

MINUTES OF THE ORLAND CITY COUNCIL
REGULAR MEETING HELD APRIL 5, 2022

CALL TO ORDER

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

Meeting opened with the Councilmember Bruce Roundy leading the Pledge of Allegiance.

ROLL CALL

Councilmember present: Councilmembers Bruce Roundy, Billy Irvin, 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 Attorney, Greg Einhorn; Fire Chief, Justin Chaney

ORAL AND WRITTEN COMMUNICATIONS

A. Public Comments:

Ryan Bentz, 6024 Co Road 3, Introduced himself as C.K. Price’s principal and announced that he is running for Superintendent of Schools in the upcoming election.

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 Dwelling Units (p.63)
- M. 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 (p.77)

Vice Mayor Tolley asked for a spelling correction on item 5L of the agenda and Councilmember Irvin asked to pull item 5D.

Action: Vice Mayor Tolley moved to accept the consent calendar except 5D and a correction on 5L, Councilmember Dobbs seconded. 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

Councilmember Irvin asked if the Measure A fund should be used for the purchase of materials for the evidence facility since it is used for police and fire purposes and asked if it is legal to purchase materials from a current city employee's business. City Manager Carr responded by explaining that the ARPA funds being used in the case are from the public safety portion of Measure A. Mr. Carr stated that \$1500 is within the City Manager's spending authority but he wanted to bring the purchase to the City Council to be completely transparent and have the topic publicly documented due to its unusual circumstance.

Mayor Hoffman asked City Attorney Greg Einhorn if the City should have sent out bids for this project. Mr. Einhorn stated that he reviewed the project and due to the price of the project materials being so far below fair market value there was no impropriety.

Action: Councilmember Irvin moved to accept consent calendar item 5D, 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

ADMINISTRATIVE BUSINESS

A. Verbal Update on Drought Conditions and Water Connection Project – Pete Carr, City Manager

City Manager Carr announced there have been 11 newly reported to the County's dry well website as of January 1, 2022, 8 of those reported wells are completely dry.

Mr. Carr stated the City is currently waiting for the contract from the Department of Water Resources (DWR) to determine the scope of the project and the budget. Once the contract is approved City staff can begin having residents fill out the contract to connect to the City's water system. Mr. Carr shared that while the City is waiting for the contract the City's engineers are working with DWR's engineers to detail out the pipelines, well, and tank.

Mr. Carr announced that last week the Governor issued an executive order that ordered urban water suppliers move to stage 2 of their drought contingency plan, the City of Orland is not an urban water supplier just yet because the City is under 3000 water connections, but the City has initiated its own contingency plan and the council agreed effective as of May 1, 2022, the City will be in stage 2 of its contingency plan. City staff has notified the community at large as well as water customers via water statements and social media. Mr. Carr shared that the executive order also provides for streamlining of permits for recharging projects, requires that new ag permits will have to get approval from their ground water sustainability agencies, and directs more funding for DWR projects.

Mr. Carr stated the municipal wells are holding steady and they are still being checked weekly. Water consumption for March 2022 was 35.6 million gallons which was 34% less than March of 2013 but 6 million gallons more than March of 2021.

B. Orland Area Water Supply Project – Pete Carr, City Manager

Mr. Carr presented 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. Mr. Carr explained that the resolution authorizes the City Manager to submit an application and to execute the contract, which Mr. Carr will bring to Council once it is complete.

An Orland resident asked where County residents can go to get help if they are without water. Mayor Hoffman stated that county residents should go to their supervisor if they have concerns. Mr. Carr shared that County residents who are out of water should go to the County website where they can find information on long term and short-term assistance programs as well as a link to report their well as dry.

Action: Councilmember Dobbs made a motion to adopt Resolution 2022-11 Authorizing the grant application, acceptance, and execution for the Orland area water supply project as proposed, seconded by Councilmember Roundy. The motion carried by roll call vote 5-0.

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

C. Fiscal Year 2022-23 Budget Discussion #1: Assumptions, Capital Improvement Planning, DIF, Staffing, General Fund – Pete Carr, City Manager

Mr. Carr presented the first part of the draft proposed budget to Council for the next fiscal year 2022-2023 which starts July 1. Mr. Carr went over the assumptions for fiscal year 2023 sharing that the City isn't expecting any Covid 19 impact, Mr. Carr also shared with gas prices rising and private vehicle refueling slowing down, the City is hopeful that the freight transport refueling will offset any loss. Mr. Carr stated that even with softening general economic conditions and increased interest rates the City is not expecting anything to impede the construction of 100 new homes and three new apartment complexes. Mr. Carr shared that the Department of Water Resources (DWR) project will be a very big project and will consume significant admin, Public Works, Engineering and Building Department attention and resources.

Mr. Carr brought forward the capital projects and objectives list for Council to review. Vice Mayor Tolley asked if he could get the skatepark that he is interested in added to the objectives list for future consideration. Councilmember Roundy stated that Vice Mayor Tolley presented to the Recreation Commission, and he felt the skatepark should go through the process just like all other projects, and once it goes through the process it can then be added to the list. Council decided to hold off on adding the skatepark to the objectives until they get more community feedback.

Councilmember Roundy expressed his satisfaction for all the positive things happening in the City currently.

Mr. Carr went over staffing for the City and explained there would be minimal changes proposed. Currently one employee is filling two part-time administrative positions in public safety, half of the day at the Fire Department and the other half of the day at the Police Department. With increased workloads at the Fire Department and Police Department the impact is being felt, the suggestion is that those two half time positions become two full time positions, one at the Police Department and the other at the Fire Department. Mr. Carr stated the suggestion for the Public Works Department is to add one additional maintenance worker as well as another management level supervisor.

Councilmember Roundy stated that the City of Orland is growing significantly and with the growth the City will need more personnel, he would like to see criteria set up, so the City is prepared to expand services to meet future growth.

Mayor Hoffman opened the meeting to public comments.

Joseph Baugher, Orland resident asked if business licenses are regulated. Mr. Carr stated the City Treasurer does keep track of all the business licenses. Assistant City Manager Rebecca Pendergrass briefly explained the process the City Treasurer monitors licenses, using building permits as well as information from Orland residents when new businesses are operating without a license. Ms. Pendergrass also explained how the City Treasurer works with the Police Department to correct the situation when businesses do not have the proper licensing.

D. Use of American Rescue Plan Act (ARPA) Funds – Pete Carr, City

Mr. Carr presented the list of proposed use of ARPA Funds that were approved (items 1-13) at the September 21, 2021 meeting. Mr. Carr went over items that will not require ARPA funds such as item 5 traffic control and item 2B library roof and HVAC, monies will be coming from other areas or grants. Mr. Carr then went over the updated ARPA Funds worksheet that shows only approved and proposed items that can be funded using the ARPA Funds. Mr. Carr stated the items listed in red are in progress, the items in blue have been approved and the items in black have not yet been approved. Mr. Carr shared that the total revenue from ARPA was \$1,872,000, \$200,000 was allocated to General Fund and \$100,000 to Measure A Public Safety as fiscal stabilization.

Mr. Carr shared the Economic Development Commission (EDC) voted 4-0 at its March 8, 2022 meeting to recommend modification and prioritization of item 6 on the list, to extend City water and sewer services on the westside I-5 to County Road 16. The EDC also recommended the addition of a project to install electric vehicle (EV) charging stations somewhere in town.

Councilmember Irvin asked the date that the ARPA Funds had to be used by. Mr. Carr stated 2026.

Mr. Carr stated that item 14A is added to replace the current financial software that the City has been using for more than 30 years. Mr. Carr mentioned that the ARPA funding could possibly pay for \$50,000 while water and sewer could pay for the remainder. Ms. Pendergrass stated the software covers the City's utility billing, general ledger, payroll as well as many other areas of the City. Ms. Pendergrass stated the City started looking into changing software about 6 years ago, but the price was unreachable at the time.

Council discussed with staff a few different items from the list of proposed and approved funding items from the worksheet. Mr. Carr stated that nothing needed to be approved tonight but if anything was to be approved, he recommended item 4 which is public safety facility security and IT upgrades and item 6B allowing the City to start working on the EV charging stations.

Councilmember Roundy asked what the total would be for 14A, possibly \$100,000? Mr. Carr stated he hoped the amount would be around \$100,000, but the City is still looking at different software companies so there isn't a definite total amount yet. Mr. Roundy stated that item 14A should be moved to the top of the list as a high priority. Mayor Hoffman agreed with making the software a priority and getting that taken care of especially since the City is growing and adding new connections.

Councilmember Irvin suggested approving all items except the two largest projects cost-wise, item 6A (extending the water and sewer on the westside of I5 to County Road 16) and item 8(Streetscapes). Councilmember Dobbs agreed with Councilmember Irvin's suggestion.

Mayor Hoffman opened the meeting to public input at 8:00 pm.

Sheree Gray, Orland resident, asked how soon the EV charging stations could be up and running and she noted that most EV stations have a cost to use. Mayor Hoffman stated that hopefully the stations can be in an area that is close to downtown to bring in people who will in return eat and shop downtown which will help bring in revenue and sales tax for the City. Mr. Carr stated EV stations would not be a revenue stream but this would be an investment for the business community.

Trish Saint-Evan, Orland resident suggested the EV charging stations be located in a more convenient and safe areas of town, the current EV charging station is secluded and not as easily accessible. Ms. Saint-Evans stated she is in favor of the skatepark project and adding something for the youth in the community.

Action: Vice Mayor Tolley moved to approve item 4 and item 6B from the proposed Use of ARPA Funds worksheet, Councilmember Irvin amended the motion to include item 14A, seconded by Councilmember Dobbs. The motion carried by roll call vote 5-0.

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

E. Graffiti Abatement – Pete Carr, City Manager

Mr. Carr briefly spoke about how the City began an aggressive campaign back in 2012-2013 to keep graffiti out of the town, stating that if graffiti was sprayed at night the City had it cleaned up by noon the next day which led to less graffiti around town. Mr. Carr stated that recently vandals have started graffitiing again, mostly on abandoned buildings, often gang related symbols and hate speech.

Mr. Carr presented background on Orland Municipal Code (OMC) chapter 8.28 which authorizes the City to take 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. Mr. Carr's recommendation is to modify the current Municipal Code 8.28 to provide a more effective authority for removing graffiti more expeditiously due to the criminal nature of most graffiti experienced in Orland especially street gang indicators, to be removed within 24 hours.

Council discussed legal issues of possible modifications to OMC 8.28 with City Attorney Greg Einhorn and asked Mr. Einhorn to come back to Council with a few modification options for the Council to discuss and review at the next council meeting.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Roundy:

- Attended the Art gallery show Friday April 1, 2022.
- Will be attending Groundwater agency meeting Monday April 11, 2022.

Councilmember Irvin:

- Spoke about an issue he is having with Waste Management trucks in his neighborhood.

Councilmember Dobbs:

- None.

Vice Mayor Tolley:

- Shared that he has been speaking to community members that are confused about the upcoming Habitat for Humanity project.
- Asked about dump day at the Fairgrounds, Mr. Carr stated he would reach out to WM and ask if this this could happen and would get back to Vice Mayor Tolley.
- Attended the Recreation Commission meeting Wednesday March 23, 2022 to present a skatepark project update.
- There will be another skatepark project discussion meeting Monday April 11, 2022 from 6-7 PM.
- Would like on a future agenda the homeless issue that Orland is facing currently.
- Would like on a future agenda to send out letters to CK Price and Orland High School Parents to see what their opinions are on a future skatepark.

Mayor Hoffman:

- None.

CITIZEN COMMENTS ON CLOSED SESSION ITEMS

Julie van Tol, 4th Street Café Owner, stated she wrote a letter to Council explaining she is selling her business and she hopes the City will allow for a change of lease involving entire the building with the new owner of the 4th Street Café. Ms. van Tol thanked Council and staff for supporting her business over the last 8 years.

Jorge Vasquez, Orland Resident introduced himself as the possible new owner of the 4th Street Café, Mr. Vasquez spoke a little about his background and growing up in Orland as well as what he hopes the future of 4th Street Café will look like.

ADJOURN TO CLOSED SESSION AT 8:54 PM

CLOSED SESSION OPENED 9:04 PM

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

CONFERENCE WITH LABOR NEGOTIATORS: 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)

RECONVENE TO REGULAR SESSION AT 9:29 PM

REPORT FROM CLOSED SESSION –

For the 824 4th Street topic Vice Mayor Tolley recused himself from the discussion, and direction was given to staff.

For the labor negotiations there was no reportable action.

MEETING ADJOURNED AT 9:31 PM

Jennifer Schmitke, Deputy City Clerk

Dennis G. Hoffman, Mayor