) gallon-sized tree for each fifty (50) feet of frontage, and at least one gallon-sized shrub for each five feet of frontage,
 - iv. In addition to the required trees and shrubs, the landscaped area may also be planted with lawn or ground cover plants. Other decorative, non-plant ground covers may be used as long as they do not exceed twenty-five (25) percent of this landscaped area,
 - v. Parking lot landscaping shall be provided to enhance sites and building parking areas in compliance with the standards identified in Section 17.76.110 of this code.
 - vi. Where landscaping is provided, adequate irrigation and maintenance thereof shall be provided, including replacement of dead trees, shrubs, vines or other ground cover required pursuant to this section.
7. Fencing.
- a) Any perimeter fencing utilized along a public street, shall be constructed of decorative iron, pre-painted welded steel, or wood picket material.
 - b) Fences and walls shall be compatible in style and material with the main structures on a site.
 - c) To avoid the monotony of long, solid walls and fences around the perimeter of projects, variation in height, and depth is encouraged.
 - d) Signs, lights, and other street furniture incorporated into the design of fences and walls are encouraged.
 - e) Barbed wire and chain link fencing is prohibited.
 - f) Fences and walls used for noise control shall be made of materials most suited for noise reduction, and which minimize reflective sound.

- g) Security fencing and gates shall be of an open type to allow for maximum visibility of the secured area. Wrought iron and cast iron fences are recommended for security fences and gates for all uses.
- h) Fencing shall be a maximum of six feet in height. Fencing over six feet in height, excepting subsection B above, shall require a building permit. All corner lots, including corners on alleys, shall be a maximum of three feet in height within the front and exterior side yard setback areas.
- i) All fences shall be made of durable and weather-resistant materials as approved by the city.

8. Refuse containers.

- a) Provide dumpsters for garbage recycling, and green waste containers collection within a screened enclosure design specifically for that use.
- b) Shield all dumpsters within an enclosure a minimum of six feet tall. Allow adequate size to accommodate the needed dumpsters and recycling containers. All enclosures and gates should be detailed to withstand heavy use. Provide wheel stops or curbs to prevent dumpsters from banging into walls of enclosure.
- c) Provide an opening so that pedestrians can access the dumpsters without opening the large gates.
- d) Provide lighting at trash enclosures for nighttime security and use.
- e) Locate dumpster enclosures so that no dwelling is closer than 20 feet (including those on abutting properties), or more than 100 feet from a residential unit. No minimum distance from dwellings is required if dumpsters are located within a fully enclosed room.

B. Building design standards

1. Building mass and articulation.

- a) Building length. Buildings shall not be less than 20 feet or exceed 200 feet in width or length on any side.
- b) Façade articulation. All building facades that face or will be visible from a public street shall include one or more of the following treatments.
 - i. Exterior building walls shall vary in depth through a pattern of offsets, recesses, or projections.
 - ii. The building height shall be varied so that a portion of the building has a noticeable change in height; or roof forms are varied over different portions of the building through changes in pitch, plane, and orientation.
 - iii. The building façades shall incorporate details such as window trim, window recesses, cornices, belt courses, and other design elements.
- c) Maximum building height: 35 feet.
- d) Vertical articulation for tall buildings. In buildings of three or more stories, upper and lower stories shall be distinguished by incorporating one or more of the following features. These features may be applied to the transitions between any floors, except where otherwise specified.

- i. A change in façade materials, along with a change in plane at least one inch in depth at the transition between the two materials.
 - ii. A horizontal design feature such as a water table, belt course, or bellyband.
 - iii. A base treatment at the ground floor consisting of a material such as stone, concrete masonry, or other material distinct from the remainder of the façade and projecting at least one inch from the wall surface of the remainder of the building.
 - iv. Setting back the top floor(s) of the building at least five feet from the remainder of the façade.
2. Façade transparency/limitation on blank walls.
 - a) At least 20 percent of the area of each street-facing facade of a residential building must consist of windows, doors, or other openings. No wall that faces a sidewalk, pedestrian walkway, or publicly accessible outdoor space shall run in a continuous plane of more than 30 feet without a window, door, or other opening.
3. Roofline
 - a) Minimum roof slope: 3:12.
 - b) Minimum roof eave overhang, twelve (12) inches.
4. Exterior theme
 - a) Buildings shall carry the same theme on all elevations. For the purposes of this standard, a theme includes primary (non-accent) materials and colors.
 - b) Affordable units and market rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable.
5. Screening.
 - a) All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from the street. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building.



CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: 5.L

MEETING DATE: ~~March 15, 2022~~ April 5, 2022

TO: **City of Orland City Council**
FROM: Scott Friend, AICP – City Planner
MEETING DATE: ~~March 15, 2022~~ April 5, 2022; 6:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963
SUBJECT: **Municipal Code Amendment ZCA #2022-02 - Second Reading:** Proposed amendments include revisions to:

- Revise Title 17 Zoning to include new State requirements for Accessory Dwelling Units and Junior Accessory Dwelling Units

Environmental Review: Staff is recommending that the City Council determine that the project is *Exempt* from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment, and therefore the proposed revision is not subject to CEQA.

Summary:

At its regular meeting of February 17th, 2022, the Planning Commission conducted a public hearing and engaged in discussion regarding the proposed Municipal Code Amendment action. Following the conduct of the public hearing and at the conclusion of the discussion on the matter, the Commission voted unanimously, 4-0, to recommend approval of the Municipal Code Title 17 Zoning Amendment to the City Council as presented.

Recommendation:

The Planning Commission recommends that the City Council take the following action(s):

1) Adopt City Council Ordinance No. 2022-___, adopting Zoning Ordinance Text Amendment (ZCA) #2022-02 – Accessory Dwelling Units / Junior Accessory Dwelling Units as presented and determine that the proposed amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Background:

On January 1st, 2021, new legislation adopted by the State of California (Assembly Bill 68 (2019), Assembly Bill 881 (2019), and Senate Bill 13 (2019)) regarding Accessory Dwelling Units (ADUs) came into effect. This new legislation added new language to Government Code Sections

65852.2 and 65852.22, which discusses Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) and the regulations for the and permitting of this type of dwellings unit.

Additionally, the 2019 California Energy Code (Cal. Code Regs., Title 24, Part 6) has solar photovoltaic (PV) system requirements for all newly constructed low-rise residential buildings, including newly constructed ADUs. However, these requirements do not apply to additions or alterations to existing buildings. For example, an existing unconditioned building (like a garage) that is converted to an ADU is considered an addition and not subject to the PV system requirements. Additionally, JADUs are not subject to PV system requirements as the JADU is required to be constructed within the single family residence. Unconditioned buildings are also not subject to the PV system requirements.

As a result, the City is required to revise the Orland Municipal Code to comply with new state regulations for ADUs/JADUs. The revision to the Municipal Code is included as **Attachment A – Municipal Code Revisions** in a strikethrough/underline version. The following is a discussion of the proposed changes.

The new ADU/JADU legislation results in revisions to the Zoning Ordinance to comply with the requirements of SB 13, AB 68 and AB 881 as well as the solar photovoltaic requirements established in the Energy Code.

Discussion:

The staff suggested changes to the Zoning Ordinance, as shown in **Attachment A**, includes revisions that will bring the Zoning Ordinance into compliance with State law. Upon review of the proposed revisions, the Planning Commission recommended to the City Council approve the proposed amendment to Title 17 Zoning as presented. The Planning Commission staff report is included as **Attachment B**.

The revisions are as follows:

- Title 17 Zoning – Section 147.76.130 has been revised to define the maximum size limits for ADUs and JADUs.
- Title 17 Zoning – Section 147.76.130 has been revised to define the review period timing (60 days) for ADUs and JADUs.
- Title 17 Zoning – Section 147.76.130 has been revised to define the photovoltaic (PV) system requirements for all newly constructed, non-manufactured, ADUs as required by 2019 Energy Code. However, the Energy Code does allow for exceptions to this requirement such as if the new ADUs availability of solar access is limited because of tree or adjacent structure shading.
- Title 17 Zoning – Section 147.76.130 has been revised to further define the requirements for Junior Accessory Dwelling Units to comply with those requirements of the new state laws.

Upon adoption of the new revisions, the City is required to submit the revised ordinance to the California Department of Housing and Community Development (HCD) within 60 days after adoption. However, upon submittal, the ordinance is not subject to a HCD review and findings process.

Environmental determination:

The Planning Commission recommends that the City Council determine that the proposed Municipal Code Amendment(s) to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment, and therefore the proposed revision is not subject to CEQA. A Notice of Exemption was prepared for this project and has been included with this staff report as **Attachment C -Notice of Exemption**.

Recommendation:

The Planning Commission recommends that the City Council approve the proposed Municipal Code Title 17 Zoning Amendment through adoption of City Council Ordinance #2022-___ included as **Attachment D**; approve the adoption of the Notice of Exemption included as **Attachment C**, and make the findings outlined in the staff report.

If the City Council determines that it intends to approve the matter as recommended, the following motion is offered for Council consideration:

Sample Motions:

1. California Environmental Quality Act (CEQA):

Move that the City Council determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15061(b)(3), the Common Sense Exemption.

2. Municipal Code Amendment:

Move that the City Council adopt Ordinance 2022-___ approving ZCA #2022-02 as presented herein and making findings for the amendment of the General Plan.

ATTACHMENTS

- **Attachment A** – Municipal Code Amendment - strikethrough/underline version
- **Attachment B** – Planning Commission Staff Report – dated February 17, 2022
- **Attachment C** – Notice of Exemption
- **Attachment D** – City Council Ordinance 2022-XX

CITY OF ORLAND MUNICIPAL CODE AMENDMENTS

Proposed Revisions to Title 17 Zoning

Chapter 17.76 - GENERAL USE AND DESIGN REQUIREMENTS

Sections:

17.76.130 Accessory dwelling units and junior accessory dwelling units.

- A. Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) are defined in § 17.08.145.

Applications for ADUs and/or JADUs:

1. In single-family or multi-family residential zones are an allowed use in all single-family and multi-family zoning districts in the city and shall not be subject to a use permit or other discretionary action pursuant to California Government Code §§ 65852.2 and 65852.22 with the following additional requirements: and
2. In industrial zones, ADUs and JADUs are allowed if the property has an existing or proposed single- or multi-family dwelling. The ADU or JADU shall not be subject to a use permit or other discretionary action pursuant to California Government Code §§ 65852.2 and 65852.22 with the following additional requirements:
 - a. The increased floor area of an attached ADU shall not exceed fifty (50) percent of the proposed or existing primary dwelling living area, as long as the size limitation permits an ADU at least eight hundred (800) sq. ft. in size, at least sixteen (16) feet in height with four-foot side and rear yard setbacks, and that can be constructed in compliance with all other local development standards. Maximum allowed increase in floor area for an ADU is one thousand two hundred (1,200) square feet. Maximum allowed increase in floor area for a JADU is five hundred (500) square feet.
 - j. With the acceptance of those requirements discussed in divisions ~~8h~~ and ~~9j~~ above, requirements relating to height, architectural review, site plan review, fees, charges, and other zoning requirements are generally applicable to residential construction in the zone in which the property is located.
 - q. For an ADU that is not described in ~~subsection 15~~ division o above, a new or separate utility connection directly between the ADU and the utility shall be required. The connection is subject to a connection fee or capacity charge which shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
 - s. Multiple ADUs shall be allowed within the portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms,

passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

At least one attached ADU and a maximum of twenty-five (25) percent of the existing multi-family dwelling units shall be allowed in a multi-family structure.

Up to two detached ADUs that are located on a lot that has an existing multi-family dwelling shall be allowed on that multi-family lot. These detached ADUs are subject to a height limit of sixteen (16) feet and four-foot rear yard and side setbacks.

t. The City shall ministerially review and act on a building permit application for an ADU and JADU within 60 days after receiving the application. An ADU or JADU unit proposed with a permit application for a new primary dwelling unit shall not be approved until the primary dwelling receives approval.

u. Newly constructed accessory dwelling units are subject to the 2019 California Energy Code (Cal. Code Regs., Title 24, Part 6, Subchapter 8, Section 151.1(14)) requirement, with exceptions, to provide a solar photovoltaic (PV) system if the unit is a newly constructed, non-manufactured, detached accessory dwelling unit. The solar panels can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide a PV system.

v. Additional JADU requirements:

- i. One JADU unit is allowed per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.
- ii. The creation of a JADU must be within the walls of the proposed or existing single-family residence. JADUs are not allowed in accessory structures. Attached garages are eligible for JADU creation.
- iii. The JADU is required to include a separate entrance from the main entrance to the proposed or existing single-family residence but may also include shared access between the two units.
- iv. No passageway shall be required in conjunction with the construction of a JADU. For the purposes of this section, "passageway" means a pathway that is unobstructed clear to the sky and extends from the street to one entrance of the accessory dwelling unit.

17.76.100 - Parking and loading facilities.

K. Garage conversion:

1. Any off-street parking spaces lost through conversion of a garage to a non-garage use in a residential zone shall be replaced with enclosed space meeting the standards for the use as required by the applicable zone district unless the conversion is a ADU or JADU. Parking replacement requirements for these type of uses are identified in Section 17.76.130.



CITY OF ORLAND Staff Report

TO: **City of Orland Planning Commission**
FROM: Scott Friend, AICP – City Planner
MEETING DATE: February 17, 2022; 5:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Municipal Code Amendment:** Proposed amendments include revisions to:

- Revise Title 17 Zoning to include new State requirements for Accessory Dwelling Units and Junior Accessory Dwelling Units

Environmental Review: Staff is recommending that the Planning Commission determine that the project is *Exempt* from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment, and therefore the proposed revision is not subject to CEQA.

Summary:

On January 1st, 2021, new legislation adopted by the State of California (Assembly Bill 68 (2019), Assembly Bill 881 (2019), and Senate Bill 13 (2019)) regarding Accessory Dwelling Units (ADUs) came into effect. This new legislation added new language to Government Code Sections 65852.2 and 65852.22, which discusses Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) and the regulations and permitting of these type of dwellings unit.

Additionally, the 2019 California Energy Code (Cal. Code Regs., Title 24, Part 6) has solar photovoltaic (PV) system requirements for all newly constructed low-rise residential buildings, including newly constructed ADUs. However, these requirements do not apply to additions or alterations to existing buildings. For example, an existing unconditioned building (like a garage) that is converted to an ADU is considered an addition and not subject to the PV system requirements. Additionally, JADUs are not subject to PV system requirements as the JADU is required to be constructed within the single family residence. Unconditioned buildings are also not subject to the PV system requirements.

As a result, the City is required to revise the Orland Municipal Code to comply with new state regulations for ADUs/JADUs. The revision to the Municipal Code is included as **Attachment A – Municipal Code Revisions** in a strikethrough/underline version. A “clean” version of the Code revisions is included as **Attachment B – Municipal Code Revisions**. The following is a discussion of the proposed changes.

Attachment B

Discussion:

The new ADU/JADU legislation results in revisions to the Zoning Ordinance to comply with the requirements of SB 13, AB 68 and AB 881 as well as the solar photovoltaic requirements established in the Energy Code.

The staff suggested changes to the Zoning Ordinance, as shown in **Attachments A and B**, includes revisions that will bring the Zoning Ordinance into compliance with State law. The revisions are as follows:

- Title 17 Zoning – Section 147.76.130 has been revised to define the maximum size limits for ADUs and JADUs.
- Title 17 Zoning – Section 147.76.130 has been revised to define the review period timing (60 days) for ADUs and JADUs.
- Title 17 Zoning – Section 147.76.130 has been revised to define the photovoltaic (PV) system requirements for all newly constructed, non-manufactured, ADUs as required by 2019 Energy Code. However, the Energy Code does allow for exceptions to this requirement such as if the new ADUs availability of solar access is limited because of tree or adjacent structure shading.
- Title 17 Zoning – Section 147.76.130 has been revised to further define the requirements for Junior Accessory Dwelling Units to comply with those requirements of the new state laws.

Upon adoption of the new revisions, the City is required to submit the revised ordinance to the California Department of Housing and Community Development (HCD) within 60 days after adoption. However, upon submittal, the ordinance is not subject to a HCD review and findings process.

Environmental determination:

Staff recommends that the Planning Commission determine that the proposed Municipal Code Amendment(s) to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment, and therefore the proposed revision is not subject to CEQA. A Notice of Exemption was prepared for this project and has been included with this staff report as **Attachment C -Notice of Exemption**.

Recommendation:

Staff requests that the Planning Commission consider the proposed revisions to the Municipal Code and recommend changes, if necessary. If no changes are considered necessary, staff recommends that the Planning Commission recommend for approval to the City Council, the Amendment(s) to the Orland Municipal Code, as contained herein, through adoption of Planning Commission Resolution #2022-XX (**Attachment D**). Staff also recommends that the Planning Commission recommend for approval to the City Council, adoption of the Notice of Exemption (**Attachment C**) prepared for the proposed action.

Staff recommends that the Planning Commission utilize the following process for consideration of this matter:

1. Accept a presentation of the project by staff;
2. Open the public hearing and take public testimony;
3. Close the public hearing and initiate consideration of the project by the Planning Commission; and
4. Motion and vote by the Planning Commission.

If the Planning Commission determines that it intends to recommend for approval the Municipal Code Amendment, staff presents the following motions for consideration:

I move that the Planning Commission adopt Planning Commission Resolution #2022-XX recommending for approval to the City Council, the Municipal Code Amendment as presented herein and approval of the Categorical Exemption as presented.

ATTACHMENTS

- **Attachment A** – Municipal Code Amendment - strikethrough/underline version
 - **Attachment B** – Municipal Code Amendment – clean version
 - **Attachment C** – Notice of Exemption
 - **Attachment D** – Planning Commission Resolution 2022-XX
-

NOTICE OF EXEMPTION

CEQA: California Environmental Quality Act

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk
526 West Sycamore Street
Willows, CA 95988

From: City of Orland
815 Fourth St.
Orland, CA 95963

Project Title: **City of Orland Municipal Code Amendment:** Title 17- Zoning - Chapter 17.76- GENERAL USE AND DESIGN REQUIREMENTS, Section § 17.76.130 Accessory Dwelling Units and Junior Accessory Dwelling Units.

Project Location - Specific: City-wide
- **City:** Orland
- **County:** Glenn

Description of Nature, Purpose, and Beneficiaries of Project:
Revision of the City Zoning Ordinance to comply with state law regarding accessory dwelling units.

Name of Public Agency Approving Project: City of Orland

Name of Person or Agency Carrying Out Project: City of Orland

- Ministerial (Sec. 21080 (b) (1); 15268);
- Declared Emergency (Sec. 21080 (b) (3); 15269 (a));
- Emergency Project (Sec. 21080 (b) (4); 15269 (b) (c));
- Categorical Exemption. Type and Section Number: Section 15061(b)(3).
- Statutory Exemption. Code Number:

Reasons why project is exempt:

The City of Orland City Council has determined that this project is exempt from CEQA as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment. Therefore, the project is exempt pursuant to CEQA Guidelines Section 15061(b)(3).

Lead Agency Contact Person: Scott Friend; City Planner
Area Code/Telephone/Extension: (530) 865-1608, Extension 3059.

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date _____
 Signed by Lead Agency Date Received for Filing At OPR: _____
City Planner _____
Title _____

CITY OF ORLAND

CITY COUNCIL ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY OF ORLAND CITY COUNCIL AMENDING TITLE 17, ZONING, OF THE CITY OF ORLAND MUNICIPAL CODE BY MODIFYING CHAPTER CHAPTER 17.76 - GENERAL USE AND DESIGN REQUIREMENTS, SECTION 17.76.130 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS, AND SECTION 17.76.100 - PARKING AND LOADING FACILITIES TO COMPLY WITH STATE LAW REGARDING ACCESSORY DWELLING UNITS

WHEREAS, the City of Orland, California did complete the necessary studies thereon, as provided by law, and;

WHEREAS, Title 1 *General Provisions* of the City Code does allow for amendment to the City Code; and

WHEREAS, the Planning Commission of the City of Orland, California held a duly noticed Public Hearing to consider the matter on February 17, 2022, as provided by law; and

WHEREAS, no public comment was received as a result of the public hearing and upon the closing of the public hearing and deliberation on the matter, the Planning Commission recommended approval of the proposed Code amendment to the Council as presented; and

WHEREAS, the City Council of the City of Orland, California considered the Amendment to the Municipal Code Title 17 *Zoning* and the recommendation of the Planning Commission at a regular meeting of the City Council held on March 15, 2022; and

WHEREAS, adoption of Government Code Section 65852.2 regarding accessory dwelling units by the State results in necessary revisions to the City's Municipal Code; and

WHEREAS, the City Council held a duly noticed public hearing on the proposed amendments to Title 17, *Zoning*, in order to provide the community and interested parties the opportunity to comment on the proposed amendments; and

WHEREAS, Title 17- *Zoning* - Chapter 17.76- *GENERAL USE AND DESIGN REQUIREMENTS* § 17.76.130 *Accessory Dwelling Units and Junior Accessory Dwelling Units* has been amended to comply with Government Code Sections 65852.2 and 65852.22 as shown in **Exhibit A**; and

WHEREAS, Title 17- *Zoning* - Chapter 17.76- *GENERAL USE AND DESIGN REQUIREMENTS* § 17.76.130 *Accessory Dwelling Units and Junior Accessory Dwelling Units* has been amended to comply with the photovoltaic requirements of the 2019 California Energy Code as shown in **Exhibit A**; and

WHEREAS, *Title 17- Zoning - Chapter 17.76- GENERAL USE AND DESIGN REQUIREMENTS § 17.76.100 Garage Conversion* has been amended to comply with the replacement parking requirements for ADU/JADU when converting an existing garage to an AD or JADU as shown in **Exhibit A**; and

WHEREAS, the City Council determined the proposed amendments to Title 17, *Zoning* meet the standards to quality as being exempt from further review pursuant to the California Environmental Quality Act (CEQA) under Section 15061(b)(3), *General Rule* of the State CEQA Guidelines.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Orland approve the associated CEQA Exemption and approves the Orland Municipal Code Amendments reflected in Exhibit A and incorporated herein by reference.

This Ordinance was introduced at the regular meeting of the City Council for a Public Hearing of the first reading (by title only) on **March 15, 2022**.

PASSED AND ADOPTED by the Orland City Council on this ____ day of _____, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

DENNIS HOFFMAN, MAYOR
CITY OF ORLAND

ATTEST:

APPROVED AS TO FORM:

JENNIFER SCHMITKE,
CITY CLERK

GREG EINHORN, ESQ.
CITY ATTORNEY

CODIFY _____

UNCODIFY _____

CITY OF ORLAND MUNICIPAL CODE AMENDMENTS
(Additions are underlined, deletions are overstruck)

Title 17 Zoning

Chapter 17.76 - GENERAL USE AND DESIGN REQUIREMENTS

Sections:

17.76.130 Accessory dwelling units and junior accessory dwelling units.

- A. Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) are defined in § 17.08.145.

Applications for ADUs and/or JADUs:

1. In single-family or multi-family residential zones are an allowed use in all single-family and multi-family zoning districts in the city and shall not be subject to a use permit or other discretionary action pursuant to California Government Code §§ 65852.2 and 65852.22 with the following additional requirements: and
2. In industrial zones, ADUs and JADUs are allowed if the property has an existing or proposed single- or multi-family dwelling. The ADU or JADU shall not be subject to a use permit or other discretionary action pursuant to California Government Code §§ 65852.2 and 65852.22 with the following additional requirements:
 - a. The increased floor area of an attached ADU shall not exceed fifty (50) percent of the proposed or existing primary dwelling living area, as long as the size limitation permits an ADU at least eight hundred (800) sq. ft. in size, at least sixteen (16) feet in height with four-foot side and rear yard setbacks, and that can be constructed in compliance with all other local development standards. Maximum allowed increase in floor area for an ADU is one thousand two hundred (1,200) square feet. Maximum allowed increase in floor area for a JADU is five hundred (500) square feet.
 - j. ~~With the acceptance~~ exception of those requirements discussed in divisions ~~8h~~ and ~~9i~~ above, requirements relating to height, architectural review, site plan review, fees, charges, and other zoning requirements are generally applicable to residential construction in the zone in which the property is located.
 - q. For an ADU that is not described in ~~subsection 15~~ division o above, a new or separate utility connection directly between the ADU and the utility shall be required. The connection is subject to a connection fee or capacity charge which shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either

its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

- s. Multiple ADUs shall be allowed within the portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

At least one attached ADU and a maximum of twenty-five (25) percent of the existing multi-family dwelling units shall be allowed in a multi-family structure.

Up to two detached ADUs that are located on a lot that has an existing multi-family dwelling shall be allowed on that multi-family lot. These detached ADUs are subject to a height limit of sixteen (16) feet and four-foot rear yard and side setbacks.

- t. The City shall ministerially review and act on a building permit application for an ADU and JADU within 60 days after receiving the application. An ADU or JADU unit proposed with a permit application for a new primary dwelling unit shall not be approved until the primary dwelling receives approval.

- u. Newly constructed accessory dwelling units are subject to the 2019 California Energy Code (Cal. Code Regs., Title 24, Part 6, Subchapter 8, Section 151.1(14)) requirement, with exceptions, to provide a solar photovoltaic (PV) system if the unit is a newly constructed, non-manufactured, detached accessory dwelling unit. The solar panels can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide a PV system.

- v. Additional JADU requirements:

- i. One JADU unit is allowed per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.
- ii. The creation of a JADU must be within the walls of the proposed or existing single-family residence. JADUs are not allowed in accessory structures. Attached garages are eligible for JADU creation.
- iii. The JADU is required to include a separate entrance from the main entrance to the proposed or existing single-family residence but may also include shared access between the two units.
- iv. No passageway shall be required in conjunction with the construction of a JADU. For the purposes of this section, "passageway" means a pathway that is unobstructed clear to the sky and extends from the street to one entrance of the accessory dwelling unit.

17.76.100 - Parking and loading facilities.

- K. Garage conversion:

- 1. Any off-street parking spaces lost through conversion of a garage to a non-garage use in a residential zone shall be replaced with enclosed space meeting the standards for the use as

required by the applicable zone district unless the conversion is a ADU or JADU. Parking replacement requirements for these type of uses are identified in Section 17.76.130.



CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: 5.M.

MEETING DATE: ~~March 15, 2022~~ April 5, 2022

TO: City of Orland City Council
FROM: Scott Friend, AICP – City Planner
MEETING DATE: ~~March 15, 2022~~ April 5, 2022; 6:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963
SUBJECT: **Municipal Code Amendment ZCA #2022-03 - Second Reading**; Proposed amendments include revisions to:

- Revise Title 17 Zoning to include requirements for Electric Vehicle Charging Stations
- Revise Title 17 Zoning to include a definition for Generator - Electric

Environmental Review: Staff is recommending that the City Council determine that the project is *Exempt* from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment, and therefore the proposed revision is not subject to CEQA.

Summary:

At its regular meeting of February 17th, 2022, the Planning Commission conducted a public hearing and engaged in discussion regarding the proposed Municipal Code Amendment action. Following the conduct of the public hearing and at the conclusion of the discussion on the matter, the Commission voted unanimously, 4-0, to recommend approval of the Municipal Code Title 17 Zoning Amendment to the City Council as presented.

Recommendation:

The Planning Commission recommends that the City Council take the following action(s):

1) Adopt City Council Ordinance No. 2022-___, adopting Zoning Ordinance Text Amendment (ZCA) #2022-03 – Electric Vehicle Charging as presented and determine that the proposed amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Background:

On October 8, 2021, the State of California adopted new legislation regarding the permitting of electrical vehicle (EV) charging stations (Assembly Bill 970 (2021) codified as Gov. Code 65850.7). Gov. Code 65850.7 provides provisions for the building permit processing of EV

charging stations requiring building permit complete/incomplete notification within five days for 25 or less charging stations and ten days for more than 25 charging stations. However, neither Gov. Code 65850.7 nor the Orland Municipal Code (OMC) addresses the planning process for these improvements. Because EV charging stations are becoming more commonplace as an alternative fuel use, staff is recommending that the OMC be revised to include EV charging stations. This will allow for review of the location, number, and design of EV charging stations prior to the submittal for building permits. The following is a discussion of the proposed changes.

Discussion:

The staff suggested changes to the Zoning Ordinance, as shown in **Attachment A** in a strikethrough/underline version and **Attachment B** in a “clean” version, includes revisions that will identify the use of EV charging stations in all zoning districts in the city. As previously stated, upon review of the proposed revisions, the Planning Commission recommended that the City Council approve the proposed amendment to Title 17 Zoning as presented. The Planning Commission staff report is included herein as **Attachment C**.

The revisions are as follows:

- Title 17 Zoning – Chapter 17.08 – Definitions has been revised to include a definition of Electric Vehicle Charging Station.
- Title 17 Zoning – Chapter 17.08 – Definitions has been revised to include a definition of Generator - Electric.
- Title 17 Zoning – Section 17.20.030 has been revised to include EV charging stations as an administratively permitted use in the R-1 zoning district.
- Title 17 Zoning – Section 17.20.060 has been revised to include a requirement for the inclusion of a dedicated 240 volt electrical outlet within a new garage to allow for installation of a Level 2 EV charging station in the R-1 zoning district.
- Title 17 Zoning – Section 17.24.030 has been revised to include EV charging stations as an administratively permitted use in the R-2 zoning district.
- Title 17 Zoning – Section 17.24.060 has been revised to include a requirement for the inclusion of a dedicated 240 volt electrical outlet within a new covered parking space (single family use) or within a new covered/uncovered parking space (duplex and triplex use) to allow for installation of a Level 2 EV charging station in the R-2 zoning district.
- Title 17 Zoning – Section 17.28.030 has been revised to include EV charging stations as an administratively permitted use in the R-3 zoning district.
- Title 17 Zoning – Section 17.28.060 has been revised to include a requirement in the R-3 zoning district for the inclusion of at least one (1) dedicated 240 volt electrical outlet for the following:
 - Within a new single family covered parking space, or

- Within a new duplex, triplex and fourplex covered/uncovered parking space, or
- In new construction of multifamily properties exceeding 50 units, the installation of a minimum of one (1) EV charging station that can be shared by two parking spaces shall be required. For multifamily developments, the location of the EV charging stations shall be located in common or guest parking areas. If a fee is charged for charging vehicles, the fee shall be based on market conditions for similar EV charging stations within the community. No more than ten (10) percent of the parking spaces shall be dedicated as EV charging only spaces.
- Title 17 Zoning – Section 17.36.030 has been revised to include EV charging stations as an administratively permitted use in the C-1 zoning district with the exception of EV charging stations proposed as a part of a new gas station. Gas stations (defined as automobile service station in the OMC) are still required to obtain a conditional use permit for construction in this district. EV charging stations will be considered as a part of that approval process.
- Title 17 Zoning – Section 17.40.030 has been revised to include EV charging stations as an administratively permitted use in the C-2 zoning district with the exception of EV charging stations proposed as a part of a new gas station. Gas stations are still required to obtain a conditional use permit for construction in this district. EV charging stations will be considered as a part of that approval process.
- Title 17 Zoning – Section 17.40.030 has been revised to include numbering for the administratively permitted uses in order to be consistent with the rest of the section.
- Title 17 Zoning – Section 17.42.020 has been revised to include EV charging stations as an administratively permitted use in the DT-MU zoning district.
- Title 17 Zoning – Section 17.44.025 has been revised to include EV charging stations as an administratively permitted use in the C-H zoning district with the exception of EV charging stations proposed as a part of a new gas station. Gas stations are a principally permitted use in the C-H zoning district. EV charging stations will be considered as a part of design review for gas stations in the district.
- Title 17 Zoning – Section 17.48.025 has been revised to include EV charging stations as an administratively permitted use in the M-L zoning district with the exception of EV charging stations proposed as a part of a new gas station. Gas stations are a principally permitted use in the M-L zoning district. EV charging stations will be considered as a part of design review for gas stations in the district.
- Title 17 Zoning – Section 17.52.030 has been revised to include EV charging stations as an administratively permitted use in the M-H zoning district with the exception of EV charging stations proposed as a part of a new gas station. Gas stations are a principally permitted use in the M-H zoning district. EV charging stations will be considered as a part of design review for gas stations in the district.
- Title 17 Zoning – Section 17.64.030 has been revised to include EV charging stations as an administratively permitted use in the P-F zoning district.

- Title 17 Zoning – Section 17.76.100 has been revised to require that no more than ten (10) percent of the parking spaces shall be dedicated as EV charging only spaces. EV charging only spaces representing more than 10 percent of the total parking spaces may be granted through the approval of administrative permit.

Environmental determination:

The Planning Commission recommends that the City Council determine that the proposed Municipal Code Amendment(s) to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment, and therefore the proposed revision is not subject to CEQA. A Notice of Exemption was prepared for this project and has been included with this staff report as **Attachment D -Notice of Exemption**.

Recommendation:

The Planning Commission recommends that the City Council approve the proposed Municipal Code Title 17 Zoning Amendment through adoption of City Council Ordinance #2022-___ included as **Attachment E**; approve the adoption of the Notice of Exemption included as **Attachment D**, and make the findings outlined in the staff report.

If the City Council determines that it intends to approve the matter as recommended, the following motion is offered for Council consideration:

Sample Motions:

1. California Environmental Quality Act (CEQA):

Move that the City Council determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15061(b)(3), the Common Sense Exemption.

2. Municipal Code Amendment:

Move that the City Council adopt Ordinance 2022-___ approving ZCA #2022-03 as presented herein.

ATTACHMENTS

- **Attachment A** – Municipal Code Amendment - strikethrough/underline version
- **Attachment B** – Municipal Code Amendment – clean version
- **Attachment C** – Planning Commission Staff Report – dated February 16, 2022
- **Attachment D** – Notice of Exemption
- **Attachment E** – City Council Ordinance 2022-XX

CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: 6.B.

MEETING DATE: April 5, 2022

TO: Honorable Mayor and Council
FROM: Pete Carr, City Manager
SUBJECT: Orland Area Water Supply Project (Discussion/Action)

City staff will present a resolution for adoption formally engaging the City with DWR in the current effort to increase water capacity and extend services to dry well properties.

BACKGROUND

In response to current drought conditions, the California Legislature in July 2021 authorized \$500 million for the California Department of Water Resources (DWR) to provide funding for interim or immediate relief. One of the resulting programs, the Small Community Drought Relief Program, is designed to help communities and Tribes that are not served by what the State defines as an “urban water system.” The County of Glenn invited Orland to partner in seeking ways to extend the City’s water system to serve areas of the County where dry domestic wells were being reported.

City of Orland applied under this program in August for \$7.8M to increase the City’s water production and storage capacity and extend new main lines out into the unincorporated area to provide a permanent source of potable drinking water for dry well properties. DWR awarded the City \$7.8M for this purpose on September 2nd – one of the first and by far the largest grant project under this program. City staff have been working diligently daily since September with the State and County to communicate the opportunity to connect to the City system, identify areas and parcels to be served, design municipal water system improvements, and obtain project approval from other agencies.

DISCUSSION

DWR asks that the City adopt a resolution acknowledging application for the grant and authorizing the City Manager to execute an agreement with the State. As City contracts are subject to approval by the City Council, City Manager will present the draft proposed contract to the Council as soon as it becomes available. The agreement is pending final approval of requested increased grant funding and negotiated establishment of various contractual exhibits.

Attachment:

Resolution 2022-11 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND
AUTHORIZING THE GRANT APPLICATION, ACCEPTANCE, AND EXECUTION FOR
THE ORLAND AREA WATER SUPPLY PROJECT

RECOMMENDATION

Adopt Resolution 2022-11 AUTHORIZING THE GRANT APPLICATION, ACCEPTANCE, AND EXECUTION FOR THE ORLAND AREA WATER SUPPLY PROJECT as proposed.

Fiscal Impact of Recommendation:

Considerable internal and contract staff labor is being extended on this project, all or most to be reimbursed under the DWR contract when executed. Ineligible expenses, if any, would be charged to the Water Fund.

CITY OF ORLAND

CITY COUNCIL RESOLUTION NO. 2022-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND AUTHORIZING THE GRANT APPLICATION, ACCEPTANCE, AND EXECUTION FOR THE ORLAND AREA WATER SUPPLY PROJECT

WHEREAS, City of Orland proposes to implement the Orland Area Water Supply Project; and

WHEREAS, the Orland Area Water Supply Project is being implemented in response to a drought scenario, as defined by Water Code section 13198(a) and is intended to: (1) address immediate impacts on human health and safety; (2) address immediate impacts on fish and wildlife resources; or, (3) provide water to persons or communities that lose or are threatened with the loss or contamination of water supplies; and

WHEREAS, City of Orland has the legal authority and is authorized to enter into a funding agreement with the State of California; and

WHEREAS, City of Orland has applied for grant funding from the California Department of Water Resources for the Orland Area Water Supply Project;

THEREFORE, BE IT RESOLVED by the City Council of the City of Orland as follows:

1. That pursuant and subject to all of the terms and provisions of Budget Act of 2021 (Stats. 2021, Ch. 240, § 80), Orland City Manager Peter R. Carr is hereby authorized and directed to prepare and file an application for funding with the Department of Water Resources and take such other actions as necessary or appropriate to obtain grant funding.
2. Orland City Manager Peter R. Carr is hereby authorized and directed to execute the funding agreement with the Department of Water Resources and any amendments thereto.
3. Orland City Manager Peter R. Carr, or designee is hereby authorized and directed to submit any required documents, invoices, and reports required to obtain grant funding.

CERTIFICATION: I hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Orland at the meeting held on April 5, 2022, motion by _____ and seconded by _____, motion passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dennis G. Hoffman
Mayor

Attest: _____
Jennifer Schmitke
City Clerk

CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: 6.C.

MEETING DATE: April 5, 2022

TO: Honorable Mayor and Council
FROM: Pete Carr, City Manager
SUBJECT: **Fiscal Year 2022-23 Budget Discussion #1:
Assumptions, Capital Improvement Planning, DIF, Staffing, General Fund
(Discussion/Direction)**

City staff will brief Council and seek direction on ongoing progress in preparing a draft proposed budget for the next fiscal year.

BACKGROUND

City staff is preparing a draft budget for the fiscal year 2022-23 (FY23) which starts July 1. The budget will represent the City's best estimate of probable revenues and a spending plan to support operations and projects consistent with Council direction. Staff will continue to analyze revenue projections and collect cost estimates to produce an evolving budget picture in anticipation of an adoptable budget before July 1st.

DISCUSSION

This evening's discussion will lay out major fiscal assumptions for the coming year, preview general fund revenues, update development impact fee fund balances, forecast major capital expenditures and projects for the coming year and discuss necessary staffing changes to support these objectives. ARPA funds will be evaluated separately from the budget.

Direction received from Council this evening will further inform staff analysis as we proceed with formulation of the final proposed budget which is planned for presentation to Council for consideration of adoption on June 7th. In intervening Council meetings, we will examine Measure A Public Safety funds and General Fund expenditures by departments, water and wastewater utility funds, and the City's updated debt schedule.

Assumptions for FY23

1. Pandemic service impacts, workforce restrictions and associated fiscal recovery will not be local economic issues.
2. Any decline in tax revenue from decreased private vehicle refueling will be offset, or more than offset, by freight transport refueling.
3. Softening general economic conditions and increased interest rates will not preclude the construction of 100 new homes and three new apartment complexes.
4. The Orland Water Supply Project (DWR) and volume of building construction will consume significant admin, Public Works, Engineering and Building Dept attention and resources.

Capital Projects and Objectives

LAFCo-directed annexation of six parcels west of I-5 will require City Planner work and modest General Fund investment expense. Proposed high profile *non-capital* objectives include excellent strategic utilization of ARPA funds and planning for transformation of our City Hall/Police facilities.

Fire and Police fleet schedules are being updated, to be funded via Measure A Public Safety Fund. Public Works fleet and equipment schedules, and admin vehicle replacements, will be updated and incorporated into General Fund and utility funds. Capital projects utilizing ARPA funds are shown here as part of the scope of projects but will also be shown separately on the ARPA Use Worksheet for funding purposes.

Proposed *capital* replacement and improvement projects beyond routine equipment and rolling stock replacements, chargeable to general funds, street funds and/or utility funds, include:

- Expansion of water system capacity and extension to 150 new customers funded via the DWR Orland Water Supply Project;
- New roof, HVAC and backup power generation for the library (match to State grant);
- Reconstruction of the library main entrance to achieve ADA accessibility compliance;
- Reconstruction of the entire City portion of Road M½;
- Resurface (repair and overlay or chip seal) Shasta-Bryant Streets;
- Replacement of curbs & sidewalks citywide, if labor resources are available;
- Planning for traffic flow improvement at Newville @ Ninth Street;
- Extension of water and wastewater utilities on the west side of the freeway; and
- Installation of electric vehicle (EV) charging stations in public right-of-way.

Note: The rec trail should get completed with a recently awarded “per capita” parks grant. Capital improvement project (CIP) planning will include engineering work toward the next well, a water storage tank, the Newville/Commerce intersection, and the industrial wastewater ponds, as well as architectural and financing work on a public safety facility.

Development Impact Fee (DIF) Funds

Fund balance by categorical accounts is shown as of March 31, 2022. Funds are being utilized as shown in capital projects schedules.

Staffing

City Hall will maintain current staffing but may need to outsource some project-specific functions. Police and Fire Departments will maintain current staffing except with the conversion of one shared admin position into two positions, one per department, to meet the rising demand by State of California for record-keeping and reporting. The grant-funded SRO position was added FY22. Public Works needs to add one management-level position and one maintenance worker position; these positions are established but need funding authorization in the FY23 budget.

General Fund

With \$5.8M in anticipated revenue, the General Fund will increase revenue slightly over FY22, operate in the black and maintain reserves of over \$1.2M while maintaining service operations and completing CIP projects. Sales tax and property tax will grow 4%.

Attachments (4):

- A. Capital improvement and other DRAFT project objectives for FY23
- B. Established, Authorized and Funded Positions DRAFT schedule
- C. Development Impact Fee (DIF) fund balances
- D. General Fund revenue 1st DRAFT proposed budget

RECOMMENDATION

Provide direction at Council discretion. Staff will proceed with budget preparation accordingly.

Fiscal Impact of Recommendation:

Budget will balance revenues with expenditures as it provides for operational and improvement project objectives and will maintain or build fund reserves.

**CITY OF ORLAND OBJECTIVES FY 21-22
FUNDED PROJECTS & CAPITAL OUTLAYS**

DRAFT 1.0
Fiscal Year 2023

Priorities	More Important	Less Important
More Urgent	<p>Radio dispatch system phase 3 (final) upgrade</p> <p>Engineering design to 90% for new well (State DW grant & SRF financing)</p> <p>Engineering and construction for water connection project (DWR – well, tank, mains, laterals, connections)</p> <p>Plan traffic safety improvement Newville Rd @ 9th St.</p> <p>Reconstruct and improve M½ (STIP)</p>	<p>OPD/City Hall Roof & Floor repairs (ARPA)</p> <p>Library roof and HVAC repairs (ARPA)</p> <p>Install EV charging stations in town (ARPA)</p> <p>Repair / replace Lely field lighting (ARPA)</p> <p>Complete Rec Trail phase II (State Parks grant)</p> <p>Construct / install freeway bee art (Caltrans project)</p>
Less Urgent	<p>Detail canal undergrounding agreement</p> <p>Engineering design of west side infrastructure</p> <p>Complete upgrade SR32/M½ lift station</p> <p>Obtain funds to overlay Shasta Street</p>	<p>Lely ballfield lighting upgrade</p> <p>PD and OPW fencing and gating</p> <p>Start streetscapes visible improvements (ARPA)</p> <p>Build Pump Track (DIF/ARPA)</p> <p>East end “Welcome to Orland” sign</p>

See Measure A and ARPA Budgets for additional Capital Expenditures

UNFUNDED OBJECTIVES, PROJECTS & CAPITAL OUTLAYS

Expenditures deferred pending availability of funding—not necessarily in order of priority

Deferred to future:

Upgrade softball fields fencing, grading	Little League cost- share	\$ TBD
Replace City Administration vehicle	Allocated to GenFund, Water, Sewer	\$ 30k
Replace Building Inspector vehicle	GenFund-Building	\$ 30k
Multi-tenant freeway sign	Cost share; offset by future rent revenue	\$200k
GIS inventory for Public Works infrastructure	Allocated (pavement assessment completed Nov 2021)	\$ 20k

City of Orland
Established, Authorized and Unfunded Positions
For the Fiscal Year 2022-2023

DRAFT

Established Position Titles	Optimal Staffing	Contract Professionals	Funded Employees	Unfunded Positions	Change from FY22
City Manager	1.0		1.0		
Administrative Services Manager/Grants	1.0		1.0		
City Clerk/AR	1.0		1.0		added Dec 2021
City Attorney	0.5	0.5			
City Engineer	0.5	0.5			
City Planner	0.5	0.5			
Accounting Consultant	0.5	0.5			
Accounting and IT Manager	1.0			1.0	defunded Dec 2021
Accounting Technician	1.0		0.5	0.5	added Dec 2021
Accounting Tech II	2.0		1.0		reduced Dec 2021
Accounting Tech I	1.0			1.0	
Admin Tech I	1.0		0.5	0.5	
Community Services Director	1.0			1.0	
City Building Official	1.0			1.0	
Building Inspector	1.0	0.5		0.5	
Code Enforcement Officer	0.5				
Permit Tech	1.0		0.5	0.5	
Chief of Police	1.0		1.0		
Police Sergeants	2.0		2.0		
Police Patrol Officers (1 funded by COPS Grant)	9.0		9.0		
Detective	1.0			1.0	
GLNTFF Officer	1.0			1.0	
School Resource Officer (funded by grant)	1.0			1.0	added March 2022
Police Clerk/Records	1.0		1.0		
Community Service Officer/Evidence Technician	1.0		1.0		
Police Dept Admin	1.0		1.0		PT to FT
Fire Chief	1.0		1.0		
Fire Dept Admin (1/2 paid by Orland Rural District)	1.0		1.0		PT to FT
Director of Public Works	1.0		1.0		
Public Works Supervisor	1.0		1.0		funded July 2022
Public Works Lead / Foreman	1.0		1.0		
Admin Support/Billing/Cust Svc	0.5		0.5		
Water Treatment Operator	2.0		1.0	1.0	
Wastewater Treatment Operator	2.0		1.0	1.0	
Equipment Mechanic	3.0		3.0		
Equipment Operator	1.0			1.0	
Maintenance Workers	7.0		7.0		
Facilities Custodian	1.0		1.0		
Green Waste Operator	0.5				defunded March 2022
Recreation Director	1.0		1.0		
Recreation Assistant PT (+ seasonal help)	0.5			0.5	
Library Director (cost shared with Willows)	1.0		1.0		
Assistant Librarian	1.0			1.0	
Librarian - Technician III Cataloguer	1.0		1.0		
Library Technician II	2.0		1.0	1.0	
Childrens' Librarian	1.0		1.0		
Library Assistants (2PT @ .5 = 1 FTE)	1.0		1.0		
Totals	64.0	2.5	45.0	14.5	
K:City Finance/Budget/FY22 Authorized Positions.xls					

City of Orland
Schedule of Impact Fees by Category
 28-Feb-22
 UNAUDITED

FUND 35

Period	City Hall	Public Safety	Library	Parks Acquisition	Park Improvements	Park Capital Maintenance	Community Facility	Newville and Commerce Signal	Traffic Mitigation Blair	Signal & Traffic North 6th	Transportation	Water System	Sewer System	Totals
Audited Balance forward July 1 2021	86,425.37	230,999.20	150,625.89	116,378.60	209,435.56	77,396.35	269,649.23	131,852.20	81,524.92	25,842.00	941,991.53	38,836.16	31,278.90	2,392,235.91
Restructure of account allocations				(112,263.85)	188,951.45	(76,687.60)								-
Revised Balance	86,425.37	230,999.20	150,625.89	4,114.75	398,387.01	708.75	269,649.23	131,852.20	81,524.92	25,842.00	941,991.53	38,836.16	31,278.90	2,392,235.91
Total Receipts	<u>1,912.53</u>	<u>12,718.35</u>	<u>6,392.91</u>	<u>3,937.56</u>	<u>19,687.67</u>	<u>189.42</u>	<u>9,602.62</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>7,341.05</u>	<u>13,705.39</u>	<u>7,446.64</u>	<u>82,934.14</u>
Total Expenditures	<u>212.07</u>	<u>226.68</u>	<u>212.07</u>	<u>-</u>	<u>47,704.06</u>	<u>-</u>	<u>212.06</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>424.12</u>	<u>-</u>	<u>-</u>	<u>48,991.06</u>
Feb 28 2022	<u>88,125.83</u>	<u>243,490.87</u>	<u>156,806.73</u>	<u>8,052.31</u>	<u>370,370.62</u>	<u>898.17</u>	<u>279,039.79</u>	<u>131,852.20</u>	<u>81,524.92</u>	<u>25,842.00</u>	<u>948,908.46</u>	<u>52,541.55</u>	<u>38,725.54</u>	<u>2,426,178.99</u>

City of Orland
Budget Review -- General Fund Revenues

<u>Revenue Source</u>	<u>2021-2022 Budget</u>	<u>2021-2022 Projected</u>	<u>2022-2023 Proposed</u>
Taxes			
Property Tax	\$1,828,000	\$1,900,000	\$2,000,000
Sales, General	2,166,000	2,300,000	2,400,000
Public Safety Augmentation Sales Tax	23,000	31,000	31,000
SLESA/COPS Public Safety	148,000	150,000	150,000
Business Licenses	24,000	26,000	26,500
Transient Occupancy Tax	72,000	100,000	90,000
Investment Income	2,000	10,000	10,000
Rents and Royalties	56,000	53,000	56,000
Franchise Fees	210,000	220,000	230,000
Solar CREBS Credit	7,500	7,500	7,500
Inter Governmental			
Mandated Costs Reimb	10,000	3,000	3,000
Library Subsidy, County	78,000	90,000	90,000
Library Director Cost Share, Willows	84,000	88,900	89,000
Fire Chief Cost Share, District	124,000	123,800	33,000
Fire Dept, Fleet Maint. Reimburse, County	20,000	20,000	20,000
Charges for Services			
Zoning Planning Fees	15,000	50,000	50,000
Building Permits	85,000	98,000	100,000
Library Fees	-	2,000	2,000
Green Waste Fees	18,000	9,000	-
Recreation, Park & Swim Programs	55,000	90,000	100,000
Other Revenues	-	125,000	50,000
Admin Allocation From Enterprise Funds	<u>235,000</u>	<u>235,000</u>	<u>240,000</u>
GENERAL FUND Totals	<u>\$5,260,500</u>	<u>\$5,732,200</u>	<u>\$5,778,000</u>
Sales, Measure A,	<u>\$1,050,000</u>	<u>\$1,275,000</u>	<u>\$1,300,000</u>
ARPA	<u>\$700,000</u>	<u>\$936,192</u>	<u>\$0</u>

CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: 6.D.

MEETING DATE: April 5, 2022

TO: Honorable Mayor and Council
FROM: Pete Carr, City Manager/Finance Director
SUBJECT: Use of American Rescue Plan Act (ARPA) Funds (Discussion/Action)

City Council will review and continue its consideration of intent for use of discretionary pandemic relief funds and may take action on use of funds.

BACKGROUND:

Substantive and thorough background and discussion information was provided in the September 21, 2021 Staff report to council on this subject.

At that meeting, City Council approved funding for line items #1-13 of the 2021 column, a total of 12 items.

DISCUSSION:

Attachment A shows the City's ARPA list as approved by Council September 21, 2021 with approved line items indicated in blue ink, not yet approved items in black ink.

Attachment B shows the City's ARPA list with Items done or in progress in red ink, remaining approved in blue, not yet approved in black. Also:

#5 has since become moot due to a development reimbursement agreement, freeing up those funds for other purposes.

#2B is thought to be closer to \$80,000 in expense as a match to a pending State Library grant for this purpose, potentially freeing up an additional \$70,000 for other purposes.

The Economic Development Commission (EDC) at its March 8 meeting voted 4-0 to recommend modification and prioritization of the item currently shown as #6 to extend water and wastewater utility services on the westside south to CR16, and addition of a project to install electric vehicle (EV) charging stations as an ARPA line item.

City Staff also suggests set aside of \$50k for replacement financial software, the project to cost-shared with water and sewer funds. The City relies on an antiquated and barely serviceable financial system for utility billing, payments, payroll, accounting, and reporting. This can be a 2022-23 project.

Attachments (2):

- A. Proposed Use of ARPA Funds Worksheet approved by Council 9-21-21
- B. Proposed Use of ARPA Funds Worksheet updated by Staff 3-30-22

RECOMMENDATION: Consider updated information and EDC recommendation, direct staff.

Fiscal Impact of Recommendation: No impact to current fiscal year budget. ARPA expenditures will correspond to ARPA revenue received. Receipt of funds does not require City match.

Proposed Use of ARPA Funds Worksheet

City of Orland as of September 16, 2021

#1-13 2021 list approved by City Council 9-21-21

Revenue from ARPA (sales tax backfill)		2021	2022
General Fund fiscal stability		\$736,000	\$736,000
Measure A Fund Public Safety fiscal stability		\$200,000	\$200,000
Total Revenue		\$936,000	\$936,000
Use of Funds			
1	Radio signal upgrades for OPD and OVFD *	\$60,000	
2A	OPD/City Hall roof and floor repairs	\$120,000	
2B	Library roof and HVAC repairs -- match State	\$150,000	
3	Evidence storage & security improvements *	\$80,000	
4	OPD Facility Security and IT upgrades *	\$78,000	
5	Traffic control/intersection Commerce/Newville	\$250,000	
6	Extend westside I-5 water service w/well to CR15		\$300,000
7	Façade Improvement program	\$30,000	\$30,000
8	Streetscapes (benches, planters, streetlamps)		\$200,000
9	Lely ballfield lighting LED lamps (1 field per year)	\$85,000	\$85,000
10	Pump track -- match Park & Rec DIF	\$12,000	
11	Orland Area Chamber of Commerce equip/supplies	\$7,000	
12	Arts Commission revenue backfill	\$3,000	
13	Construct welcome sign at east end of City	\$30,000	
14	Loan payoff: 5th St parking lot		\$70,000
15	Leverage for business/city advertising tower @ I-5		\$150,000
16	Additional land acquisition for future HDC (?)		\$85,000
Total Lines 1-16		\$905,000	\$920,000

* = cost allocated to Measure A Public Safety Fund

Deferred for Future Federal Transportation Infrastructure Funding	
Leverage grant funding for Shasta St reconstruct	\$2,000,000
Water main extensions E.Tehama, Bryant, M 1/2	\$300,000
Streetscapes project match (\$__ of \$8M)	\$8,000,000
Sidewalk and curb repairs citywide	\$400,000
Curb gutter & sidewalk for Public Safety Building	\$200,000

Proposed Use of ARPA Funds Worksheet

City of Orland approved 9.21.22

Updated 3.22.22

red = approved and done or in progress; blue = approved; black = not yet approved

Revenue from ARPA (sales tax backfill)			
General Fund fiscal stability		FY22 and FY23 \$736,000	
Measure A Fund Public Safety fiscal stability		FY22 and FY23 \$200,000	
Total Revenue		\$1,872,000	
Use of Funds		Approved	Proposed
1	Radio signal upgrades for OPD and OVFD (M-A)	\$60,000	
2A	OPD/City Hall roof and floor repairs	\$120,000	
2B	Library roof and HVAC repairs -- match State	\$80,000	
3	Evidence storage & security improvements (M-A)	\$80,000	
4	OPD Facility Security and IT upgrades (M-A)	\$78,000	\$82,000
	Traffic control/intersection Commerce/Newville		
6A	Extend westside I-5 water & sewer to CR16		\$300,000
6B	Construct EV charging stations in town		\$50,000
7	Façade Improvement program	\$30,000	\$30,000
8	Streetscapes (benches, planters, streetlamps)		\$200,000
9	Lely ballfield lighting LED lamps (1 field per year)	\$85,000	\$85,000
10	Pump track -- match Park & Rec DIF	\$12,000	
11	Orland Area Chamber of Commerce equip/supplies	\$7,000	
12	Arts Commission revenue backfill	\$3,000	
13	Construct welcome sign at east end of City	\$30,000	
14	Replace financial software (1/2 GenFund, 1/2 Utilities)		\$50,000
14	Loan payoff: 5th St parking lot		\$70,000
15	Leverage for business/city advertising tower @ I-5		\$150,000
16			
Total Lines 1-16		\$585,000	\$1,017,000

Total: \$1,602,000

M-A = charged to Measure A Public Safety Fund

Remaining: \$270,000

CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: 6.E.

MEETING DATE: April 5, 2022

TO: Honorable Mayor and Council
FROM: Pete Carr, City Manager
SUBJECT: **Graffiti Abatement** (Discussion/Direction)

City staff seeks Council direction on options for strengthening the City's graffiti abatement system.

BACKGROUND

Orland Municipal Code (OMC) chapter 8.28 defines, prohibits and provides methods for removal of graffiti. The City takes immediate action to remove graffiti from public facilities; this systematic response has proven very successful in reducing graffiti in recent years. Private property owners, however, are allowed 15 days to remove graffiti from the date of notification by the City.

DISCUSSION

Given the criminal nature of most graffiti experienced in Orland, especially street gang indicators, the OMC needs to provide a more effective authority for removing graffiti more expeditiously. Key points:

- The normal code enforcement nuisance abatement process is too slow to address the urgency of this matter. 15 days is 15 times too long for this nuisance to be allowed to persist. Court orders may be sought by the City, but are typically even more cumbersome, expensive and time consuming.
- The City is only empowered to remove the graffiti from private property after notice has been sent (notification process + 15 days) and the owner consents in writing with a release of liability, unless there is a court order.
- OMC 8.28.050 provides for a reward to any person who provides information leading to arrest and conviction of graffiti vandals in an amount "established by council resolution." City staff needs guidance from the City Council as to what this amount should be.

It is acknowledged that often graffiti appears on empty and apparently abandoned buildings where ownership is sometimes difficult to determine and often is unresponsive or slow to respond.

Attachment: OMC 8.28 GRAFFITI ABATEMENT

RECOMMENDATION

Direct Staff to prepare a draft ordinance modifying OMC 8.28 to provide:

1. The definition of graffiti should be expanded to include displays of gang insignia such as colored bandanas and gang-related art displays.

2. Graffiti indicating gang references or hate speech must be removed from private property within 24 hours, after which it is deemed a public nuisance presenting a real and present danger and thus subject to immediate removal or covering by the City at the property owner's expense.
3. Graffiti on any fence or building facing and proximate to the public right-of-way to include alleys ways and streets may be removed or covered immediately by the City without prior notice to the property owner except that one attempt will be made to notify the property owner immediately in person.
4. Rewards may be paid at the discretion of the city manager/chief of police up to \$1000 per occurrence and the informant may remain anonymous as to City disclosure of identity.

Fiscal Impact of Recommendation:

Reduced cost in administering the code as presently written. Potential for several \$1000 rewards to be paid per year from the general fund.

Sections:

8.28.010 - Graffiti defined.

"Graffiti" means any drawing, inscription, figure or mark which alters or defaces any real or personal property of another through the use of paint, spray paint, markers, or other objects, without the consent of such person, or the act of altering or defacing any real or personal property of another through the use of paint, spray paint, markers, or other objects capable of leaving a drawing, inscription, figure or mark on any surface, which is offensive to a reasonable person of normal sensitivities.

(Ord. 96-10 § 1 (part): prior code § 6800)

8.28.020 - Graffiti prohibited.

It is unlawful for any person:

- A. To apply graffiti without the permission of the owner, lessee or person in legal possession of the real or personal property in question; or
- B. To have graffiti on property which can be seen from the public right-of-way or adjacent or neighboring property; or
- C. To have graffiti on property which causes a depreciation of property values or is detrimental to the health and welfare of neighborhoods.

(Ord. 96-10 § 1 (part): prior code § 6801)

8.28.030 - Removal of graffiti.

- A. Private property owners shall remove graffiti from their property within fifteen (15) calendar days after notification to the property owners by the city to remove such graffiti. Failure to remove graffiti within the time allowed shall automatically cause the building or property to be deemed a nuisance.
- B. Notice to private property owners by the city shall be addressed to the name and address as it appears on the last tax assessment role or in other records maintained by the public agencies, by depositing a copy of the notice in the United States mail, certified with postage fully affixed, or personally delivering a copy of the notice to the owner of the property. The service is complete at the time of deposit in the mail or when personal service is effectuated. The failure of any person to receive such notice shall not affect the validity of any legal proceedings regarding removal of the graffiti.
- C. In the event that the property owner fails to remove the graffiti after notice has been sent, the city may abate the graffiti as a nuisance as provided in this chapter.
- D. The city may remove the graffiti of a property owner with the consent of the property owner and shall

charge the property owner for the cost of removal.

- E. In the event that the city removes graffiti with the consent of the property owner and the property owner fails to reimburse the city for the cost of removal within thirty (30) calendar days of notice of the amount of the cost, such amount shall become a special assessment or lien against the property as provided in Section 8.24.120 of this code.

(Ord. 96-10 § 1 (part); prior code § 6802)

8.28.040 - Nuisance declared.

The existence of graffiti is declared to be obnoxious and a nuisance, and may be abated pursuant to Chapter 8.24 of this code, in addition to and not in lieu of any other available remedies.

(Ord. 96-10 § 1 (part); prior code § 6803)

8.28.050 - Reward.

The city may pay to any person who provides information which leads to the arrest and conviction of any person who applies graffiti a reward as established by council resolution.

(Ord. 96-10 § 1 (part); prior code § 6804)

8.28.060 - Authorization of entry and release of liability.

Prior to the entry onto private property by the city for the purpose of graffiti removal, written consent in a form acceptable to the city attorney shall be obtained from the property owner or designated agent for authorization of entry and release of liability. Notwithstanding the foregoing, consent of the property owner shall not be required if the city is authorized by court order to enter the property for the purpose of graffiti removal.

(Ord. 96-10 § 1 (part); prior code § 6806)

3.28.070 - Administrative fee.

A reasonable administrative fee may be imposed against any person found in violation of this chapter as a part of any abatement hereunder in addition to and not in lieu of any other fine, charge, fee, cost, assessment or payment imposed in connection with any violation of this chapter.

(Ord. 96-10 § 1 (part); prior code § 6807)

3.28.080 - Violation—Penalty.

- A. The violation of any section of this chapter shall be a misdemeanor.
- B. Community service in the city may be imposed in lieu of any penalties and punishments where there has been a conviction of guilty or nolo contendere plea to a misdemeanor.