

**MINUTES OF THE ORLAND CITY COUNCIL**  
**REGULAR MEETING HELD DECEMBER 20, 2022**

**CALL TO ORDER**

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

Meeting opened with Pledge of Allegiance

**ROLL CALL**

Councilmembers present:	Councilmembers Jeffrey Tolley, Matt Romano, John McDermott, Vice Mayor Bruce Roundy and Mayor Chris Dobbs
Councilmembers absent:	None
Staff present:	City Manager Pete Carr; 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
Staff present online:	Library Director Jody Meza and Recreation Director Joe Fenske

**ORAL AND WRITTEN COMMUNICATIONS**

**PUBLIC COMMENTS:**

Vice Mayor Roundy reminded Councilmembers, Staff, and the public to speak loudly toward the camera in the center of the table because that is where the microphone is.

**CONSENT CALENDAR**

- A. Warrant List (payable obligations)
- B. Approve City Council Minutes for December 6, 2022

Councilmember Tolley asked to pull Item B but was notified that the correction to the minutes has already been noted internally. City Clerk Jennifer Schmitke stated she would correct where Councilmember Irvin was listed as absent on the December 6<sup>th</sup> minutes and add him to the present section as he was at the beginning of the meeting.

Action: Vice Mayor Roundy moved, seconded by Councilmember McDermott, to approve the consent calendar. The motion carried by a voice vote 5-0.

**REAPPOINTMENTS/APPOINTMENTS TO COMMISSIONS**

City Clerk Jennifer Schmitke presented the following community members for confirmation by City Council:

**Public Works and Safety Commission** – Four (4) vacancies with new terms expiring December 31, 2024  
*Applicants: Emil Cavagnolo, Byron Denton, and James Paschall (Consider Reappointment), David Kelly (new – recommended by interview committee)*

Action: Councilmember McDermott moved, seconded by Councilmember Tolley to approve reappointment and appointments of the above listed with terms expiring December 31, 2024, for the Public Works and Safety Commission. Upon voice vote, the motion carried 5-0.

**Recreation Commission** – Three (3) vacancies with new terms expiring December 31, 2024  
*Applicants: Shannon Ovard, Joser Rosales and Larry Carmona (Consider Reappointment)*

Action: Vice Mayor Roundy moved, seconded by Councilmember Tolley to approve reappointment and appointments of the above listed with terms expiring December 31, 2024, for the recreation Commission. Upon voice vote, the motion carried 5-0.

**Arts Commission** – Three (3) vacancies with new terms expiring December 31, 2026  
*Applicants: Mary Rose Kennedy, Jill Elliott, and Jim Scribner (Consider Reappointment)*

Action: Vice Mayor Roundy moved, seconded by Councilmember Tolley to approve reappointment and appointments of the above listed with terms expiring December 31, 2026, for the Arts Commission. Upon voice vote, the motion carried 5-0.

**Planning Commission** - Three (3) vacancies with new terms expiring December 31, 2026  
*Applicants: Sharon Lazorko, and Michelle Romano (Consider Reappointment); Vern Montague (New)*

Action: Vice Mayor Roundy moved, seconded by Councilmember McDermott to approve reappointment and appointments of the above listed with terms expiring December 31, 2026, for the Planning Commission. Upon voice vote, the motion carried 5-0.

**Economic Development Commission** – Three (3) vacancies with new terms expiring December 31, 2024  
*Applicant: David Allee (Consider Reappointment); Dennis Hoffman and DeeDee Jackson (New recommended by interview committee)*

Councilmember Romano asked about the interview committee and process and City Manager Carr explained who was on the committee and answered other inquiries about the interview that was held.

Action: Councilmember Tolley moved, seconded by Councilmember Romano to approve reappointment and appointments of the above listed with terms expiring December 31, 2024, for the Planning Commission. Upon voice vote, the motion carried 5-0.

**Library Commission** – Two (2) vacancies with new terms expiring December 31, 2024  
*Applicant: Sherry Romano (Consider Reappointment); Jose Lopez (New)*

Action: Vice Mayor Roundy moved, seconded by Councilmember Tolley to approve reappointment and appointments of the above listed with terms expiring December 31, 2024, for the Library Commission. Upon voice vote, the motion carried 5-0.

## CITY COUNCIL APPOINTMENTS TO BOARDS AND COMMISSIONS

Mayor Dobbs presented the following City Council Appointments to Boards and Commissions for 2023:

### City Selection Committee

Mayor

### COUNTY COMMITTEES

#### **Joint City/County EDC**

Romano  
Tolley

#### **LAFCo**

Meets 2<sup>nd</sup> Monday, 9 am, monthly  
County pays \$25 monthly stipend

Bruce Roundy (member) appt. until May 2025  
(No alternate seat till 2024 for Orland)  
(Alternate switches between Orland & Willows;  
2023 appointment is from Willows)

#### **Transit Committee**

Meets with Local Transportation Comm.  
County pays \$50 monthly stipend

Roundy  
Romano (alternate)

#### **Transportation Commission**

3<sup>rd</sup> Thurs, monthly, 10 am,  
County pays \$50 monthly stipend

Roundy  
Romano (alternate)

#### **Waste Management Regional Agency**

Romano  
Tolley (alternate)

#### **Air Pollution Control District Board**

(Council minute order if City asked  
to serve on board)

Mayor  
Vice Mayor, alternate

#### **Airport Land Use Commission**

No meetings scheduled

Dobbs  
No alternates on this commission

#### **Fire Department Liaison**

2<sup>nd</sup> Mon, monthly, dinner 7 pm,  
meeting 8pm

Dobbs  
McDermott (alternate)

#### **Glenn County Groundwater Sustainability Agency**

Roundy  
Pete Carr (alternate)  
Ed Vonasek (alternate)

#### **Golden State Risk Management**

2<sup>nd</sup> Wed every other month, 6 pm  
*GSRMA pays \$100 per meeting stipend*

(Orland does not have representation  
at this time).

**Cal Cities**  
(a.k.a League of California Cities) Roundy  
Romano (alternate)

**Orland Area Chamber of Commerce Board** -3<sup>rd</sup> Wed, monthly, noon Romano  
Tolley (alternate)

**Orland Unit Water Users' Assoc** Dobbs

**Code Enforcement Hearing Officer** Tolley  
Romano (alternate)

**ADVISORY TO CITY COMMISSIONS**

**Arts** Roundy  
3<sup>rd</sup> Wed, monthly, 7 pm Romano (alternate)

**Economic Development (EDC)** Tolley  
2<sup>nd</sup> Tues, every odd month, 6 pm Romano (alternate)

**Library** Dobbs  
2<sup>nd</sup> Mon, every other month, 5:00 pm McDermott (alternate)

**Parks & Recreation** Roundy  
4<sup>th</sup> Wed, meets when called, 6:30 pm Tolley (alternate)

**Planning** Tolley  
3<sup>rd</sup> Thurs, monthly, 5:30 pm McDermott (alternate)

**Public Works/Safety (PWSC)** Roundy  
2<sup>nd</sup> Tues, every even month, 4 pm McDermott (alternate)

Action: Councilmember McDermott moved, seconded by Vice Mayor Roundy to approve appointments to boards and commissions as presented. Upon voice vote, the motion carried 5-0.

**PRESENTATION – PLANNING & BUILDING DEPARTMENT, CITY PLANNER SCOTT FRIEND**

Mr. Friend presented an overview of Planning, Building and Code Enforcement for 2022. Mr. Friend reviewed a few special projects from 2022 including the 6<sup>th</sup> Cycle Housing Element, which has not been certified by the state yet, the Department of Water Resources (DWR)Project and the Orland Volunteer Fire Department/Orland Rural Fire Department Fire Break Project.

Mr. Friend shared that in 2022 many projects were approved including the Quezada Apartments, Habitat for Humanity-Purpose Village, Schnoebelen CUP for a new metal fabrication business, Amaris Banquet Hall, Hidden Treasures Cat Rescue/Clinic and pole sign CUP's for both Maverik and McDonalds.

Mr. Friend announced there were two annexations that were approved, Westside Annexation and Kraemer Annexation. Projects to continue into 2023 include Ambrosia, Liberty Bell and Woodward Family Apartments, Maverik fuel center and McDonald's.

Mr. Friend stated that in 2022 California Legislature signed 997 bills and vetoed 169 bills and that only about 4 will impact the City of Orland.

Future residential projects for 2023 could include Orland Park Apartments, Penbrook subdivision, Quiet Creek – Phase I and Orland Park – Phase II.

Mr. Friend is hopeful that 2023 will see construction on Orland Park – Phase I and Chevron CNG Fueling Facility to begin construction. Mr. Friend shared La Corona Restaurant has applied for an expansion and parking lot variance and spoke about an accessory dwelling unit pre-approved plans project.

Mr. Friend stated the Building Department has seen many changes in 2022. The Building Department now consists of a Certified Building official Wyatt Paxton (Owner of Paxton Scott Enterprises), Building Inspector Ken Schuman, and a building technician (Deysy Simpson). The Building Department is still using 4Leaf to review complex building plans that the City receives.

Mr. Friend shared that in 2022 the Building Department issued 311 permits (31 commercial and 281 residential), permits in 2021 were 284 and Permits in 2020 were 260, showing a nice trend that Orland is growing. Total permit Valuation for 2022 was \$34,421,918.87 and a total of \$354,784.97 was collected in fees for the department.

The total number of plan reviews in 2022 were 125, in 2021 there were 74. The total number of inspections in 2022 was about 400, in 2021 there were around 200. The total number of code enforcement cases for 2022 was 137. Most of the cases were for overgrown yards, unpermitted structures, vehicle related issues, debris, and trash.

Councilmembers asked about Planning Department hours, about new and continuing projects and stated concerns about builders backing out. Council thanked Mr. Friend for his presentation.

## **PUBLIC HEARING**

### **A. CONDUCT A PUBLIC HEARING ON ZONING ORDINANCE TEXT AMENDMENT (ZCA 2022-01) – REASONABLE ACCOMMODATIONS**

Mayor Dobbs stated this item will continue to next meeting scheduled for January 3, 2023.

### **B. CONDUCT A PUBLIC HEARING TO INTRODUCE AND CONSIDER BY FIRST READING OF TITLE ONLY ORDINANCE 2022-06 REPEALING AND REPLACING THE 2019 CALIFORNIA BUILDING CODE IN ITS ENTIRETY AND REPLACING IT WITH THE 2022 CALIFORNIA BUILDING CODE AND ADOPTING BY REFERENCE INCLUDING APPENDICES FROM THE 2022 CALIFORNIA BUILDING STANDARD CODES**

Mr. Carr shared that every three years the state formally updates its building code. Jurisdictions such as Cities and Counties can create their own codes which are equal or stricter than the State's codes, but the City has routinely chosen the State's Building Codes. Mr. Carr shared that the Ordinance being

introduced for approval repeals 2019 California Building Code in its entirety. The Ordinance 2022-06 will adopt 2022 California Building Code standards and will go into effect January 1, 2023.

Councilmember Romano asked if the City must adopt the 2022 California Building Code. Mr. Carr explained that if the City does not formally adopt the 2022 California Building Codes, then the City would default to the State codes. City Attorney Greg Einhorn stated that the City can adopt any code that is equal to or more restrictive than the 2022 California Building Code. Mr. Einhorn shared that the action of adopting Ordinance 2022-06 provides a measure of local control within the City.

Councilmember McDermott stated his concerns about swimming pool fence regulations while there are open laterals and ditches around town and asked if there is something the City can do. Mr. Einhorn stated that is a jurisdictional issue as the canals are owned by the federal government.

Mayor Dobbs opened the Public Hearing at 7:26 pm. No comments were received, and the Public Hearing closed at 7:26 pm.

Action: Vice Mayor Roundy moved, seconded Councilmember Tolley by to approve the Public Hearing as presented. Upon roll call vote, the motion carried 4-1.

AYES: Councilmembers Tolley, Councilmember McDermott, Vice Mayor Roundy and Mayor Dobbs  
NOES: None  
ABSENT: None  
ABSTAIN: Councilmember Romano (no reason stated)

## **ADMINISTRATIVE BUSINESS**

### **A. AWARD OF CONTRACT FOR ORLAND GROUNDWATER SUPPLY PROJECT PHASE 3A**

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. 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 came in at \$650,650. Mr. Rabo stated that the engineer's formal estimated construction costs of this project was \$600,000, although the engineer felt the job could possibly be done for \$350,000.

Mr. Rabo stated that the low bid came in at \$187,449 lower than the second lowest bid and \$254,605 less than the engineer's estimate which was provided by DWR's consultants. Mr. Rabo stated that the second low bidder (Nor-Cal Pump & Well Drilling) has submitted a letter of protest and cited two reasons why the bid should not be awarded to the lowest bidder. The low bidder (Well Industries, Inc.) provided their responses to the protest in writing.

Mr. Rabo explained to Council the two irregularities the lowest bidder had with their bid. Mr. 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. Councilmember Romano asked about bid line 4, specifically how the lowest bidder could do the work for 25% of the cost of the other two bidders. Mr. Rabo shared that the State's consultants estimated the job to come in at around \$350,000 and he stated he didn't feel \$345,000 was an unreasonable amount. Mr. Rabo stated he hadn't asked specifically how the vendors could come up with the amount or how they could afford to bid the job so low but stated he could come back to Council at the next meeting with more information.

Gene Barngrover, Nor-Cal Pump & Well Drilling representative, came forward to speak about the bid process and stated he feels the low bidder is non-responsive by not having the bid complete and that the \$350,000 estimate is too low for this project, stating costs have gone up almost 300% over the last few years.

Nar Heer of Nor-Cal Pump & Well Drilling shared his expertise and experience with the bid process. Mr. Heer stated he hoped Council would consider that the lowest bidder is non-responsive.

Councilmember Tolley asked if Council could push their decision to the next meeting, due to only getting the staff report a half hour before the meeting. Mr. Carr stated that the City is trying to avoid any delays for the 180 County residents waiting to connect to City water, but the decision could be brought back at the January 3rd meeting.

Vice Mayor Roundy asked the City Attorney about potential exposure to liability. Vice Mayor Roundy also asked what the lowest bidder has done to rectify the situation. City Attorney Einhorn stated that City Council has the discretion to waive clerical errors and other minor irregularities in the bid. Mr. Einhorn shared that the missing items were the addendum (which was acknowledged on the signature page but not attached), that from staff perspective is a minor clerical error, non-substantive. The issue with the mobilization/demobilization was stated to be a clerical error and the low bidder stated that they will honor the 10% of the total bid amount which is \$34,500.

Councilmember Romano stated his concerns for the lowest bid being so much lower than the other two bidders.

Steve Nordbye, Orland resident stated he believes the Council has the right to take a few more weeks in making a decision, giving the City engineer some time to get a few questions answered before the final decision is made.

Vice Mayor Roundy said he did not need any more information to make his decision.

Arjan Heer, Nor-Cal Pump & Well Drilling representative, wanted to clarify that on the bid documents the engineer's estimate on page 1 section 2 the general work description states that the estimate total is \$ 600,000 not including bid items 23 and 24.

Action: Councilmember Tolley moved, seconded by Councilmember Romano to postpone the decision of the bid award until the January 3, 2023 meeting to get more information from the City engineer about the low bidder. Upon voice vote, the motion carried 3-2.

## **B. WESTSIDE DEVELOPMENT CONSIDERATIONS**

City Manager Carr briefly spoke about the three stages in westside development over the last 25 years. Mr. Carr stated that at Councilmember Romano's request and Council's concurrence this item was agendaized as an opportunity for Council to discuss with staff any ideas they may have for this project and to receive any public input into the City's desired next steps for the westside. Mr. Carr shared that the City has some American Rescue Plan Act (ARPA) money set aside for westside annexation (\$200,000 for westside development and \$100,000 for the Newville Road widening).

Councilmember Romano stated that the west side is a corridor for I5 and would like to the City to get the maximum revenue and minimize the impacts. Councilmember Romano stated it's prime land for the City and would like the City to be the one in control of development in that area.

Councilmember Tolley stated he appreciates all Councilmember Romano's effort and encouragement to help the City grow.

Councilmember Romano stated being new to City Council and Annexation he was curious what steps the City would take next. Mr. Carr suggested asking City Staff the advantages or disadvantages to moving forward with annexation and maybe an idea of what the cost could be.

City Planner Scott Friend explained two different scenarios, one of the City annexing while keeping zoning the same (inexpensive route) and the other annexing and changing zoning (expensive route). Mr. Friend stated the inexpensive way to do this would be around \$400,000 and the expensive way would be around \$1,000,000.

Mr. Carr suggested to Council that annexing the area into the City does not mean the City can control the development, the only way to control the development is to own the property. Mr. Carr shared that just because the property is annexed into the City doesn't mean commercial development will go in. It depends on the willing property owner and developers.

Vice Mayor Roundy shared that when Pilot came to Orland the area was annexed and then zoning was determined. Vice Mayor Roundy stated he is against using taxpayer money to change zoning and annex parcels.

Mr. Friend mentioned that it is not uncommon for cities to proactively annex to proactively try to nudge the market in the way they want it to go. A "specific plan" can also guide development.

Councilmembers had a discussion with staff about cost estimates and differences between City and County zoning as well as sphere of influence.

Mr. Carr stated that staff will formulate proposals for the \$200,000 that is set aside for development on the westside and staff will come back to Council with more actionable proposals.



## **CITY COUNCIL COMMUNICATIONS AND REPORTS**

### Vice Mayor Roundy:

- Attended the celebration for Orland High School Football team after they won State Championships. The Mayor and Vice Mayor presented a Proclamation officially announcing December 12 as Orland Trojan Day.
- Glenn County Water Authority will have a meeting December 12th.
- Would like to see City employees get more help with the DWR project, allowing the City Public Works Department to continue day to day without the pressure of the big project.

### Mayor Dobbs:

- Attended the celebration for the Orland High School Football team after they won State Championships.
- Attended Wreaths Across America December 17<sup>th</sup> and got to give a speech.

### Councilmember Romano:

- Attended Wreaths Across America December 17th.

### Councilmember Tolley:

- Nothing to report.

### Councilmember McDermott:

- Nothing to report.

Mayor Dobbs stated he looks forward to working with Councilmembers Romano and McDermott within the next few years.

**MEETING ADJOURNED AT 8:39 P.M.**

Jennifer Schmitke, City Clerk

Chris Dobbs, Mayor