



## ORLAND CITY COUNCIL SPECIAL MEETING MINUTES

Tuesday, June 20, 2024

### CALL TO ORDER

Meeting called to order by Mayor Chris Dobbs at 4:00 PM.

### ROLL CALL

Councilmembers present:

Councilmembers Bruce T. Roundy, Jeffrey Tolley, Vice Mayor Matt Romano and Mayor Chris Dobbs

Councilmembers absent:

Councilmember John McDermott

Staff present:

City Manager Pete Carr; Director of Administrative Services Rebecca Webster; City Clerk Jennifer Schmitke; City Engineer Paul Rabo, City Planner Scott Friend; Interim Public Works Director Zach Barber; Police Officer Jose Flores

Staff present online:

City Attorney Greg Einhorn

### PLEDGE OF ALLEGIANCE

### ADMINISTRATIVE BUSINESS

#### **A. Continued City Council Discussion and Possible Action to Award a Construction Contract for the City of Orland Emergency Groundwater Resource Project: Phase 4 – Water Storage Tank**

City Engineer Paul Rabo continued the discussion on awarding the Phase 4 of the California Department of Water Resources (DWR) project, which is for a water storage tank which is being proposed to be located on the east side of 6th Street between Mill and Yolo Streets, involves the construction of a one-million-gallon water tank, booster pumps, various water system appurtenances, and site improvements.

Mr. Rabo updated the Council on his contact with DWR following their request at the last meeting. The DWR representative indicated that while moving the project site is feasible, it comes with significant challenges. These include a potential delay of six months to a year to select a new site, negotiate agreements, and complete escrow processes. Additionally, redoing Geo-tech studies and soil/bore testing would be necessary for the new location.

Moreover, design work specific to the new site and updates to electrical designs would need to be undertaken. Mr. Rabo estimated that relocating could cost the City a minimum of \$400,000, which might need to be entirely funded by the City if additional state funding is not secured. He reminded the Council that all reimbursements from DWR funding for the current project must be finalized by June 2025.

Mr. Rabo represented staff recommendations for Phase 4 of the City of Orland's Emergency Groundwater Resource Project. The key recommendations include:

1. The City Council should award the construction contract for Bid Schedule 2 of the project to RTA Construction, Inc.
2. The City Manager should be authorized to execute the contract and any necessary documents to complete the project.

City Manager Pete Carr updated the Council on the status of the site located on Sixth Street, which was purchased in April 2019. The site is intended to host a future safety facility for police and fire services, as well as a ground-mounted storage tank. He noted various dates when these projects were discussed by the Council.

Additionally, Mr. Carr mentioned that the City had evaluated different properties and made offers on different locations for the water tank. He clarified that the iconic elevated tank was never slated for demolition; in fact, it is essential for providing additional pressure to the new system.

During the presentation, Mr. Carr showed a brief slideshow featuring images of the proposed tank site and examples from other towns where groundwater tanks were adorned with artwork.

Councilmember Tolley questioned Mr. Rabo about why he believed the Sixth Street location was optimal. Mr. Rabo explained that the current proposed site is centrally located within the town, likening it to the "heartbeat" of the community. He emphasized that this central location enables efficient distribution of water to all parts of the town, ensuring higher pressure throughout the water system.

Vice Mayor Romano raised concerns about the proposed water tank's location in the M-L Limited Industrial Zone, citing municipal code requirements and requesting a site plan for the project. Mr. Carr responded that there was no complete site plan and no permit was necessary. City Planner Scott Friend confirmed that a formal site plan had not been submitted.

Mayor Dobbs inquired about the necessity of a site plan, and Mr. Friend explained that the City traditionally does not require site plans for its own projects. He also mentioned that during the Covid pandemic, the Governor's office had exempted emergency projects like the DWR project from normal permitting requirements due to a drought proclamation.

Vice Mayor Romano expressed concern over the absence of a site plan from the City. Mayor Dobbs sought advice from City Attorney Mr. Einhorn, who aligned with Mr. Friend's interpretation regarding the proclamation.

Regarding the City's compliance with its own codes, Mayor Dobbs questioned Mr. Einhorn, who clarified that City codes typically apply to projects initiated by entities other than the City itself, exempting City-run projects from such requirements.

Mr. Friend addressed the Council, explaining that the City considered itself exempt from local requirements because the project was initiated not by the City but by the DWR. He pointed out that the DWR had utilized an exemption from the governor's executive order during the Covid-19 pandemic, citing that local authority was deemed adequate for the project's implementation.

Vice Mayor Romano expressed his belief that when the City purchased the property, it should have been rezoned to P-F Public Facilities. This would have necessitated design review and approval from the Planning Commission for any new or extended use of the property.

Councilmember Roundy expressed concerns about public safety and emphasized that DWR's project aims to assist rural Orland residents facing water shortages due to dried-up wells. He highlighted the potential aesthetic enhancement the water tank could bring to that part of town and suggested that neighboring businesses could also benefit from updating their facades. Councilmember Roundy emphasized his commitment to doing what is best for the town and recommended proceeding with the original plan for the water tank project.

Mayor Dobbs raised questions about the proposed project costs and inquired if the City would be responsible for \$2 million. Mr. Rabo responded that if the City proceeds with constructing the well at Walker Street and the storage tank at the projected costs, then yes, that amount would be required.

Mr. Carr reminded the Council that the construction of a second well was previously discussed, with City staff proposing to consolidate funding by constructing only one well along with the storage tank. Mr. Rabo acknowledged that the City has multiple funding sources, including DWR funding for the storage tank and well at Walker Street, and two other potential sources. He indicated he is awaiting confirmation on whether funds could be reallocated to complete the second well.

Mr. Carr mentioned that if funding can be shifted accordingly, the City's financial responsibility could potentially be reduced to \$400,000.

Mayor Dobbs questioned the potential financial implications if the City decides to relocate the tank and subsequently loses funding due to project delays exceeding a year, requiring compliance with CEQA and potentially higher land costs. City staff confirmed that such circumstances could escalate costs to more than \$5 million.

Vice Mayor Romano sought clarification regarding whether the project required a building permit and expressed concerns about the City potentially not adhering to municipal code regulations.

Councilmember Tolley inquired about the project budget and provided alternative ideas to help manage or improve the budget.

Orland business owner Terrie Barr expressed her concerns about the proposed water tank location, emphasizing that nearby residents and businesses were never notified. She also referenced the governor's drought proclamation during her statement.

Orland resident Brandon Smith discussed the community's perception, the upcoming ballot measure, and expressed concerns about not being informed of the project location.

Valerie Johnson, Director of Hidden Treasures, concurred with Terrie Barr, affirming that while the City requires a water tank, she believes a more suitable location should be found.

Orland resident Dottie Tefelski mentioned that she is aware of the project and its location because she regularly attends meetings and reads the agendas and minutes from City meetings.

Property owner Jeff Tripp stated that the drought emergency had ended and suggested that public funds would have been better spent helping residents with dry wells drill new ones. He argued that if new wells had been drilled for those in need, the current discussion would not be happening, and local, state, and federal money would have been saved.

Orland resident Kristen Baugher expressed concerns that the City does not adhere to the same rules and codes as residents and business owners. She urged the City to collaborate with the community, submit a site plan, and aim to make the water tank and its surrounding area aesthetically pleasing.

Orland area resident Suzie Smith highlighted that a drought is still ongoing, expressed concerns about water availability, and mentioned that she is part of the project and will receive water from the new tank. Ms. Smith stated that she would not be in need of water if the County had been protecting domestic wells all along.

Vice Mayor Romano proposed adding contingencies to the water tank project, such as landscaping, curbs, gutters, trees, and artistic design if approved.

Councilmember Tolley expressed concerns about staying within budget and asked about the timeline to bring the project under budget to avoid city payments. Mr. Rabo clarified that rejecting phase 4 bids would require city funding. Councilmember Tolley questioned whether eliminating phase 3B to save money would delay the project by a year. Mr. Rabo reassured Councilmember Tolley that phase 3B could be removed without affecting the timeline, as it has not yet been advertised for bidding. Mr. Rabo recommended halting phase 3B to redirect \$1.8M towards phase 4 construction, leaving approximately \$300K from water funds for city expenditure.

Vice Mayor Romano moved, seconded by Councilmember Roundy, to award construction bid schedule 2 of the City of Orland's Emergency Groundwater Resource Project – Phase 4 project to RTA Construction, Inc.; and 2) Authorize the City Manager to execute the contract and all other documents necessary to complete the project subject to appropriate landscaping, curb and gutter, trees, artistic design placed on the tank, to involve public meetings and discussion. Motion failed by a roll call vote 2-2, Vice Mayor Romano and Councilmember Tolley voting no.

**AYES:** Councilmembers Roundy and Mayor Dobbs

**NAYS:** Councilmember Tolley and Vice Mayor Romano

Councilmember Tolley expressed concerns about keeping phase 3B in the project. Vice Mayor Romano responded by noting that the City has other funding options that could potentially be used to cover the costs of phase 3B. He emphasized that he supports the well, water, and tank initiatives overall.

Mr. Carr asked Mr. Einhorn if it was allowed for a Councilmember to vote "no" on a motion that he made. Mr. Einhorn clarified that the act of bringing a motion is separate from voting on the motion.

Mr. Rabo shared that phase 3B does not need to be voted on at this meeting, it can be determined at a separate meeting and that this meeting is only about phase 4.

Councilmember Roundy moved, seconded by Mayor Dobbs to award construction bid schedule 2 of the City of Orland's Emergency Groundwater Resource Project – Phase 4 project to RTA Construction, Inc.; and 2) Authorize the City Manager to execute the contract and all other documents necessary to complete the project subject to appropriate landscaping, curb and gutter, trees, artistic design placed on the tank, to involve public meetings and discussion. Motion failed by a roll call vote 2-2. Phase 3B will be discussed and voted on at a future meeting.

**AYES:** Councilmembers Roundy and Mayor Dobbs

**NAYS:** Councilmember Tolley and Vice Mayor Romano

The Council discussed with City staff the options of rebidding Phase 4 and exploring alternative locations.

Mayor Dobbs inquired about the timeline for preparing a site plan for Council review. Mr. Rabo indicated that plan sheets are already prepared. Mayor Dobbs also asked if there was sufficient time for City staff to present landscaping and artistic design options for Council review. Mr. Rabo expressed willingness to prepare these options but suggested delaying the bid advertisement until the plan sheet with landscaping and art examples is ready for Council's review.

Mayor Dobbs moved, seconded by Councilmember Tolley, to reject all bids and bring back the bids in 30 days to rebid. Motion passed by a roll call vote 3-1.

**AYES:** Councilmember Tolley, Vice Mayor Romano and Mayor Dobbs

**NAYS:** Councilmembers Roundy

## **ORAL AND WRITTEN COMMUNICATIONS**

### **PUBLIC COMMENTS:**

Ms. Barr questioned Council's voting procedures and recommended that Council instruct City staff to consult with their attorney regarding her belief that the City did not provide notice on the City website as required by the governor's order. She also read a statement to Council expressing her feelings about the proposed project.

Mr. Tripp suggested moving the water tank to Lely Park.

Ms. Johnson expressed her feelings about Council not supporting her cat rescue organization.

## **MEETING ADJOURNED AT 5:56 PM**

Jennifer Schmitke, City Clerk

Chris Dobbs, Mayor