

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,
- Shared 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