



## **ORLAND CITY COUNCIL REGULAR MEETING MINUTES**

**Tuesday, May 21, 2024**

### **CALL TO ORDER**

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

### **ROLL CALL**

Councilmembers present:

Councilmembers Bruce T. Roundy, John McDermott (arrived at 6:41), Jeffrey Tolley, Vice Mayor Matt Romano

Councilmembers absent:

Mayor Chris Dobbs

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 Planner Scott Friend and City Engineer Paul Rabo

**PLEDGE OF ALLEGIANCE** – led by Vice Mayor Matt Romano

### **CONSENT CALENDAR**

- A. Warrant List (Payable Obligations)
- B. Approve City Council Minutes for May 7, 2024
- C. Receive and File Library Commission Minutes from March 11, 2024
- D. Receive and File Arts Commission Minutes from April 17, 2024
- E. Approve Chief Plant Operator Professional Services Agreement
- F. Award Air Conditioning System Bid for Recreation Center
- G. Agreement to Allow Caltrans Access to City Right of Way
- H. County Arts Council - Letter of Support

**ACTION:** Councilmember Roundy moved, seconded by Councilmember Tolley, to approve the consent calendar as presented. Motion carried by a voice vote 4-0.

### **PUBLIC HEARING**

- A. General Plan Amendment (GPA) #2023-02: Supplement to the 2021-2029 6th Cycle Housing Element

City Planner Scott Friend conducted a public hearing regarding the readoption of the 2021-2029 6th Cycle Housing Element. He reported that the Planning Commission held a public hearing on March 21st, resulting in a 3-1 vote to recommend the document's approval to the City Council, along with consideration of the California Environmental Quality Act (CEQA) exemption. Mr. Friend addressed concerns from City staff and Commissioners, provided an overview of revisions to the Housing Element, and discussed potential consequences for the City, including the "Builder's Remedy" and

financial impacts on Orland, Willows, and Glenn County. He stated that once the City Council approves the document, it will be submitted to the State for approval.

Councilmember Roundy expressed gratitude to the Planning Commission and Mr. Friend for their extensive research and hard work. He emphasized his desire to maintain as much local control over Orland as possible while acknowledging the necessity of complying with State requirements to ensure the continuation of State funding for the City.

Councilmember Tolley expressed his belief that the City should retain its autonomy, criticizing the state for diminishing local control and leaving the City with no option but to comply with state rules. He invited Planning Commissioners in the audience to come forward and share their perspectives on the matter.

Vice Mayor Romano commented that he believes the State aims to eliminate the Planning Commission or planning review process in favor of a more streamlined, ministerial approach to project approval. Mr. Friend confirmed that this is indeed the case, particularly for higher density areas.

Vice Mayor Romano opened the Public Hearing at 6:40 pm.

Planning Commission Chairperson Stephen Nordbye expressed his personal opposition to the Housing Element update but acknowledged his responsibility to act in the best interest of the citizens of Orland.

Planning Commissioner Vernon Montague expressed his opposition to the State's regulations on the 6th Cycle Housing Element readoption. Despite this, he voted to recommend it to the Council to avoid negative consequences for the City. He also suggested that the California League of Cities should take a stronger stance against State regulations in the future.

Vice Mayor Romano closed the Public Hearing at 6:45 pm.

The Council discussed their concerns regarding the readoption of the 6th Cycle Housing Element and sought clarification on the "builder's remedy." Mr. Friend addressed and discussed these concerns with the Council.

**ACTION:** Councilmember McDermott moved, seconded by Councilmember Roundy, that the City Council determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to §Section 15061(b)(3), the commonsense exemption. Motion carried by a roll call vote 3-1.

**AYES:** Councilmembers Roundy, McDermott, Vice Mayor Romano

**NAYS:** Councilmember Tolley

Councilmember Tolley expressed his belief that the City's options are limited regarding the matter. He emphasized that if the City decides against readopting the Housing Element, it could face more severe consequences, indicating that there may be little the City can do to mitigate the State.

**ACTION:** Councilmember Roundy moved, seconded by Councilmember McDermott, that the City Council adopt Resolution 2024-10 approving GPA #2023-02 as presented herein and making findings for the amendment of the General Plan. Motion carried by a roll call vote 3-1.

**AYES:** Councilmembers Roundy, McDermott, Vice Mayor Romano

**NAYS:** Councilmember Tolley

## **ADMINISTRATIVE BUSINESS**

### **A. Determine rules for Candidate Statement of Education and Qualifications as per the Glenn County Election Official (Discussion) - Jennifer Schmitke, City Clerk (5 min)(No Staff Report)**

#### **1. Determine whether statements shall be limited to 200 or 400 words.**

**ACTION:** Councilmember Roundy moved to approve the limit of 200 words for the candidate statement, seconded by Councilmember Tolley. The motion carried by a roll call vote 4-0.

**AYES:** Councilmembers Roundy, Tolley, McDermott Vice Mayor Romano

**NOES:** None

#### **2. Determine whether candidates or the City shall bear cost (\$500 deposit) of publishing the statement in the voter information guide.**

**ACTION:** Councilmember Tolley moved to approve that the candidate shall bear cost of publishing the statement in the voter pamphlet, seconded by Councilmember Roundy. The motion was defeated by a 2-2 roll call vote.

**AYES:** Councilmembers Roundy and Tolley

**NOES:** Councilmember McDermott and Vice Mayor Romano

Councilmembers discussed options.

**ACTION:** Councilmember McDermott moved to approve that the City shall bear cost of publishing the statement in the voter pamphlet, seconded by Vice Mayor Romano. The motion was defeated by a 2-2 roll call vote.

**AYES:** Councilmember McDermott and Vice Mayor Romano

**NOES:** Councilmembers Roundy and Tolley

Councilmembers discussed their views on whether the City should cover the expense of publishing information in the voter pamphlet.

The City Attorney suggested that since there is no authorization for the City to cover the cost of candidates' statements, candidates would be responsible for paying for their own statements.

**ACTION:** Vice Mayor Romano moved to approve that the candidate shall bear cost of publishing the statement in the voter pamphlet, seconded by Councilmember McDermott. The motion carried by a roll call vote 4-0.

**AYES:** Councilmembers Roundy and Tolley

**NOES:** Councilmember McDermott and Vice Mayor Romano

- B. Determine whether tie votes shall be resolved by lot or runoff election to be conducted on a Tuesday not less than 40 days nor more than 125 days after of the certification of the election that resulted in a tie.**

The Council deliberated on the distinction between runoff and tie votes.

**ACTION:** Councilmember Tolley motioned to approve that in the event of a tie vote it shall be resolved by runoff election, seconded by Councilmember Roundy. The motion carried by a roll call vote 4-0.

**AYES:** Councilmembers Roundy, Tolley, McDermott, and Vice Mayor Romano

**NOES:** None

**C. Consider Ordinance to Regulate Camping Equipment in City Parks**

Mr. Carr stated that the City prohibits overnight park use by ordinance, but napping or sleeping during the day is allowed. The current rules do not address the use of camping equipment during the day. A recent public safety incident in Library Park has raised concerns about this issue. Mayor Dobbs suggests that the City Council consider a new ordinance to ban specified camping equipment in the parks at all times.

The Council agreed that parks should be kept as safe as possible and requested opinions and recommendations from the Police Chief and the City Attorney.

Chief Vlach recommended that the Council postpone their discussion for at least two months due to a related case under review by the U.S. Supreme Court, a suggestion with which the City Attorney agreed.

The Council decided to postpone the discussion until a later date.

**D. Proposed Projects Funded by SB 1: The Road Repair and Accountability Act**

City Engineer Paul Rabo briefly presented the annual SB1 report on proposed projects, highlighting those set to receive funding from the Road Maintenance and Rehabilitation Account (RMRA) established by SB1, the Road Repair Act of 2017. Since 2017, Orland has used SB1 funds for projects such as the reconstruction of Tehama Street, downtown alleys, and the design of the M ½ reconstruction. Projects listed in Resolution 2024-09 were chosen from this report and involve using existing and SB1 funds for street maintenance and rehabilitation. Streets designated for crack sealing and slurry seal are currently in good condition, while those planned for a rubberized cape seal or overlay will be upgraded from fair or poor to good condition. The City expects to receive about \$211,188 in the next SB1 funding cycle.

The Council reviewed the project list, asked questions about specific projects, discussed the cost of street repairs, and expressed concerns about prioritizing maintenance of newer streets over older ones. Mr. Rabo explained that the project list is designed to provide a maintenance schedule aimed at preventing streets from requiring more extensive repairs in the future. The Council requested the City Engineer to create a condensed list of projects, including cost estimates from the County consultant's list, to use when discussing the upcoming sales tax measure with the community. It was acknowledged that there are streets in very poor/failed condition, but these need higher-cost projects rather than minor SB1 type maintenance.

Orland resident Byron Denton voiced his views on which roads need updating and emphasized the importance of providing accurate information to voters regarding the new tax measure.

Orland resident Earl Megginson favored the concept of creating a concise and organized list of priorities to present to voters regarding the new tax measure.

Council agreed to keep coming back to this topic to keep the list updated.

**ACTION:** Councilmember Roundy moved to adopt Resolution 2024-09, seconded by Councilmember McDermott. The motion was passed by a 4-0 voice vote.

#### **E. Fiscal Year 2024-25 Budget Discussion #4: Fund Balances; General Fund Expenditures; ARPA**

Mr. Carr presented the fourth segment of the draft proposed budget for the fiscal year 2024-2025 (FY25), focusing on the balances of major funds, particularly the General Fund and Measure A Public Safety Fund, and the Gas Tax Street Fund and American Rescue Plan Act (ARPA) funds.

Mr. Carr provided an update on the Fund Balances, noting that the city is awaiting the 23/24 annual audit. Anticipated figures by June 30th include revenues of \$6.74 million and expenditures of \$6.68 million, resulting in a fund balance of \$1.79 million. Specific fund allocations include Measure A with \$1.15 million, Gas Tax with \$991,000, Water with \$4.27 million, and Sewer with \$1.03 million. The budget is balanced with a slight surplus. Despite the General Fund reserve balance doubling in five years, it remains below the \$3.3 million target.

Mr. Carr reviewed General Fund expenditures by department, highlighting key aspects of certain department budgets. During the presentation, Council members raised questions regarding the budgets for the City Manager, City Attorney, Police, and Fire departments. Mr. Carr and Assistant City Manager Rebecca Pendergrass provided explanations to address the Council's inquiries.

Mr. Carr and Mr. Rabo reviewed the Gas Tax Fund, discussing current funding and outlining plans for future projects.

Mr. Carr briefly reviewed the ARPA (American Rescue Plan Act) funds worksheet budget, which included an overview of completed projects, projects currently in progress, and projects that are pending.

Orland resident Ruth Henderson questioned the City having a full-time mechanic for the fire department. Councilmember McDermott shared that the City and Rural Fire Department have 13 vehicles to maintain, and Mr. Carr shared that the mechanic does work on other departments vehicles as well as helps the City of Willows Fire Department with fleet maintenance when needed.

#### **ORAL AND WRITTEN COMMUNICATIONS**

##### **PUBLIC COMMENTS:**

Monica Rossman reminded Council that the Senior Expo is scheduled for June 27th from 10 AM to 3 PM, emphasizing local entertainment, lunch, and approximately 127 vendors.

## **CITY COUNCIL COMMUNICATIONS AND REPORTS**

Councilmember Tolley:

- Planning Commission meeting was cancelled for May 16<sup>th</sup>.

Councilmember Roundy:

- Attended the Glenn County Fair and was a docent for the Chrome School;
- Will be attending the Glenn Groundwater Authority Meeting May 24<sup>th</sup>;

Vice Mayor Romano:

- Asked about itemized actuals for Measure A, and Mr. Carr responded City staff is working on that item;
- Asked about Carnegie Center renovation, Mr. Carr shared that concepts will be shared at the June 4<sup>th</sup> City Council meeting.

Councilmember McDermott:

- Planning Commission meeting was cancelled for May 16<sup>th</sup>;
- Shared there will be blood pressure and glucose checking at the senior fair June 27<sup>th</sup> ;

**MEETING ADJOURNED AT 8:31 PM**

Jennifer Schmitke, City Clerk

Chris Dobbs, Mayor