



## ORLAND CITY COUNCIL REGULAR MEETING MINUTES

Tuesday, July 2, 2024

### CALL TO ORDER

Meeting called to order by Mayor Chris Dobbs at 6:03 PM.

### ROLL CALL

Councilmembers present: Councilmembers Bruce T. Roundy, John McDermott, Jeffrey Tolley, Vice Mayor Matt Romano and Mayor Chris Dobbs

Councilmembers absent: None

Staff present: City Manager Pete Carr; Director of Administrative Services Rebecca Webster; City Clerk Jennifer Schmitke; City Attorney Greg Einhorn; Police Chief Joe Vlach; City Engineer Paul Rabo; Fire Chief Justin Chaney; Interim Public Works Director Zack Barber

### CITIZEN COMMENTS ON CLOSED SESSION – NONE

MEETING ADJOURNED TO CLOSED SESSION AT 6:04 PM

CLOSED SESSION ENDED AT 6:30 PM

RECONVENED TO REGULAR SESSION - Called to order by Mayor Chris Dobbs at 6:39 PM.

REPORT FROM CLOSED SESSION – No reportable action.

### PLEDGE OF ALLEGIANCE

### CONSENT CALENDAR

- A. Warrant List (Payable Obligations)
- B. Approve City Council Minutes for June 18, 2024
- C. Receive and File Planning Commission Minutes from April 18, 2024
- D. Annual Review and Possible Adjustment to Maintenance District Assessments, Adopt Resolution 2024-11
- E. Approving and Adopting the Annual Appropriations Limit for FY24-25
- F. Review Quarterly Report: City Fiscal Year Projects

Councilmember Tolley asked to pull item G and Vice Mayor Romano pulled item E.

**ACTION:** Councilmember McDermott moved, seconded by Councilmember Tolley, to approve the consent items A, B, C, D and F. Motion carried by a voice vote 5-0.

Vice Mayor Romano shared that he had constituents concerned about where funds from the assessments go and asked if the topic could be added as an agenda item D, City Engineer Paul Rabo explained that the City was on a time constraint and needed to get the numbers to the County soon. Vice Mayor Romano asked specifically about Linwood District park, how much that assessment is of

that district total and where the money is spent. Mr. Rabo gave a brief overview of Maintenance Assessment Districts, explaining how assessments are applied and where the funding goes for each district as well as how the park is included in the many expenses for the Linwood District. Councilmember Romano inquired if the assessments are ongoing, to which Mr. Rabo confirmed that they are, with each district's assessment income going into a single fund.

Councilmember Tolley inquired about any new additions to item D and F. Mr. Carr responded that the quarterly report did not include any new information, apart from a percentage increase in project accomplishments, noting that the report simply details the incremental progress of the projects.

**ACTION:** Councilmember Tolley moved, seconded by Councilmember McDermott to approve items D and F. Motion carried by a voice vote 5-0.

## **PRESENTATION**

### **A. Queen Bee Capital Committee Update**

Committee President Trish Saint-Evens announced the cancellation of the annual 4th of July picnic due to excessive heat. She provided a brief history of the organization, mentioning events like the fundraising dinner and Queen Bee Festival, as well as projects such as the downtown business bee flags. She also noted that Queen Bee Capital has obtained its 501(c)(3) status and is no longer a committee. Additionally, she distributed brochures and flyers to the Council to promote the group. Mayor Dobbs thanked Ms. Saint-Evens for bringing the update to Council.

## **ADMINISTRATIVE BUSINESS**

### **A. GSRMA Board of Directors Seat Appointment**

Assistant City Manager Rebecca Webster presented an opportunity for a City Council member to join the Golden State Risk Management Authority (GSRMA) Board of Directors.

Mayor Dobbs inquired if any councilmembers were interested in the GSRMA board position. Councilmember Roundy suggested that the two councilmembers not running for election this year should be considered, given the position's two-year term. Councilmember McDermott and Vice Mayor Romano both expressed interest, but Vice Mayor Romano, noting he works in the insurance industry, indicated he would serve on the board.

**ACTION:** Councilmember Tolley moved, seconded by Councilmember McDermott to nominate Vice Mayor Romano for the GSRMA board of director seat. Motion carried by a voice vote 5-0.

### **B. Appointment of City Representative to the Drought Task Force**

Mr. Carr gave a brief background on the Glenn County Drought and Water Shortage Task Force, which has seven seats, including one for a representative from either Orland or Willows. This year, the County is inviting the City of Orland to appoint a municipal representative. Previously, Councilor Bruce Roundy served on the former Glenn County Drought Task Force, with the city manager and director of public works as alternates. Mr. Carr shared that the seat is a two-year position and the meetings are usually held during the week in the afternoons.

Councilmember McDermott stated he would represent the City on the Drought Task Force and Vice Mayor Romano would be the alternate.

**ACTION:** Councilmember Tolley moved, seconded by Councilmember Roundy, to nominate Councilmember McDermott as the seat representative with Vice Mayor Romano as the alternate. Motion carried by a voice vote 5-0.

### **C. Update direction on Orland Emergency Water Project**

Mr. Carr reminded the Council that at the special meeting on June 20th, both bids for the construction of the one-million-gallon water tank were rejected, halting phase 4 of the Orland emergency water project. He recognized the Council's directive to staff to rebid the project within 30 days but wanted to address specific issues to provide clearer direction for City staff moving forward.

Mr. Carr explained the typical process for public projects, noting that the development code for the City of Orland regulates land-use and private property development but generally exempts public agencies like schools and state projects. City projects usually don't go through a site plan review or Planning Commission process unless directed by the City Council. However, some City projects, such as the Streetscapes project, may go through this process for aesthetic feedback from the Planning Commission or Arts Commission.

Mr. Carr highlighted that the need for a water storage tank was identified in the 2004 and 2014 Master Plans for the City's water system. The 2014 plan indicated the need for a ground-mounted tank, and the City will eventually require two. Although the Suisun well property was initially considered a suitable location, in 2019 the City purchased 2.11 acres on 6th Street for a public safety building and a ground-mounted water storage tank. In 2021, the City applied for grant funding through the DWR's emergency drought relief project to help finance the tank. The City Council directs all public projects and approves projects brought to them by City Staff.

Vice Mayor Romano read from the Orland Municipal Code (OMC) 17.82.020, asserting that the City should adhere to the same standards as private developers for new City projects. Mr. Carr reminded the Council that this issue was raised at the previous meeting, where the City Attorney advised that the specific code applies to private development, not public projects. Vice Mayor Romano countered that the City was not following the law, emphasizing that the code refers to a "person" and not the government, and questioned why the proposed project property had not been rezoned to "P-F" (Public Facility) but remained "M-L" (Light Industrial). Romano read aloud the uses permitted in the "P-F" zone and argued that since the land is owned by citizens, it should have been rezoned to "P-F," brought before the Planning Commission for input, and should follow the code rules to allow citizen review.

Councilmember Roundy expressed frustration with claims that the Council was acting unlawfully. He emphasized his concern for public safety and mentioned consulting with various fire chiefs about the importance of a centrally located water tank for the City's water system and public safety. Roundy reiterated the necessity of progressing with the water project, noting that the City's plan includes the need for two water storage tanks to meet future water demands.

Mr. Carr stated that the Council mentioned that perhaps City staff should bring back a site plan and read from OMC section 17.82, detailing what site plans may include. He reminded the Council that the Planning Commission does not approve site plans but rather conditional use permits. The City Manager or their nominee can approve administrative use permits and site plans without public notice, a public hearing, or Planning Commission action if the necessary findings for approval are met. Mr. Carr also

explained that the City does not produce site plans; instead, City Staff review those proposed by private developers at the staff level, then route them to the building department for required permits or to the Planning Commission if additional permits are required.

Mr. Carr provided an outline explaining the funding for the DWR water project. Mr. Rabo explained that the \$16 million from DWR is divided into \$13 million for construction and \$3 million for administration. The construction funds are allocated across four phases: City connections and water mains (Phase 1), out-of-City connections and water mains (Phase 2), a new well (Phase 3), and a water storage tank (Phase 4). Administrative funds cover design and construction engineering, construction management, and administration.

For the City well on Sixth Street, the City secured \$800,000 from the Integrated Regional Water Management (IRWM) grant for beginning construction and \$545,000 from the State Revolving Fund (SRF) for site investigation. Phases 3B and 4 are yet to start. Mr. Rabo discussed the option of using grant funding to complete the well on Walker Street and the possibility of reallocating funds from Phase 3B to Phase 4 if Phase 3B is not completed.

Mr. Rabo shared that he has weekly meetings with the DWR for project progress updates, with the Division of Drinking Water (a state entity) also participating in these calls. Recently, they informed Mr. Rabo that the City has been out of compliance with source capacity requirements since 2020 due to population growth. The City's next inspection is in 2024, and if it remains non-compliant, the State will intervene to help achieve compliance, which could include imposing fines.

Mr. Carr asked Council how they would like to move forward.

Councilmember McDermott apologized for missing the last two Council meetings and highlighted the critical issue of public safety concerning the proposed water tank. He pointed out that the downtown water lines are inadequate, and the City lacks funds to fix them, but there is an opportunity to obtain state funding for a new water tank to increase pressure. McDermott expressed frustration over comments about the new fire department training facility's location and radio tower, acknowledging they could have been placed more discreetly, but reminded the community that firefighters volunteer their services. He pledged to support essential City infrastructure.

Councilmember Tolley highlighted the challenges of pleasing everyone in politics and emphasized the limited funding for the proposed project. He warned that if the funds are not used, the state will allocate them elsewhere. Councilmember Tolley underscored the project's critical importance for both public safety and the 185 citizens in Orland who lack water access. He expressed hope that the Council will decide to move forward with the project.

Mayor Dobbs requested that City Staff present the bid for the project unchanged, but with the addition of a separate aesthetics plan to visually demonstrate how the tank will appear, aiming to reassure the community. Mr. Carr clarified that an aesthetics plan cannot be included in the Department of Water Resources (DWR) project or bid proposals. Mayor Dobbs acknowledged this separation and clarified that he simply wanted a separate aesthetics plan from the City to show to the Council and community.

Vice Mayor Romano suggested that community members and the Council visit Meriam Park to view the water tank near the apartments. He noted that the tank's aesthetics could provide a good example of what the City's tank could look like.

Orland resident Byron Denton reviewed previous times when the City operated without a general plan and expressed disappointment in councilmembers who condemned City infrastructure projects. However, he also stated that he is proud of the town.

Orland resident and Economic Development Vice Chairperson Brandon Smith expressed concerns about the need for the City Council and City staff to follow and be held accountable to a proper process. He emphasized the importance of perception, stating that there is a belief among residents that City staff act independently. Smith clarified that he has no personal issue with the Council or City staff but has heard from others that a few individuals are perceived to control the majority.

Orland resident Dave Sinclair, who has followed the tank project from the start, mentioned that he is not surprised by its developments, having read about it in the newspaper and seen news reports. He emphasized that Orland's population is expected to grow and urged the City to proceed with the project without further delay.

Orland resident and business owner Kristen Baugher apologized for previously expressing disappointment about the lack of a site plan review, acknowledging she now understands it's uncommon for cities. She expressed hope that the City will share their plans for the location with the community and ensure it is aesthetically pleasing.

Orland resident Marilyn Ponci expressed concerns about not being informed of the project location and urged the Council to be more transparent. She mentioned she only learned about the meeting at 5 PM and believed the topic wouldn't be revisited for 30 days. Mayor Dobbs clarified that the meeting was properly posted and explained that the discussion was not about accepting bids for the water tower, but about providing City staff with clearer directions on moving forward with the project.

Ms. Saint-Evens suggested that a bee design on the proposed water tank would be a nice touch.

Orland resident Shannan Ovard suggested that a town hall meeting would have been helpful for the community to discuss the water tank project.

Orland resident Amanda Samons emphasized that as a citizen, it is important to stay informed and noted that agendas are readily available online for public access. She mentioned attending Council meetings regularly and expressed that she does not perceive the City as hiding anything, citing her awareness of the water tank project.

Vice Mayor Romano disclosed that he raised concerns with the City Manager in October 2023 about his objections to both the location and the legality of the project. He stated that the City Manager did not share the same concerns.

## **ORAL AND WRITTEN COMMUNICATIONS**

### **PUBLIC COMMENTS:**

Orland resident and County Supervisor Monica Rossman thanked Council for their generous donation to the first senior expo.

GSRMA Representative Tim McClanahan discussed the GSRMA dividend program and highlighted the Risk Management Accreditation program, which supports loss prevention efforts. He presented the City with a certificate of full risk management accreditation and a check representing a 10% dividend to recognize staff involvement in risk management efforts.

Orland resident Yolanda Martinez thanked Council for supporting the first senior expo. Ms. Martinez shared her feelings about losing Joe Fenske, stating he is the heart of the town and it will be a huge loss to the community. She would like to see what the town can do about keeping him.

Orland resident and recreation employee Eden Baldrige expressed disappointment over Joe Fenske's departure from the recreation department. She highlighted Fenske's substantial contributions to the community and expressed hope that the City would take action to retain him.

Ms. Ovard shared her concerns about Joe Fenske potentially leaving the department and urged the Council to do everything possible to retain him.

Karina Apodaca expressed her hope that the City would reconsider their decision to replace Mr. Fenske.

Orland resident Shawna Strickler voiced her support for Joe Fenske, highlighting his significant contributions to the community.

Orland resident Karen Baldrige expressed her support for Joe Fenske and urged the City to counter the offer he received to prevent him from leaving. She emphasized Fenske's dedication to the community and his substantial contributions.

Orland resident John Orsu highlighted Fenske's extensive contributions to the recreation department and the community. Orsu emphasized Fenske's deep care for the children in recreational programs and expressed concern about the difficulty of finding a suitable replacement. He urged the Council to make every effort to retain Fenske in his current role.

Christine Stifter, President of the Orland Woman's Improvement Club, expressed her support for Joe Fenske, describing him as a valuable asset to the community. She praised Fenske for his contributions that have made the recreation department a cherished part of Orland.

Orland resident Lindsay Reimers praised Joe Fenske, describing him as a significant asset to the City of Orland. She emphasized his positive impact on both his colleagues and the families and children he interacts with.

Mr. Smith expressed concern that if Mr. Fenske leaves, it would represent a significant loss to the community.

Orland resident Rebecca Malin shared her sentiments regarding the potential loss of Joe Fenske from the recreation department.

Mr. Denton shared that he has watched Joe Fenske grow as a recreation director and hopes the City can do something to keep him.

Orland resident Miguel Miranda shared his positive experience working with Joe Fenske and expressed his desire for the City to make efforts to retain him.

Orland resident Courtney Shockley shared her support of Mr. Fenske and questioned what the City will do to keep Mr. Fenske and how the City will move forward.

Orland resident Alex Galvan expressed admiration for Joe Fenske's contributions to the recreation department, youth, and the community. He advocated for taking action to retain Fenske in his role.

## **CITY COUNCIL COMMUNICATIONS AND REPORTS**

### **Councilmember Tolley:**

- Attended the Caltrans Bee Sculpture ribbon cutting;
- Attended the County Senior Expo;
- Attended the Planning Commission meeting June 20<sup>th</sup>; and explained that the church across from SavMor which is owned by Manual Quezada will be turned into apartments and notified the public that today the church that was there was demolished;
- Would like to have City Commissions give annual updates to Council, would like to have this as an agenda item.

### **Councilmember Roundy:**

- Attended the County Senior Expo;
- Will be attending LAFCo, Modoc Annexation is not scheduled for this meeting;
- Quiet Creek Estates will be starting soon.

### **Councilmember McDermott:**

- Nothing to report.

### **Vice Mayor Romano:**

- Thanked the community online and in the audience for coming out and voicing their opinions;
- Shared that the Recreation department is “magic” and does so much for the youth that grow up in the programs, and then go on to work in the programs.

### **Mayor Dobbs:**

- Will be attending Fire meeting July 8<sup>th</sup>;
- Will be attending Library Meeting July 8<sup>th</sup>;
- Will be absent at the July 16<sup>th</sup> City Council meeting and then has surgery after that.

**MEETING ADJOURNED TO CLOSED SESSION AT 8:54 PM**

**CLOSED SESSION ENDED AT 9:35 PM**

**RECONVENED TO REGULAR SESSION**

**REPORT FROM CLOSED SESSION – No reportable action.**

**MEETING ADJOURNED AT 9:36 PM**

Jennifer Schmitke, City Clerk

Chris Dobbs, Mayor