

MINUTES OF THE ORLAND CITY COUNCIL
REGULAR MEETING HELD JANUARY 3, 2023

CALL TO ORDER

Meeting called to order by Mayor Dobbs at 6:30 PM.

Meeting opened with Pledge of Allegiance

ROLL CALL

Councilmembers present:

Matt Romano, John McDermott, Vice Mayor Bruce Roundy and Mayor Chris Dobbs

Councilmembers absent:

Jeffrey Tolley

Staff present:

Assistant City Manager/Director of Administrative Services Rebecca Pendergrass; City Attorney Greg Einhorn; Public Works Director Ed Vonasek; Police Chief Joe Vlach; City Engineer Paul Rabo; City Planner Scott Friend; City Clerk Jennifer Schmitke; Library Director Jody Meza; Recreation Director Joe Fenske

ORAL AND WRITTEN COMMUNICATIONS

PUBLIC COMMENTS:

None

Mayor Chris Dobbs stated that Staff acknowledged that the date (2022) was incorrect on the meeting agenda for January 3, 2023.

CONSENT CALENDAR

- A. Warrant List (payable obligations)
- B. Approve City Council Minutes for December 20, 2022
- C. Consultant Selection: Pre-Approved Building Plans – Accessory Dwelling Units
- D. Approve and adopt second reading of Ordinance 2022-06 Repealing the 2019 California Building Code in its entirety and replacing it with the 2022 California Building Code and adopting by references including appendices of the 2022 California Building Standards Code

Action: Vice Mayor Roundy moved, seconded by Councilmember Romano, to approve the consent calendar as presented. The motion carried by a voice vote 4-0.

PUBLIC HEARING

Zoning Ordinance Text Amendment (ZCA 2022-01) – Reasonable Accommodations

Mr. Friend presented an introduction and first reading of a proposed amendment to the City of Orland’s Municipal Code (OMC) to incorporate changes to the City Code resulting from changes to State and Federal law regarding reasonable accommodations for persons with disabilities or medical conditions necessitating the granting of a Reasonable Accommodation Request (RAR). Mr. Friend stated that this item is an amendment to the Orland Municipal Code (OMC) adding a new section into the code 17.72

and amending title 17 (zoning code) introducing an ordinance titled Reasonable Accommodations. Reasonable Accommodations is allowing someone with a federal or state recognized disability to be able to petition the City for a modification to a development parameter and would also allow the City Manager to act as the hearing officer of the town for the item. Mr. Friend shared an example.

Mr. Friend stated that a Reasonable Accommodation does not need to be noticed in the newspaper or to surrounding property owners, federal law prohibits such a requirement. Mr. Friend explained that it is a presumptive granting of a Variance, through the ministerial process.

The proposed action would provide an easier option for users of the OMC to identify the details associated with requests for a RAR.

Mr. Friend shared that the Planning Commission held a noticed Public Hearing at their November meeting with a unanimous 4-0 vote to recommend approval to City Council.

Councilmember Romano asked if there were restrictions on dollar amount or dwelling type. Mr. Friend stated Federal and State Fair Housing Act limit the ability to put restrictions on Reasonable Accommodations. Councilmember Romano asked about the appeal process. Mr. Friend explained that it would first go to the Planning Commission, the City Council, then end with the Superior Court.

Mayor Dobbs opened the Public Hearing at 6:40 PM.

With no comments, Mayor Dobbs closed the Public Hearing at 6:40 PM.

ACTION: Vice Mayor Roundy moved, seconded by Councilmember McDermott, that the City Council of the City of Orland adopt City Council Ordinance 2023-01, an amendment to the City of Orland Municipal Code establishing code section identified as 17.72 Reasonable Accommodation and made the determination that the proposed project is exempt from further review pursuant to California Environmental Quality Act (CEQA) pursuant to section 15061(B)3 of the Government Code. Motion carried, 4-0 by a voice vote.

PRESENTATIONS

GRAND JURY PRESENTATION, GRAND JURY ALUMNA RUTH HENDERSON

Ruth Henderson and Marge Ansel, Grand Jury Alumnae, presented a brief Power point presentation to educate the residents on what Glenn County Grand Jury does for the community. Ms. Henderson explained the differences between Criminal Grand Juries and Civil Grand Juries and how Grand Juries are selected. Ms. Henderson spoke about the purpose, authority, and responsibility of a Grand Jury. Ms. Henderson shared that in Glenn County the Grand Jury has 19 members. Ms. Henderson shared information on where citizens who are interested can get applications if interested in joining.

Vice Mayor Roundy asked if the Grand Jury still have the training, stating it was very helpful for him to learn about being on the Grand Jury. Ms. Henderson stated that the training is still available.

Earl Megginson, Orland resident, asked about the terms someone on the Grand Jury would serve. Ms. Henderson shared that a Grand Jury member can serve one year with a maximum of two years.

FENTANYL PRESENTATION – GLENN COUNTY HEALTH OFFICER DR. JARED GARRISON

Dr. Jarrod Garrison, Glenn County Health Officer, presented information on fentanyl, hoping to bring attention to the drug and awareness to the drug use, overdose, and deaths.

Dr. Garrison presented data on U.S. Drug- induced death rate by drug type over the past 20 years showing that fentanyl is quickly on the rise resulting in 62% of all overdose deaths in America. Dr. Garrison shared that a grain of salt weighs about 60 micrograms and explained that fentanyl the size of 3 grains of salt can be lethal, which is equal to taking 24 Vicodin.

Dr. Garrison gave data and examples of fentanyl overdoses and deaths that are happening not only in California but in Glenn and surrounding Counties. Dr. Garrison showed pictures of what fentanyl looks like, in some cases brightly colored called rainbow fentanyl, different bright colors making the drug look like candy, and explained how some are even transporting the drug in kids toy boxes.

Dr. Garrison spoke about Narcan nasal spray and fentanyl test strips explaining how to use them and where anyone can locally pick it up. Dr. Garrison stated he hopes in the future the Orland Library will be a spot in town that has Narcan nasal spray and fentanyl test strips available for the community.

Dr. Garrison shared stories from people who have passed away from a fentanyl overdoses. Dr. Garrison explained 5 things to do to prevent overdose death is 1. Educate, 2. Learn the signs of overdoses, 3. Carry Narcan, 4. Test for fentanyl and 5. Never use alone.

Councilmember McDermott asked currently if someone in the community needed Narcan nasal spray or fentanyl test strips tomorrow where could they get them. Dr. Garrison shared that items could be picked up at Harmony House, Substance Abuse, Mental Health Department and Orland Pharmacy for free. Councilmember McDermott stated that everyone should make sure they have Narcan on hand because you may think it isn't happening in your own family, but you never know and it is better to be safe.

Mayor Dobbs asked City Librarian Jody Meza if she was consulted about having Narcan nasal spray and fentanyl test strips available at the library. Ms. Meza shared that City Manager Pete Carr had mentioned it to her and stated that after listening to this presentation she felt the information was very helpful and with City Council and the City Manager's approval she approved of having the products available to the community.

Councilmember Romano stated his concerns with what will happen to Library Park and the surrounding neighbors if the Library starts to freely pass out Narcan. Dr. Garrison shared that Council would be surprised by who actual would come in to get the Narcan, people in your community that you would not expect.

Kylie Paulos, Orland resident, shared her story as a concerned citizen and grieving aunt about her nephew who died of a fentanyl poisoning. Ms. Paulos hopes her family's story will help get the word out about the unknown dangers of fentanyl and hopes that the City will consider allowing the Narcan nasal spray and fentanyl test strips to be available for the community to help save live.

Vice Mayor Roundy shared his support in allowing the fentanyl test strips and Narcan nasal spray to be available for the community to help save lives. Education is key to get the word out to the community.

RECREATION DEPARTMENT ANNUAL PRESENTATION – RECREATION DIRECTOR JOE FENSKÉ

Recreation Director Fenske gave a slide presentation on the status of the Recreation department this past year. Mr. Fenske went over the capital improvements that have been approved as well as capital improvements planned for the future.

Mr. Fenske noted all the community partnerships that work with the Recreation department such as Orland Unified School District, Glenn County Office of Education, and varying Orland youth sports teams.

Mr. Fenske shared the benefits of the recreation department within the community such as healthier people; public safety; promoting positive, fun, and competitive exercise; better quality of life; building relationships within community; and teamwork. Mr. Fenske explained that program registrations are 60% from City residents, 35% from County residents and 5% are from people in other cities.

Eight years ago, Every Child Swims was started where the Recreation department had partnered up with Mill Street second grade to give all second graders free swim lessons. This year on the first day there were 122 students in the pool, only 16 could swim across the pool, and on the last day 118 felt comfortable jumping off the diving board and able to get to across the pool safely.

Mr. Fenske shared that the City pool was back open full time this past year, there were 50 private pool rentals all booked before July 1st. The pool was open every day and continued to offer lap swim, open swim and had steady aqua aerobics numbers. Orland Otters used the pool about 25 hours a week for practice and swim meets. Mr. Fenske stated the Orland pool offered swim lessons to 335 kids this year.

Orland recreation youth programs included youth basketball, summer soccer, fall soccer, tiny tots tumbling. Mr. Fenske shared that summer 2023 a summer flag football league will take the place of the summer soccer league. Mr. Fenske shared that summer camps were brought back this year in partnership with the high school teams including wrestling, cheerleading, baseball, volleyball and basketball. Adult Programs were back up and running including co-ed softball, adult volleyball, adult basketball, kickboxing, pickleball and aqua aerobics. Mr. Fenske stated he is hopeful to start a pickleball league in the future.

Mr. Fenske thanked his staff, the City Council for their support and recognized Orland Police Department, the Public Works Department, City Hall staff and Recreation Commission for their contributions to the department.

Andy Ramirez, Orland resident, thanked Mr. Fenske for all he does for the community and stated it is a pleasure to work with him.

Dr. Jared Garrison, Orland resident, thanked Joe for working hard stating the Recreation program is wonderful.

Councilmembers thanked Mr. Fenske for all he does for the Recreation Department and the City of Orland.

LIBRARY DEPARTMENT ANNUAL PRESENTATION – LIBRARY DIRECTOR JODY MEZA

Library Director Meza presented a slide show on the status of the library for the 2021/2022 year. Ms. Meza showed a picture of the front entrance of the library and stated that the Library has been funded to get touch-free doors through recent grants and hopes that this project will be completed within the next year.

Ms. Meza stated that the library is lucky enough to have the support from community and partnerships with local donors, Friends of the Library, Orland Rotary, Orland Women's Improvement Club and Glenn County Farm Bureau.

Ms. Meza shared that staffing levels have gone down (3 full-time and 4 part-time), but open hours have gone up and they are maintaining well due to combining positions, bringing in new data bases and software.

Ms. Meza spoke about projects that have been completed at the Library in 2022 including combining catalogs and circulation systems between Orland and Willows, a new website specifically for the Library and the Palace Project Statewide Digital Collection.

Ms. Meza stated the library has been able to receive \$12,731.00 in Zip Books (739 books and audiobooks), a grant for \$12,000.00 for Learning2Go Literacy Kits, \$5,874.00 in Library Broadband Connectivity support, \$3600.00 for Lunch with the Library Summer Program, \$2500.00 for Parks Pass Adventure Backpacks & Telescopes, \$2100.00 for Staff development and Training funds and \$2,000.00 for First5 Children's Services stipend.

The total library users are 10,928; out of this number 5,354 are within the City and 5,246 are in the County, 328 are non-residents.

Vice Mayor Roundy thanked Ms. Meza for all she does for the Library and community.

Councilmember McDermott asked if the City receives support from the County since the Library also serves a lot of their residents. Ms. Meza shared that the City and County have been working toward a 50/50 agreement and shared that the County is working toward reaching that goal.

Councilmember Dobbs thanked Ms. Meza for doing a great job with the library and stated the City is lucky to have her on staff.

ADMINISTRATIVE BUSINESS

WELL CONSTRUCTION CONTRACT BID – CITY ENGINEER PAUL RABO

City Engineer Paul Rabo reminded Council that the City of Orland is working with the State of California Department of Water Resources (DWR) to construct improvements to the City's water system to benefit residents inside and outside City limits. Mr. Rabo stated that the improvements to the system will include a new groundwater well, storage tank and water mains and would be located inside and out of the City.

Mr. Rabo shared that the first part of the project to be advertised is the first phase of a new groundwater well located on Walker Street near Interstate 5. Mr. Rabo stated that the project was advertised in November and bids were opened on December 6, 2022, with a total of three bids

received. Mr. Rabo provided the bid summary and briefly went over each bid, the lowest bid coming in at \$345,395.00 and the highest bid coming in at \$650,650. Mr. Rabo provided the bid summary from each bidder for Council to review.

Mr. Rabo stated that he requested the State's engineer's formal estimated construction cost breakdown for the staff report, but he did not receive the information until after the agendas went out. Mr. Rabo wanted a correction on record where he had stated that the State's engineers had estimated the bids to be \$350,000, the State clarified that the estimate was a planning level estimate only which was before the State had established necessary design details and the number of connections to be served by the well. Mr. Rabo shared that the estimated cost for the project from the State's engineer's is \$582,180.

Mr. Rabo stated that the low bid came in at \$187,449 lower than the second lowest bid. Mr. Rabo reminded Council that the low bid has been contested due to two irregularities with their bid. Rabo shared that due to the protest of the lowest bid the Council would need to waive two irregularities, as provided in the letter of protest, to accept and award the project to the lowest bidder. The low bidder (Well Industries, Inc.) provided their responses to the protest in writing.

Mr. Rabo asked the Council to keep in mind that as the City goes through each phase of the project the State only gave the City \$16 million to include construction, design, construction management, construction inspections, staff time, administration time and if the City decides to award the low bid the \$200,000 could be used on other areas of the project where needed.

Mr. Rabo spoke with the low bidder and they stated that they are confident that they can get the project completed for what they bid even with the 10% adjustment of the mobilization item. The bidder provided references and projects that they have worked on in the past for municipalities and water districts.

Councilmember McDermott asked if the State is guessing that the City will get a sufficient amount of water with a well being drilled at 450 feet. Paul explained that the State is using Eva well as a model for the new well. Councilmember McDermott stated his concerns about contingencies.

Vice Mayor Roundy shared that he believes the City should look into a much deeper well for the security and future of the City. Mr. Rabo stated that preliminary design and investigation money has been set aside for a well going down 1000 feet.

Councilmember Romano stated his concerns about how the low bidder could do the job so much lower than the other two bidders and asked about a few specific line items. Mr. Rabo went over the line items, explaining the specifics as to why the bid may have been higher or lower.

Cody Stilwell, Well Industries representative, stated he stands behind his bid 100% and shared that he is confident in being able to complete the project with the bid they turned in. Mr. Stillwell explained that his family has a long history in Orland, his kids go to school and participate in Rec department activities in Orland and stated he wants to support his town and community.

Councilmember Romano asked Mr. Stillwell about past wells that Well Industries, Inc has worked on, specifically about municipal wells that his company has worked on in the past years.

Mayor Dobbs asked if the bid his company put in would be comparable with ag wells of the same depth that they also bid on. Mr. Stillwell shared that the jobs would be very similar.

Nar Heer of Nor-Cal Pump & Well Drilling stated his company followed all the procedures and felt that the lowest bidder has not. Mr. Heer presented the Council with Well Industries, Inc response to their protest letter.

Mayor Dobbs asked if City Attorney Greg Einhorn had seen this letter prior to the meeting and if he had any comments for Council on it. Mr. Einhorn reviewed the letter and explained that it had to do with the two issues that Nor-Cal Pump & Well Drilling spoke about at the last meeting: the missing addendum that was categorized as a minor clerical error, and issue with the mobilization/demobilization being bid incorrectly. Mr. Dobbs asked from a legal stand point does the City need to be aware of anything if they decide to choose the lowest bidder. Mr. Einhorn reminded Council that City Council has the discretion to waive clerical errors and other minor irregularities in the bid. Mr. Einhorn shared that he felt the lowest bidder was responsive and the bidder is responsible.

Nar Heer stated that in the protest letter the lowest bidder is still over the 10% that is listed on the RFP and that the lowest bidder is still not following the guidelines.

Ron Stilwell, President of Well Industries, Inc., stated if another bidder is chosen, he will not take legal action against the City.

Alberto Vasquez, Director of Operations for Nor-Cal Pump & Well Drilling stated his concerns for the lowest bidder being given multiple chances to get information in after the due date and the bidder not being responsible. Mr. Vasquez stated that giving the lowest bidder multiple chances is neither fair or competitive to all bidders involved.

Councilmember Romano commented that the job at hand is to drill a well, the City is looking for the best well driller at the best price. Mr. Romano stated if the bidder can come to the meeting and put their name behind their work then he is satisfied with the bid.

Action: Councilmember Romano moved, seconded by Vice Mayor Roundy that City Council waive the irregularities in the low bid and award a construction contract for the City of Orland Walker Street Well Project to Well Industries Inc. and authorize the City Manager to execute the contract and all other documents necessary to complete the project. Upon voice vote, the motion carried 4-0.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Vice Mayor Roundy:

- Stated that he would like to see a discussion about the sewer ponds as a future agenda item.

Mayor Dobbs:

- Nothing to report.

Councilmember Romano:

- Stated he would also like to see a discussion about the sewer ponds on a future agenda.

Councilmember McDermott:

- Nothing to report.

CITIZEN COMMENTS ON CLOSED SESSION ITEMS - NONE

MEETING ADJOURNED TO CLOSED SESSION AT 8:58 PM.

CLOSED SESSION OPENED AT 9:08 PM.

RECONVENED TO REGULAR SESSION AT 9:32 PM.

REPORT FROM CLOSED SESSION - Direction was given to Staff, No action was taken.

MEETING ADJOURNED AT 9:32 P.M.

Jennifer Schmitke, City Clerk

Chris Dobbs, Mayor