



## ORLAND CITY COUNCIL REGULAR MEETING Tuesday, October 1, 2024

### CALL TO ORDER

Meeting called to order by Vice Mayor Matt Romano at 6:30 PM.

### ROLL CALL

Councilmembers present:

Councilmembers Bruce T. Roundy, John McDermott, Jeffrey A. Tolley, Vice Mayor Matt Romano

Councilmembers absent:

Mayor Chris Dobbs

Staff present:

City Manager Pete Carr; Director of Administrative Services Rebecca Webster; City Attorney Greg Einhorn; Police Sergeant Kyle Cessna; Fire Chief Justin Chaney; Director of Public Works Zach Barber; City Clerk Jennifer Schmitke; City Engineer Paul Rabo

### PLEDGE OF ALLEGIANCE

### CONSENT CALENDAR

- A. Warrant List (Payable Obligations)
- B. Approve City Council Minutes from September 17, 2024
- C. Receive and File Planning Commission Minutes from August 15, 2024
- D. Receive and File Arts Commission Minutes from August 21, 2024
- E. Quarterly Report - Major Projects FY25
- F. Treasurer's Report

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

### TOWN HALL FORUM: Measure J - Local Tax Measure

City Manager Pete Carr introduced a discussion on Measure J with a PowerPoint presentation, outlining its potential impact on the City of Orland. He explained that Measure J proposes a 1/2-cent sales tax aimed at supporting ambulance services, streets, parks, and the library. All revenue from this measure, which Orland residents will vote on in November, would stay within the City and cannot be taken by the State.

Mr. Carr reviewed the specific funding needs for each area covered by Measure J and noted just like Measure A that the City would publish an annual report detailing both the revenue generated and how it

was allocated. Mr. Carr provided an overview of sales tax rates in surrounding areas. If Measure J passes, Orland's rate would align more closely with those of nearby cities like Chico, Oroville, and Williams.

Mr. Carr noted that City staff was available to answer any questions from the community or Council, aiming to help everyone make well-informed decisions on Measure J before the November 5 election.

Councilmember Roundy highlighted the need for pool repairs and mentioned that Measure J funding could support these updates.

Orland resident Byron Denton voiced his support for Measure J.

Unnamed county resident expressed concerns about higher taxes, citing frustration over recent raises for the Council and City Manager.

Orland resident Earl Megginson spoke in favor of Measure J, saying it's easier to stay current with updates rather than falling behind on repairs.

County resident Kristy Rumble agreed that ambulances and roads need support, thanking the City for recent road improvements but sharing her worries about rising taxes and bills, especially on a fixed income.

Orland resident Christine Stifter said she would feel more confident supporting Measure J if a citizen oversight committee were established. Vice Mayor Romano responded, explaining that the Council already oversees City spending and encouraged residents to hold the Council accountable by providing feedback. Councilmember Roundy added that annual audits for Measure A have always been clear but he would not oppose a citizen oversight committee. Mr. Carr acknowledged that a secondary committee could be established to review Measure J audits as well. Vice Mayor Romano reiterated that Councilmembers serve as the community's "watchdogs" and that citizens have the power to attend meetings and vote Council members in or out.

Resident Bonnie Hawkinson asked if the new ambulance service would allow patients to choose their hospital. Councilmember McDermott clarified that hospital selection depends on the emergency's urgency, rather than individual choice.

Orland resident Terrie Barr agreed that your vote is your voice. Over the past few months, she learned how to view the warrant list online and encouraged residents to visit City Hall if they have questions or wish to review invoices or other information. Ms. Barr stressed the importance of voting in a way that feels right, adding that citizens should feel confident that the Council prioritizes the community's best interests.

Councilmember Tolley noted for the record that he was the only Council member who voted against Measure J, explaining that he felt many residents were opposed to another tax. He also voted against the monthly stipend increase, feeling the amount was too high. He encouraged citizens to vote as they see fit, emphasizing that we live in a constitutional republic.

Councilmember McDermott noted that, initially, he was hesitant about a new tax. However, after discussing it with Ron Lane from the Economic Development Commission, he recognized that much of the revenue would come from freeway travelers, agreeing that it's far better to stay on top of city needs than to play catch-up. He expressed gratitude to the community for keeping the Council accountable and contributing ideas for improvement. He added that Measure J would ease pressure on the Orland

Volunteer Fire Department by funding a second ambulance, which would allow volunteers to focus on life-threatening emergencies rather than non-urgent calls.

Councilmember Roundy noted that Measure A helped the City “take care of its own” by funding Fire Department equipment and vehicle upgrades when needed. He believes Measure J will similarly benefit the City by reducing reliance on the general fund, calling it a “no-brainer” that will support the community well.

Vice Mayor Romano expressed pride in Orland, highlighting the community's many assets: a dedicated volunteer fire department, a well-maintained library, police department, beautiful parks, a functioning pool, and an outstanding Recreation Department. He described Orland as a “gem” but reminded everyone that these valuable resources require funding. Addressing a common complaint, he hears around town about the fire and police departments having nice “stuff,” he asked if residents would prefer seeing quality resources or none at all. Vice Mayor Romano urged citizens to hold the Council accountable and encouraged attendance at Council meetings. He emphasized that areas in need, such as Westside Ambulance and the roads, would benefit from Measure J, which would also support park improvements and the library.

## **ADMINISTRATIVE BUSINESS**

### **A. Proposed Agreement between City of Orland and OHB Hive**

Vice Mayor Romano provided background on concerns raised at the last City Council meeting regarding The Hive’s potential closure. He explained that he collaborated with The Hive's owners, Mr. Carr, and Mayor Dobbs to draft a proposed Memorandum of Understanding (MOU) between the City and The Hive. The MOU includes a six-month extension for The Hive to use a dining tent while they design and construct a permanent structure. It also grants a parking variance to convert part of their parking area into an outdoor dining space and includes plans for street enhancements. Additionally, The Hive will be required to obtain necessary permits, submit a site plan, and enhance the corner lot with landscaping.

Councilmember Bruce Roundy expressed appreciation for Vice Mayor Romano's efforts and agreed that the Council should work together to support The Hive. However, he noted he was unaware that the MOU was not prepared by City Staff and felt that it should have been. He emphasized that The Hive should still follow the City's standard procedures, including coordinating with the Planning Commission, obtaining the necessary permits, submitting a site plan, and adhering to City Code. Councilmember Roundy recommended that City Staff connect with The Hive’s owners to proceed with the MOU initiated by Vice Mayor Romano.

Councilmember McDermott expressed his intent to resolve The Hive situation but opposed the possibility of a second six-month extension for the tent due to fire code concerns. He requested that City Staff and the City Attorney conduct a final review of the MOU and present it for a vote at the next meeting.

Councilmember Tolley suggested that the issue be brought to binding arbitration to involve a neutral third party in the resolution.

County resident Valerie Johnson expressed concerns about whether the Council is truly listening to the needs of local businesses. She added that the community should not have to question the Council’s integrity.

County resident and Planning Commissioner Vernon Montague thanked the Council for their service and contributions to the community. He expressed concern about the impact of losing local businesses, noting that a ½-cent sales tax means little if businesses leave. A strong supporter of the food service industry, Mr. Montague emphasized that businesses are the lifeblood of the community and urged the Council to remain mindful of their needs and to support all local businesses in any way possible.

Orland resident Jan Walker expressed her belief that the City Council was not fully aware of the situation with The Hive and that only Vice Mayor Romano had reached out to find a solution. She stated that she attends meetings to support local businesses but feels that the City is not adequately listening or providing assistance.

Orland resident Dottie Telfeski shared that she attends City Council meetings to stay informed and actively involved in what's happening in the community.

Orland resident Byron Denton emphasized that he prioritizes attending City meetings to stay informed about community matters, adding that he is very proud of the City.

Orland resident Alex Enriquez inquired about the possibility of reducing parking minimums and permits for businesses to support struggling enterprises.

Orland resident Brandon Smith expressed that starting and operating a business should not be an additional burden for new entrepreneurs. He emphasized that alleviating these challenges would ultimately benefit the City as a whole. He encouraged both businesses and citizens to reach out to Council members if they encounter any issues.

Orland resident Terrie Barr expressed frustration over the short notice given to The Hive to secure a permanent structure solution, pointing out that The Hive had been working with City staff when, she says 12 days after she raised concerns about the water tower, the City suddenly required the tents to be removed promptly. Ms. Barr questioned the City's rationale for ordering The Hive's tents to be taken down, noting another tent in town that has not been held to the same standards, including lacking required building permits and stamped plans. She also referenced a letter from the ABC board regarding the Hive expansion and emphasized the lack of support from City staff in navigating the requirements for her restaurant's expansion.

Orland resident Jose Lopez expressed his support for the MOU concerning The Hive, stating that he would like the Council to vote on it directly without sending it to the Planning Commission.

Orland resident Carolyn Denton appreciated that a solution is being discussed for The Hive and emphasized that the Council should resolve the issue rather than resorting to arbitration.

County resident Kristy Rumble found the MOU confusing and stated that while the restaurant does need more parking, she didn't believe the corner lot required landscaping. Vice Mayor Romano spoke about the street parking mentioned in the MOU.

Orland resident Tammy Olivarez expressed her gratitude to the Council members who visited The Hive to discuss its needs. However, she also shared her frustrations about not knowing how or where to seek assistance for a solution. Ms. Olivarez questioned the necessity for The Hive to return to the Planning Commission only to have the issue brought back to the Council, emphasizing that "time is of the essence" for The Hive. She also voiced concerns about the future of her own business.

Councilmember Tolley requested to be on record stating that while he believes the MOU has good intentions, he feels that involving a disinterested third party for binding arbitration would be more effective in reaching a solution whether it be good for the Hive or good for City. He expressed his belief that a third party would provide a fair perspective and reiterated he is a no on the MOU.

Councilmember Roundy stated he is not against the Hive, he wants it to succeed, but he believes it needs to go through the right channels.

Councilmember McDermott appreciated Vice Mayor Romano starting the MOU but would like to see the MOU reviewed and agreed upon by with the City Manager and Greg Einhorn who usually creates these agreements, and the Hive owners and brought back at the next Council meeting.

Vice Mayor Romano responded by highlighting the collaborative nature of the MOU's drafting process, explaining that multiple revisions were made to address the concerns of all parties involved. He emphasized he is the representative for the citizens, and he doesn't want to be on the Council that closes the Hive, "Time is of the essence. The buck stops right here, and we need to stand up and be accountable."

**ACTION:** Vice Mayor Romano moved, to approve the MOU between the OHB Hive and the City of Orland. Motion failed with no second.

## **B. Lift Station Standardization**

Director of Public Works Zach Barber addressed the City's wastewater collection system, which relies on six lift stations with inconsistent equipment, complicating maintenance and increasing failure risks. To address these issues, the City sought contractor bids to upgrade and standardize five older lift stations, with two bids under consideration: \$456,565 from Simonds Machinery and \$432,997 from J&J Pumps. Both proposals allow for phased upgrades.

The Public Works & Safety Commission unanimously recommends J&J Pumps due to its strong reputation, proximity to Orland, and 24/7 service capability. J&J's pumps include a five-year warranty and an additional one-year all-inclusive warranty. Staff suggests designating J&J as a sole-source provider due to the limited availability of qualified contractors for wastewater systems.

Vice Mayor Romano clarified that the City is recommending J&J Pumps, and Director Barber elaborated that this recommendation is based on J&J's close proximity to the City, their competitive bid compared to the other company, and their inclusion of all necessary requirements.

Mr. Carr noted that J&J's original quote did not include the chopper pumps, with the fiscal impact initially reported as \$439,000 in the staff report. However, J&J provided a second quote that included the chopper pumps, stating that the correct fiscal impact should be just under \$420,000.

Councilmember McDermott emphasized the importance of updating the lift stations and expressed his support for the project. Councilmember Roundy also voiced his backing for moving forward with J&J Pumps. Councilmember Tolley acknowledged the project's significance but raised concerns about the overall costs, questioning whether the City should proceed with all upgrades at once or phase them. Mr. Carr responded that consolidating the projects is crucial, noting that the sewer fund has accumulated \$1.4 million over several years, reflecting the time it has taken for these issues to develop. He stressed the importance of presenting the three problems and solutions on tonight's agenda simultaneously, as it would significantly affect the fund, ultimately leaving the decision to the policymakers on whether to proceed all at once.

An unnamed county resident inquired whether the Council was aware of a business on the far west side of town that permits sewage from surrounding counties to be disposed of and flown through the City's system.

Mr. Denton emphasized that these projects are essential, asserting that the City needs to move forward with them. He pointed out that the funds are available to complete the projects and that now is the right time to address these issues.

Mr. Enriquez inquired whether the J&J Pumps quote was included in the packet and asked if the City would require larger motors, as indicated in Simonds' quote. Mr. Rabo responded that the City's current pump motor sizes are more than sufficient and that he does not believe an increase in pump size is necessary.

**ACTION:** Councilmember Tolley moved, seconded by Councilmember Roundy to approve the upgrading and standardizing the lift stations at this time and select J&J Pumps as the contractor. Motion carried by a voice vote 4-0.

**C. Replacement Capital Expense: Vac-con Equipment (Discussion/Action) - Zach Barber, Public Works Supervisor**

Director Barber discussed the City's two combination jetter and hydro-excavation machines—a 2004 model and a 2015 model—both essential for various water, sewer, and storm drain operations. He noted the need to replace the older machine. While some jurisdictions operate with just one machine, Orland finds having both enhances efficiency: the older model is suited for tougher excavation tasks, while the newer one is reserved for more precise jobs. The City's full-sized, dual-engine units can access difficult locations, offering flexibility beyond that of lower-cost, trailer-mounted units.

The Public Works & Safety Commission reviewed the request and unanimously recommended replacing the aging 2004 Vac-Con machine.

Councilmember Tolley inquired about the possibility of selling the old machine, to which Director Barber replied that while it could be sold, it would likely need to be an out-of-state sale due to emission standards. Councilmember McDermott clarified that all surplus City vehicles and equipment are typically sold through auction. Councilmember Roundy expressed support, stating, "We need, it lets get it."

Mr. Denton shared that he has long advocated for acquiring new equipment and expressed gratitude for the Public Works Department's efforts in serving the City.

Mr. Enriquez inquired whether other vendors had been considered and whether the City would benefit from a larger truck. Director Barber explained the difficulty of obtaining additional bids and licensing issues for driving larger vehicles.

Mr. Smith questioned whether this need qualifies as a public safety issue and if funds from Measure A could be utilized. Mr. Carr clarified that while Measure A fund allocation is at the discretion of policy makers and depends on how they define safety, many within the City believe water and sewer do have safety elements, though not at the level of fire or law enforcement.

Vice Mayor Romano expressed his support for replacing the equipment.

**ACTION:** Councilmember McDermott moved, seconded by Councilmember Tolley to approve the purchase of one Vac-con machine as proposed and recommended by the Public Works & Safety Commission and Director of Public Works. Motion carried by a voice vote 4-0.

#### **D. Wastewater Treatment Plant (WWTP) Dredging Project**

City Engineer Paul Rabo outlined the City's lagoon-based wastewater treatment system, which uses aerobic digestion, percolation, and evaporation to maintain compliance with state water standards. In 2015, "Blue Frog" aerators were introduced to extend the ponds' lifespan, though their efficiency could improve with better spacing. Over time, the treatment ponds, particularly Pond 1, have accumulated significant sludge, creating an urgent need for excavation. The remediation plan involves rerouting flow, drying sludge, disposing of it, and refilling the ponds with treated microbes, with potential upgrades to a serpentine flow system for greater efficiency. This multi-phase project will require specialized expertise and is expected to cost several million dollars.

The Public Works & Safety Commission has recommended engaging an experienced consultant to create a phased remediation plan and secure grant funding. A highly qualified consultant (SUSP) with a successful project history, including work in Hamilton City, has been identified as a sole-source provider. A project proposal has been requested from this consultant.

Mr. Carr emphasized the urgency and importance of this investment for the City.

Councilmember Tolley raised questions about project costs and the likelihood of finding grant funding, noting he's not opposed and views it as a good idea. Mr. Rabo responded that while he couldn't confirm available grants, the consultant had successfully secured funding for Hamilton City in the past.

Councilmember Roundy remarked that this long-standing issue has been delayed for too long, adding that further postponement will only increase costs.

Mr. Denton, who has advocated for this project for years, expressed strong support, and Mr. Montague echoed that it's clear the City should act now.

An unnamed county resident commented on the need to stop accepting sewage from other areas.

Vice Mayor Romano stated he researched the consultant, voicing confidence in their ability to manage the project, secure proposals, and identify funding sources. He reiterated the seriousness of the issue and the need to prioritize the ponds' maintenance.

**ACTION:** Councilmember Roundy moved, seconded by Councilmember McDermott to proceed with Phase 1 of the proposed WWTP project as proposed by Staff and endorsed by the Commission, engaging SUSP Engineering for planning and grant funding application. Motion carried by a voice vote 4-0.

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

#### **PUBLIC COMMENTS:**

Mr. Denton thanked the Council for listening to the Public Works & Safety Commission and passing the projects and equipment that help the community.

County resident Yvonna Bennett spoke to Council about her concerns regarding public records and shared she has made a police report with the City police department.

Ms. Denton asked since the Hive MOU died if there was a way to bring the MOU back to Council and she look forward to seeing a solution. Vice Mayor Romano stated the City hopes to resolve the issue with the Hive.

## **CITY COUNCIL COMMUNICATIONS AND REPORTS**

Councilmember Tolley:

- Attended the September 19<sup>th</sup> Planning Commission meeting;
- Stated Road M1/2 construction will begin spring 2025;
- Shared an experience he had meeting a traveling couple who were passing through Orland.

Councilmember Roundy:

- Will be attending Chamber of Commerce meeting Thursday October 3<sup>rd</sup> at I-5 café at 12 PM;
- LAFCo will be meeting this month and the Modoc Annexation will be continued;
- Would like to see a solution with the City and Hive owners.

Councilmember McDermott:

- Asked City Staff to meet with the Olivarez family to come up with a solution;
- Shared that he has heard from residents that the drain inlets near Fairview school have bad odors and asked if Public Works can check them;
- Attended the September 19<sup>th</sup> Planning Commission meeting.

Vice Mayor Romano:

- Shared his appreciation to City Staff and the Public Work Commission for their time working on the sewer system items.
- Spoke about an issue with horses at an event in Library Park.

## **MEETING ADJOURNED AT 9:23 PM**

Jennifer Schmitke, City Clerk

Chris Dobbs, Mayor