

## 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  
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## CITY MANAGER

Peter R. Carr

Meeting Place: Carnegie Center  
912 Third Street  
Orland CA 95963

## AGENDA

### ORLAND ECONOMIC DEVELOPMENT COMMISSION

**Tuesday, March 8, 2022**

**Public comments are welcomed and encouraged in advance by emailing the City Clerk, [jtschmitke@cityoforland.com](mailto:jtschmitke@cityoforland.com) or by phone at (530) 865-1610 by 5:00 p.m. on the day of the meeting. This meeting will be conducted pursuant to the provisions of the AB361 which suspends certain requirements of the Ralph M. Brown Act.**

In an effort to protect public health and prevent the spread of COVID-19, the EDC meeting will also be teleconferenced using Zoom technology.

The public may participate in the meeting by telephone or access the meeting via Zoom.us

Call: 1(669) 900-9128 or  
Webinar ID#: 859 3828 1720

1. CALL TO ORDER – 6:00 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ORAL AND WRITTEN COMMUNICATIONS

A. Citizen Comments:

Members of the public wishing to address the Commission on any item(s) not on the agenda may do so at this time when recognized by the Chairperson; 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. **(Oral communications will be limited to three minutes).**

5. **CONSENT CALENDAR**

- A. Approval of Economic Development Commission minutes for February 8, 2022.  
B. Compliance with AB361.

**6. ITEMS FOR DISCUSSION OR ACTION**

**A. Cannabis Business Consideration**

- **Background information emailed to Commissioners on February 25, 2022**
  - State Law and Regulatory Framework
  - Orland Police Department
  - Experience of other cities

**B. Use of ARPA Funds - Pete Carr, City Manager**

- Copy of Staff Report from September 21, 2021
- Excerpt from September 21, 2021 meeting notes
- ARPA list

**C. Overview of Westside development: Issues and Opportunities - Pete Carr, City Manager**

- Map, Considerations and Key Points

**7. STAFF REPORTS**

City Manager update on: General business and economic news

**8. COMMISSIONER REPORTS**

**9. FUTURE AGENDA ITEMS**

**10. ADJOURN**

**CERTIFICATION:** Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on March 4, 2022.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street, Orland, CA.

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.

CITY OF ORLAND  
ECONOMIC DEVELOPMENT COMMISSION MEETING  
February 8, 2022

**1. CALL TO ORDER**

The meeting was called to order by Chairperson Lane at 6:03 pm

**2. PLEDGE OF ALLEGIANCE** – led by Commissioner Romano.

**3. ROLL CALL**

Present: Ron Lane, David Allee, Russell Pierce (via Zoom), and Mathew Romano

Absent: None

Councilmembers: Bruce Roundy, Jeff Tolley

Staff: Pete Carr, Rebecca Pendergrass

**4. ORAL AND WRITTEN COMMUNICATIONS**

None

**5. CONSENT CALENDAR**

Approval of the November 9, 2021 minutes

Moved by Chairperson Lane, seconded by Commissioner Romano, motion carried to approve the November 9, 2021 minutes as presented. 3-0-1-0 Ayes: Commissioners Pierce, Lane and Romano; Noes: None; Abstain: Allee; Absent: None. Motion carried.

**6. ITEMS FOR DISCUSSION OR ACTION**

**A. Compliance with AB361**

City Manager Carr presented the Commission with a resolution regarding AB361. The resolution, once approved, would allow for participants to utilize remote access to attend meetings without having it posted in advance.

Moved by Commissioner Allee, seconded by Chairperson Lane, motion carried to approve the resolution as presented. 4-0-0-0 Ayes: Commissioners Pierce, Lane, Allee and Romano; Noes: None; Abstain: None; Absent: None. Motion carried.

**B. Identify new chair for 2022**

City Manager Carr requested nominations for Chairperson for 2022. Commissioner Pierce nominated Chairperson Lane. With no further nominations, the nomination was closed.

Action: Upon the vote, Chairperson Lane received four affirmatives. Chairperson Lane was declared Chairperson for 2022.

City Manager Carr requested nominations for Vice Chairperson for 2022. Chairperson Lane nominated Commissioner Romano. With no further nominations, the nomination was closed.

Action: Upon the vote, Commissioner Romano received four affirmatives. Commissioner Romano was declared Vice Chairperson for 2022.

C. Update work plan for 2022

Commissioner Allee suggested sunseting the work plan, stating that it was a tool created many years ago to help aid the Commission in setting work goals, but that it may have outlived its usefulness. After discussion the Commission agreed that it would be best to no longer utilize the work plan.

Moved by Commissioner Allee, seconded by Chairperson Lane, motion carried to discontinue the use of the work plan. 4-0-0-0 Ayes: Commissioners Romano, Lane, Allee and Pierce; Noes: None; Abstain: None; Absent: None. Motion carried.

D. Cannabis Business Consideration

City Manager Carr informed the Commission that current City ordinance prohibits marijuana sales within the City limits. The City could choose to be less restrictive and allow more cultivation and/or the sale of product in town. In 2016, the City Council voted to not allow dispensaries in town.

Chairperson Lane stated that a lot had changed regarding marijuana and its industry since the last time the Council visited the topic. He also reminded the Commission that medical marijuana became legal in 1996 and recreational marijuana became legal in 2016.

Commissioner Allee provided a brief history on the marijuana industry and stated that allowing for the sales of marijuana within the City of Orland would create another stream of tax revenue that could be collected. Commissioner Allee urged the Commission to approve the recommendation to allow the sale of marijuana in town, to City Council.

Vice Chairperson Romano reminded the Commission that it was just a few meetings ago that local students asked the City Council to banned flavored tobacco in town and feels it would be very important to get more community engagement on this topic at it is the community that will be affected. Commissioner Pierce expressed concern with

some of the dispensaries he has seen in other towns and what kind of effect they would have on public safety.

After continued discussion the Commission directed staff to continue research as well as conducting their own research individually to discuss at the next meeting.

E. City Five Year Plan Discussion

City Manager Carr explained that the Economic Development Commission has the opportunity to help shape the five-year plan for Orland. The Commission began discussing the type of development they would like to see in the community and where said development should be located. The Commission agreed they would like to see both development of commercial businesses and housing. A specific topic the Commission would like to focus on moving forward is development on the west side of 15, specifically around County Road 16 and HH.

**7. STAFF REPORTS**

**City Manager update on:**

A. General business and economic news

City Manager Carr informed the Commission that the Maverik fueling station environmental report and project will be going to the Planning Commission for approval. An addition fueling station has shown interest in coming to Orland as well as a national fast food chain restaurant but neither have submitted an application yet. A second location for Orland Smoke Shop will be opening soon on Walker Street. De'Serj, West Mitsubishi, Harvest Church, Lutheran Church, Little Caesars, Higgins and Associates, CPA and Three Little Birds have all applied for the façade improvement program since the last time the commission had met.

**8. COMMISSIONER REPORTS**

Vice Chairperson Romano stated that he attended the virtual 22<sup>nd</sup> Annual Economic Forecast Conferenced hosted by California State University Chico.

**9. FUTURE AGENDA ITEMS**

- Cannabis and it's sale within the City of Orland.
- Development on the west side of town, specifically around Co Rd 16 and HH.

**10. ADJOURN – 7:54 pm**

Respectfully Submitted,

Rebecca Pendergrass, Staff Support

Ron Lane, Chairperson



**CITY OF ORLAND  
ECONOMIC DEVELOPMENT COMMISSION  
RESOLUTION NO. 2022-01  
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 Economic Development Commission 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 of Orland Economic Development Commission 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. This Resolution shall take effect March 8, 2022 and shall remain in effect for thirty (30) days thereafter (until April 13, 2022), provided the conditions set forth in Section 2 remain.

PASSED AND ADOPTED by the City of Orland Economic Development Commission this 8th day of March, 2022, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Ron Lane, Chairperson

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 of Orland Economic Development Commission at a regular meeting of said Commission, at Orland, California, on the 8th day of March, 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 of Orland.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jennifer Schmitke, City Clerk

## CITY OF ORLAND

### CITY COUNCIL AGENDA ITEM #: 7.A

**MEETING DATE: September 21, 2021**

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

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City Council continues its consideration of intent for use of discretionary pandemic relief funds and may take action on current fiscal year use of funds.

**BACKGROUND:**

While the federal government has not yet published its official, final interim guidance for use of American Rescue Plan Act (ARPA) funds, City Staff have diligently followed all available guidance. The City is scheduled to receive \$1.872 million in ARPA funds in total, ½ in 2021 and the balance in 2022. Funds are to be obligated by 2024, spent by 2026.

After several Council discussion sessions on this topic, City Council determined on May 3<sup>rd</sup> its intended use of CV2 and CV3 Covid relief funds; \$70k CV1 and \$281k CV2/3 were designated toward grants for small businesses and cost offset for installing touch-free doors at public facilities. On May 17<sup>th</sup> Council began a more focused discussion about ARPA funds. Council gave Staff further direction on June 21. Staff sought Economic Development Commission (EDC) input August 17 and Sept 14.

In previous discussions, after considering allowable options, Council directed Staff to receive ARPA funds as replacement for public sector revenue not realized due to the pandemic, which then become discretionary funds to provide government services. (Using the City's actual 3-year rate of revenue increase and California State Department of Finance's formula for calculating revenue loss, the City's entire allotment is deemed revenue loss replacement.) This is sometimes referred to as "fiscal stabilization" for cities and is an encouraged use of funds. ARPA fiscal stability funds can be used to accomplish operational needs, capital projects or programs the City would have otherwise done but could not due to the loss of revenues incident to the pandemic. The City has broad flexibility to decide how best to use this funding to meet the needs of this community.

No ARPA funds can be used to offset pension costs or provide for tax reductions. Treasury guidance further calls for public input, transparency, and accountability. In addition to and separate from ARPA, Build Back America Better infrastructure funding is expected to be made available in the coming year, providing an undetermined amount of additional funding to state and local governments for highways, bridges, streets, and utility infrastructure.



**DISCUSSION:**

City of Orland received \$936,000 in ARPA funds into the City Treasury in August and booked it as FY 2020-21 revenue. On the attached worksheet, Staff (City Manager & Department Heads) suggest how up to \$905k of this year's funding can be productively employed on specific priority projects, leaving a small residual for contingency and the remaining balance for consideration next year.

Items 1-4 are critical public safety and facility maintenance items the City must do. Items 5-8 are economic development priorities but only #5 and 7 are programmed for this fiscal year. Items 9 and 10 are recreation amenities that support programs for residents and attract visitors to Orland.

The Chamber of Commerce requests that its annual support budget of \$11,000 be increased to \$17,500 for certain operational needs; \$7000 is proposed on the worksheet.

The Orland Arts Commission requests ARPA funds to offset the impacts of the pandemic on gallery operations, with \$2800 in lost sales and \$4760 in normal expenses during the eight months the gallery was closed. Council could elect to replace the lost revenue or pay the expenses; \$3000 is proposed on the worksheet to replace unrealized revenue.

Staff requests approval of funding for selected 2021 projects at this time. Some editing of the list items and costs will be necessary as we move forward into deeper planning and execution of projects.

**Attachments (3):**

- A. Draft Proposed Use of ARPA Funds Worksheet
- B. Correspondence from Orland Area Chamber of Commerce
- C. Correspondence from Orland Arts Commission

**RECOMMENDATION:** Approve funding as presented for 2021 items 1-13.

**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.

## ADMINISTRATIVE BUSINESS

From the minutes  
of the 9-21-21  
City council  
meeting

### A. Use of American Rescue Plan Act (ARPA) Funds (Discussion/Direction) – Pete Carr, City Manager

Mr. Carr reminded Council that Orland's allocation is considered backfill for lost revenue, aka, "fiscal stabilization." He presented a draft proposal for the use of 2021 ARPA funds and pointed out that items 1-4 are items that must be accomplished. He noted that the Chamber of Commerce contribution had been added since last reviewed. Additionally, the Economic Development Commission at their recent meeting, had recommended items 5-8 be prioritized. The Commission also recommended Façade Improvement funding include sidewalks. Councilmember Irvin asked if funding could be used for residential sidewalks. Mr. Carr stated this activity is included when funds from the Federal Transportation Infrastructure Funds are received. Mr. Carr advised of prohibited expenditures such as pension cost offsets.

Councilmember Irvin asked if Measure A should be back funded. He added all ARPA funds should be placed in General Fund and any funds needed for public safety coming from that fund. Mayor Roundy suggested to leave the distribution as presented on the proposal.

Councilmember Irvin questioned what the Chamber of Commerce provides to their membership. Councilmember Hoffman listed accomplishments of the Orland Chamber. Mayor Roundy stated he had taken an informal poll with other cities and found there are a lot of different amounts cities are funding their Chambers.

Vice Mayor Tolley asked if the funds could be used for a skate park. Mr. Carr stated they could be. Vice Mayor Tolley stated he is looking into the Tony Hawk Foundation for funding and understands the Recreation Commission was for pickleball courts.

Councilmember Hoffman moved to approve items 1-13 of the submitted plan for 2021. The motion died from lack of a second.

Councilmember Irvin moved to approve the submitted plan but move the revenue listed for Measure A to General Fund and remove the Chamber of Commerce and Arts Commission items until they discuss their requests with the City Council. The motion died from lack of a second.

Mathew Romano, a member of the Economic Development Commission, stated he would like to see 1-13 approved. He did not think the Arts Commission and Chamber of Commerce requests were a lot.

Vice Mayor Tolley stated he agreed with Mr. Romano and asked if a decision had to be made this evening. Mr. Carr stated item 2B (library roof) may benefit from State Library funding and may need match funds.

Vice Mayor Tolley recommended looking at the projects more closely before agreeing with the list. Mr. Carr suggested approving items 1-4 because there is an urgency to them.

Councilmember Irvin moved to place all funds in the General Fund and accept items 1-5. The motion died from lack of a second.

Vice Mayor Tolley stated he agrees with Councilmember Irvin regarding the revenues to go into Public Safety but is okay with the projects. Mayor Roundy stated it is important to backfill to make sure there are sufficient funds in Measure A for public safety.

Councilmember Irvin asked if the amounts shown were estimates and Mr. Carr stated they were.

Councilmember Dobbs stated that regardless if it goes to Measure A or General Fund, it will still be used for something beneficial.

Action: Councilmember Hoffman moved, seconded by Councilmember Dobbs, to approve items 1-13 of the submitted plan for 2021. The motion carried, 3-2 by the following roll call vote:  
AYES: Councilmembers Hoffman and Dobbs, Mayor Roundy  
NOES: Councilmember Irvin and Vice Mayor Tolley  
ABSENT: None  
ABSTAIN: None

Vice Mayor Tolley stated he is not against the projects but thinks the Council should slow down before making a decision on this matter.

## Proposed Use of ARPA Funds Worksheet

City of Orland as of September 16, 2021

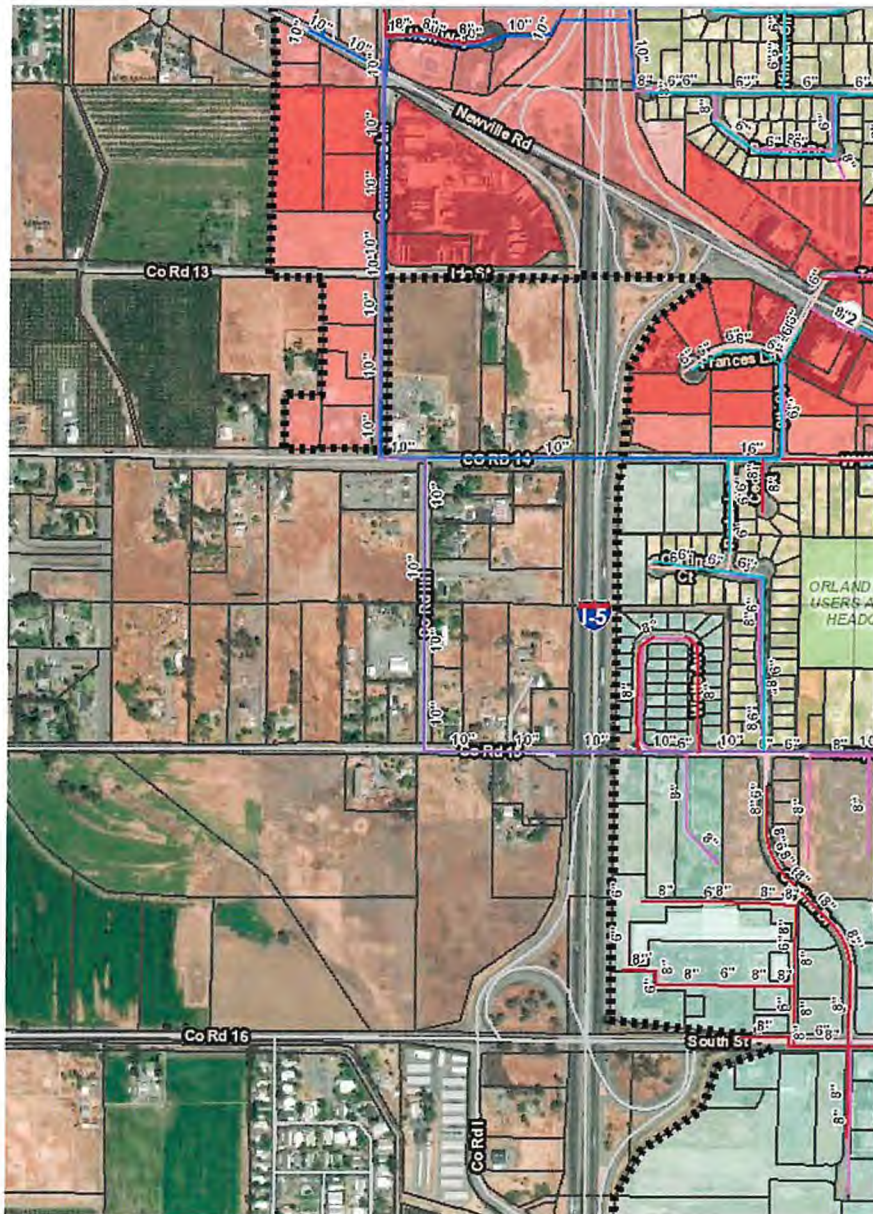
#1-13 2021 list approved by City Council 9-21-21

| 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        |
| <b>Total Revenue</b>                          |  | <b>\$936,000</b> | <b>\$936,000</b> |
| 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         |
| <b>Total Lines 1-16</b>                       |  | <b>\$905,000</b> | <b>\$920,000</b> |

\* = 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   |





## Orland “westside development” Considerations:

- A. Sphere of Influence (SOI) extends west from freeway to CR H.
- B. Water goes south from Newville Rd to 14, then east under the freeway.
- C. Sewer goes south from Newville to 15, then under the freeway.
- D. CR16 area has few parcels with even fewer owners.
- E. Commerce to CR HH jog needs to become a smooth “S” curve.
- F. Commerce will someday need to extend south to CR 16 but with separation from the southbound off-ramp.
- G. Overpasses need widening.

Design? Cost?

Timing?

Responsibility?

Aesthetics/other issues?