# OROVILLE CITY COUNCIL MEETING MINUTES FEBRUARY 17, 2009 – 7:00 P.M.

The agenda for the February 17, 2009 adjourned regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall on Thursday, February 11, 2008 at 3:35 p.m.

The February 17, 2009 adjourned regular meeting of the Oroville City Council was called to order by Mayor Jernigan at 7:00 p.m.

#### **ROLL CALL**

Present: Council Members Corkin, Hatley, Pittman, Simpson, Wilcox, Vice Mayor Johansson,

Mayor Jernigan

Absent: None

#### **Staff Present:**

Sharon Atteberry, City Administrator

Kirk Trostle, Chief of Police

Les Bowers, Interim Fire Chief

Charles Miller Borde & Trost

Eric Teitelman, Community Development/Public Works Director Charles Miller, Parks & Trees Director Pat Clark, Business Assistance/Housing Development Director Jamie Hayes, Administrative Assistant

Tom Fitzpatrick, RDA Coordinator Karolyn Fairbanks, City Treasurer

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kirk Trostle, Chief of Police.

#### RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

Don Olson – Item No. 9

#### **PROCLAMATIONS / PRESENTATIONS**

Council Member Pittman presented a Proclamation of appreciation in support of the "Twelfth Annual Community-Wide True Love Waits Campaign" to Robbie Spicer, Oroville Christian School student, Kelly Fernandez, Central Middle School student, and Macy Thao, Ishi Middle School student.

Council Member Hatley presented a Proclamation recognizing the month of February as "Black History Month" to Dr. John Rivers.

Karie Rinker, Butte County Office of Education Program Manager, gave a presentation on the "Oroville Cares Coalition".

Damon Robison, Planning Commission Chairperson and Council Member Corkin each

presented a Proclamation in recognition and appreciation to Thil Wilcox for 18 years of service on the Oroville Planning Commission.

Council Member Simpson presented Council Member Wilcox with a beautiful glass plaque in recognition and appreciation for 18 years of service on the Oroville Planning Commission.

#### **CONSENT CALENDAR**

A motion was made by Council Member Corkin, seconded by Council Member Hatley to approve the following Consent Calendar:

- 1. APPROVAL OF THE MINUTES OF THE FEBRUARY 3, 2009 5:30 P.M. ADJOURNED MEETING AND THE FEBRUARY 3, 2009 7:00 P.M. REGULAR MEETING OF THE OROVILLE CITY COUNCIL minutes attached.
- 2. PURCHASE OF STRUCTURAL FIREFIGHTING PERSONAL PROTECTIVE EQUIPMENT staff report

The Council considered authorizing the Oroville Fire Department to purchase Structural Firefighting Personal Protective Equipment to replace 5 sets of coats and pants in the amount of \$9,145. (Les Bowers, Interim Fire Chief)

Council Action Requested: Adopt a motion authorizing the Oroville Fire Department to purchase five sets of Structural Firefighting Personal Protective Equipment through L.N. Curtis & Sons in the amount of \$9,145.

3. ANNUAL LONG-TERM MONITORING REPORTS FOR HOME MULTI-FAMILY RENTAL HOUSING PROJECTS – staff reports

The Council considered an agreement with R.L. Hastings & Associates, LLC, for the preparation of HOME Investment Partnerships Program annual monitoring documentation reports for multi-family rental housing projects which are due to be submitted to the State Department of Housing and Community Development (HCD) by March 1, 2009. (Pat Clark, Director of Business Assistance and Housing Development)

Council Action Requested: Adopt Resolution No. 7307 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF OROVILLE AND R. L. HASTINGS & ASSOCIATES, LLC, TO PREPARE THE ANNUAL LONG-TERM MONITORING REPORT FOR HOME MULTI-FAMILY RENTAL HOUSING PROJECTS - (AGREEMENT NO. 1872).

4. DRUG FREE COMMUNITIES SUPPORT PROJECT MEMORANDUM OF UNDERSTANDING— staff report

The Council considered a Memorandum of Understanding with Butte County Office of Education's Partners in Health and Safety Oroville Cares Coalition for the Oroville Police Department to provide in-kind support services for the Drug Free Communities Grant. (Kirk Trostle, Chief of Police)

Council Action Requested: Adopt Resolution No. 7308 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE BUTTE COUNTY OFFICE OF EDUCATION'S PARTNERS IN HEALTH AND SAFETY OROVILLE CARES COALITION FOR THE OROVILLE POLICE DEPARTMENT TO PROVIDE IN-KIND SUPPORT SERVICES FOR THE DRUG FREE COMMUNITIES GRANT - (AGREEMENT NO. 1873).

5. LINE ITEM BUDGET ADJUSTMENT/FEATHER RIVER RECREATION AND PARK DISTRICT SOCCER FIELDS SUPPLEMENTAL BENEFITS FUND AGREEMENT

The Council received a copy of the line item budget adjustment for the Feather River Recreation and Park District Soccer Fields Supplemental Benefits Fund Agreement. The line item adjustment request was to decrease the amount by \$25,022.66 originally submitted for importing top soil, due to the donation of soil received by the Department of Water Resources, as well as create a line item for a construction inspector. **(Sharon Atteberry, City Administrator)** 

Council Action Requested: Acknowledge receipt of the line item budget adjustment for the Feather River Recreation and Park District Soccer Fields Supplemental Benefits Fund Agreement.

The motion to approve the above Consent Calendar passed by the following vote:

Ayes: Council Members Corkin, Hatley, Pittman, Simpson, Wilcox, Vice Mayor

Johansson, Mayor Jernigan

Noes: None Abstain: None Absent: None

#### **PUBLIC HEARINGS**

6. FINAL GRANTEE REPORT ON COMMUNITY DEVELOPMENT BLOCK GRANT PLANNING AND TECHNICAL ASSISTANCE ACTIVITY – staff report

The Council conducted a public hearing to provide an opportunity for citizens of the City of Oroville to ask questions and comment on the accomplishments and acceptance of the final product received for the Community Development Block Grant Planning and Technical Assistance grant activity related to the Oroville Municipal Airport Fixed Base Operations Facility component (Grant No. 06-EDBG-2572). (Pat Clark, Director of Business Assistance and Housing Development, Eric Teitelman, Director of Community Development and Public Works)

Pat Clark, Director of Business Assistance and Housing Development explained that on October 30, 2006, the City Council had approved the submittal of an application to the State Department of Housing and Community Development in which City was subsequently awarded funds for the 2006/07 Community Development Block Grant Planning and Technical Assistance Grant, including both Economic Development and General components.

Eric Teitelman, Director of Community Development and Public Works, gave a PowerPoint presentation explaining the City of Oroville's purpose for a comprehensive revitalization plan for the airport FBO facility was to have a business plan and expansion strategy in place that would ensure retention and/or expansion of the FBO with the final product (plan) to comprise of: identification of existing FBO services, preliminary FBO needs assessment, target income group employment and training needs assessment, airport marketing attraction strategy, implementation plan, and a strategy/plan/operations model.

Council Member Pittman expressed concern for the need of fuel tank improvements and continued FBO improvements and upgrades.

Mayor Jernigan suggested that an in house collaborative effort be used in completing some of the general clean up and upgrades to the FBO building.

Mayor Jernigan opened the Public Hearing and hearing no comments or questions from the public, the Public Hearing was closed.

The Council accepted the Final Report on the City of Oroville CDBG Planning and Technical Assistance Grant Economic Development Allocation, Comprehensive Revitalization Plan for the Oroville Municipal Airport Fixed Base Operation Facility component.

#### **REGULAR BUSINESS**

# 7. AUTHORIZATION TO COMPLETE OROVILLE POLICE DEPARTMENT REMODEL PROJECT - staff report

The Council considered authorizing the completion of the Oroville Police Department remodel project for an amount not to exceed \$7,528. (Kirk Trostle, Chief of Police)

Kirk Trostle, Chief of Police explained that with \$29,000 funding authorized by the City Council, the Oroville Police Department had embarked on a remodel project in November 2007 which has brought significant upgrades and cosmetic improvements to the Police Station.

Mr. Trostle went on to explain that an additional \$9,878 would be needed to complete the Department's remodel project.

Council Member Hatley questioned why the Police Department had solely funded the improvements for the Emergency Operation Center.

Following discussion, a motion was made by Council Member Wilcox, seconded by Council Member Pittman, to:

- 1. Authorize the completion of the Oroville Police Department remodel project for \$9,878.
- 2. Approve the necessary budget adjustment.

The motion was passed by the following vote:

Ayes: Council Members Corkin, Hatley, Pittman, Wilcox, Simpson, Vice Mayor

Johansson, Mayor Jernigan

Noes: None Absent: None Abstain: None

# 8. FREEWAY AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THAT PORTION OF HIGHWAY 70 LOCATED WITHIN CITY LIMITS – staff report

The Council considered a freeway agreement with the California Department of Transportation (Caltrans) for that portion of Highway 70 located within City limits. (Eric Teitelman, Director of Community Development and Public Works)

Eric Teitelman, Director of Community Development and Public Works, explained that Section 100.2 of the Streets and Highways Code authorizes Caltrans to enter into perpetual freeway agreements with cities and counties to establish conditions associated with future planned highway and freeway improvements. Such conditions relate to the impact that a freeway project, such as freeway widening, overpass construction, modification to frontage roads. A new freeway agreement is needed to replace Butte County with the City of Oroville for the portion of Hwy 70 within City limits. The need to name the City as a party to a new agreement is further prompted by the upcoming Hwy 70 widening project which is planned to start sometime in 2009.

Following discussion, a motion was made by Council Member Corkin, seconded by Council Member Pittman, to:

Adopt Resolution No. 7309 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A FREEWAY AGREEMENT WITH CALTRANS FOR THAT PORTION OF HIGHWAY 70 LOCATED WITHIN CITY LIMITS - (Agreement No. 1874).

Ayes: Council Members Corkin, Hatley, Pittman, Wilcox, Simpson, Vice Mayor

Johansson, Mayor Jernigan

Noes: None Absent: None Abstain: None

#### 9. AMENDMENT TO AGREEMENT WITH HOLDREGE & KULL – staff report

The Council considered amending the professional services agreement with Holdrege & Kull (H & K), for construction management services completed for the Washington Street sewer upgrade and roundabout project (Project), in an amount not to exceed \$12,589, and also considered an appropriation of sewer funds in an amount not to exceed \$4,100 to be applied to the \$12,589 amendment amount. (Eric Teitelman, Director of Community Development and Public Works)

Eric Teitelman, Director of Community Development and Public Works, explained that Council approved an agreement with H&K on June 17, 2008 for upgrades to the sewer line

on Washington Street, and for construction of a roundabout. The services included soil and aggregate compaction testing, and concrete testing. The initial budget did not account for overtime. After construction started, the contractor suggested conducting a "marathon" construction weekend to finish the roundabout more quickly, and reduce disturbances to local business and traffic. This revised project schedule necessitated both weekend and overtime hours for H&K. Additional project hours for observation and testing were also expended due to the need to relocate the sewer line initiated by a conflict with an improperly marked gas main, and due to many unforeseen other utility conflicts that were encountered during the construction of the new curbs and sidewalks. The extra cost due to the new sewer main and two 20-foot deep manhole constructions was \$4,100, while the balance of extra costs for the overall project was \$8,489. These conflicts necessitated additional testing services that were not originally anticipated.

The majority of the extended hours occurred during the month of September, during which the marathon weekend was executed.

Mr. Teitelman also explained that H&K Consulting failed to notify staff as to how the additional hours would affect the overall budget, and was also delayed in issuing to the City an invoice for payment until November 2008. Staff has not paid the consultant for these services given the amount requested exceeded their approved contract limit. Staff however has reviewed the project field notes received from H&K and determined that the time billed to the City is legitimate and was necessary to complete the project.

Council Member Simpson questioned why the Council had not been given proper notification in regards to the marathon weekend.

Council Member Hatley stated that he had a lack of confidence in regards to the Consultants billing procedures.

Council Member Wilcox asked for direction from City Attorney, Dwight L. Moore.

Don Olson, Principal for H & K, explained that they had been negligent in expediting the proper invoicing, but that quality control work was required, as it is tied to the additional contractors on working on the Roundabout Project, and although H & K had fully intended to stay within the budget, unforeseen work had arisen within the Project over the marathon weekend.

Mr. Olson also stated that all additional work done by H & K had been recognized by City staff and that the expedition of work had not allowed for acknowledgement of overages.

Vice Mayor Johansson acknowledge that the integrity of the Project would have been in jeopardy had H & K ceased to perform during the marathon weekend. He also requested that the consideration to continue this item be considered in order for the Council to review all documentation in regards to the overages with City Attorney, Dwight L. Moore.

Council Member Corkin applauded the work that had been done on the Roundabout Project, stating that the Council had applied pressure to complete the work in a timely manner so that businesses would not be affected by the construction of the Project.

This item is to be continued at a future meeting, therefore, no action was taken on the following:

- 1. Adopt Resolution No. 7310 A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT WITH HOLDREGE & KULL FOR MATERIAL TESTING AND CONSTRUCTION INSPECTION SERVICES FOR THE ROUNDABOUT PROJECT (Agreement No. 1834-1).
- 2. Authorize the use of Sewer Funds in the amount of \$4,100.

#### **MAYOR/ COUNCIL REPORTS**

COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS (A verbal report may be given regarding

#### Chamber of Commerce

Council Member Pittman reported that new officers had been selected for the Chamber of Commerce and that a membership drive for the Chamber of Commerce had been held.

#### Community Health Alliance of Oroville (CHAO)

Council Member Pittman reported that Community Health Alliance of Oroville (CHAO) will now be known as Oroville Cares Coalition.

#### Council Goals and Objectives Meeting held on February 13, 2009

City Administrator, Sharon Atteberry reported that the City Council and Department Heads had defined their high priority goals: Unity between the City Council and staff, Youth Development Opportunities and Tourism for the City of Oroville.

#### CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

#### Progress report on the City's Sewer Master Plan, including Inflow and Infiltration (I & I)

Eric Teitelman, Director of Community Development and Public Works gave a PowerPoint presentation in regards to the City's Sewer Master Plan which included the modeling of the sewer system for both existing and future conditions, operations and maintenance plan and the financial model.

## Report on the City's compliance with AB939 requirements – California Integrated Waste Management Board Resolution

Eric Teitelman, Director of Community Development and Public Works gave a brief report on the City's compliance with the State of California's AB939 requirements.

#### Update on the City's new Website

Tom Fitzpatrick, RDA Coordinator, reported that the City's new website will be online by March 1, 2009.

### Set date and time for Council to conduct interviews for various City commissions and committees

Sharon Atteberry, City Administrator, reported that a meeting would be scheduled soon in order to interview applicants for positions with the Planning Commission, Parks Commission, Arts Commission and Housing Loan Advisory Committee.

- 1. Building Division activity report
- 2. Police Department activity report
- 3. Code Enforcement activity report
- 4. Business Assistance and Housing Development activity report
- 5. Community Development and Public Works activity report
- 6. Parks and Trees activity report

#### **CORRESPONDENCE**

A letter from the Tree of Hope Foundation requesting to change the name of Wyandotte Avenue to Martin Luther King Boulevard was discussed.

#### **HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS**

Jim Prouty spoke to the Council in regards to Feather River Recreation and Park District's request for impact fees.

#### **CLOSED SESSION**

The City Council held a closed session for the following:

- 1. Pursuant to Government Code section 54956.8, the Council met with real property negotiators, Sharon L. Atteberry, City Administrator and Dwight L. Moore, City Attorney, concerning authorization for the sale of City-owned property, located at 2868 South 5<sup>th</sup> Avenue, Oroville.
- 2. Pursuant to Government Code section 54957.6, the City Council met with Labor Negotiator, Sharon L. Atteberry, to discuss labor negotiations for the Oroville Firefighters Association (OFFA).
- 3. Pursuant to Government Code Section 54957 the City Council held a performance evaluation with Les Bowers, Interim Fire Chief.
- 4. Pursuant to Government Code section 54956.9(a), the City Council met with the City Attorney Dwight L. Moore, relating to the following existing litigation: Feather River Recreation and Parks District v. City of Oroville et al., Butte County Superior Court case numbers 142794; 142795; 142796; 143875; 143631.

The Council reconvened from Closed Session, and Mayor Jernigan announced that no action had been given in Closed Session and direction had been given to staff.

# **ADJOURNMENT** The meeting was adjourned at 11:15 p.m. to an adjourned City Council meeting to be held on Friday, March 6, 2009 at 4:00 p.m. Sharon L. Atteberry, City Clerk Steve Jernigan, Mayor