OROVILLE CITY COUNCIL

Council Chambers
1735 Montgomery Street
Regular Meeting

MAY 5, 2009
7:00
P.M.
AGENDA

ROLL CALL

Council Members Corkin, Hatley, Pittman, Simpson, Wilcox, Vice Mayor Johansson, Mayor Jernigan

PLEDGE OF ALLEGIANCE

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

This is the time the Mayor will invite anyone in the audience wishing to address the Council on a matter that is on the agenda to state your name and the agenda item on which you wish to speak. When that item comes up on the agenda, you will be asked to step to the podium, repeat your name for the record, and make your presentation. **Presentations are limited to 3 minutes.** Under Government Code Section 54954.3 the time allotted for presentations may be limited.

PROCLAMATION / PRESENTATION

A Proclamation recognizing ***May 7, 2009*** as ***"Children's Mental Health Awareness Day"***

A Proclamation recognizing ***May 7 – 9, 2009*** as the ***"Eighth Annual Ishi Gathering and Seminar"***

A Proclamation recognizing ***May 10 – 16, 2009*** as ***"National Police Week"*** and ***May 15, 2009*** as ***"Peace Officers' Memorial Day***

CONSENT CALENDAR

1. **APPROVAL OF THE MINUTES OF THE APRIL 21, 2009 ADJOURNED REGULAR MEETING OF THE OROVILLE CITY COUNCIL** - minutes attached.

2. **CALIFORNIA DEPARTMENT OF CONSERVATION, DIVISION OF RECYCLING OUTREACH PROGRAM** – staff report

The Council will consider the submittal of a Funding Request Form for $5,000 to the California Department of Conservation, Division of Recycling. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Authorize staff to submit a Fund Request Form to the California Department of Conservation, Division of Recycling, in the amount of $5,000 for an eligible activity.**

3. AMENDMENT TO AGREEMENT WITH CHEC MANAGEMENT SYSTEMS, INC FOR ROAD REHABILITATION PLANS AND SPECIFICATIONS – staff report

The Council will consider an amendment to the professional services agreement with CHEC Management Systems, Inc. (CHEC) in the amount of $16,065 for the preparation of additional road rehabilitation plans and specifications. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Adopt Resolution No. 7331 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH CHEC MANAGEMENT SYSTEMS, INC FOR THE PREPARATION OF ADDITIONAL ROAD REHABILITATION PLANS AND SPECIFICATIONS- (Agreement No. 1877-1).**

4. AMENDMENT TO THE AGREEMENT WITH J.R. EXCAVATING FOR SOLID WASTE CLEANUP – staff report

The Council will consider an amendment to the agreement with J.R. Excavating for the Solid Waste Cleanup Project in the amount of $30,118. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested:

1. **Adopt Resolution No. 7332 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH J.R. EXCAVATING FOR THE SOLID WASTE CLEANUP PROJECT – (Agreement No. 1844-1).**

2. **Authorize a contingency in the amount of $ 4,518 for additional change orders if necessary.**

3. **Authorize funding in the amount of $1,900 for inspection and soil sampling to determine the presence of asbestos and/or lead-based paint.**

4. **Approve supplemental appropriation no. 2008/09-0509-37 as indicated in the staff report dated May 5, 2009.**

5. DISADVANTAGED BUSINESS ENTERPRISE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION – staff report

The Council will consider a Disadvantaged Business Enterprise (DBE) Program agreement with the California Department of Transportation (Caltrans). **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Adopt Resolution No. 7333 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A DISADVANTAGED BUSINESS ENTERPRISE PROGRAM IMPLEMENTATION AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION - (Agreement No. 1884).**

6. QUITCLAIM OF PUBLIC UTILITY EASEMENT AT THE DEER CREEK ESTATES SUBDIVISION – staff report

The Council will consider the quitclaim of an existing public utility easement at the Deer Creek Estates subdivision. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Adopt Resolution No. 7334 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE QUITCLAIM DEED FOR AN EXISTING PUBLIC UTILITY EASEMENT ASSOCIATED WITH LOTS 60 – 70 AT THE DEER CREEK ESTATES SUBDIVISION.**

7. AMENDMENT TO THE AGREEMENT WITH R.L. HASTINGS & ASSOCIATES, LLC FOR ADMINISTRATIVE SUBCONTRACTOR SERVICES FOR THE HILLVIEW RIDGE I RENTAL NEW CONSTRUCTION PROJECT – staff report

The Council will consider an amendment to the agreement with R.L. Hastings & Associates, LLC, for administrative subcontractor services for the Hillview Ridge I rental new construction project, in the amount of $10,000.00. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Adopt Resolution No. 7335 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH R.L. HASTINGS & ASSOCIATES, LLC, FOR THE ADMINISTRATIVE SUBCONTRACTOR SERVICES FOR THE HILLVIEW RIDGE I RENTAL NEW CONSTRUCTION PROJECT – (Agreement 1739-1).**

8. AMENDMENT TO THE AGREEMENT WITH DESIGN, COMMUNITY AND ENVIRONMENT FOR PROFESSIONAL PLANNING SERVICES RELATING TO THE MUNICIPAL SERVICE REVIEW – staff report

The Council will consider an amendment to the agreement with Design, Community and Environment for professional planning services relating to the Municipal Service Review. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested:

1. **Adopt Resolution No. 7336 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH DESIGN, COMMUNITY AND ENVIRONMENT FOR PROFESSIONAL PLANNING SERVICES RELATING TO THE MUNICIPAL SERVICE REVIEW - (Agreement No. 1619-5).**

2. **Approve supplemental appropriation no. 2008/09-0509-33 as indicated in the fiscal impact of the staff report dated May 5, 2009.**

9. CITY PARTICIPATION IN THE ALLOCATION PROCESS OF CONSERVATION EASEMENTS AND LAND DEDICATIONS OF PG&E LANDS THAT ARE PROXIMATE TO THE CITY LIMITS OF OROVILLE – staff report

The Council will consider an application to the Pacific Forest and Watershed Lands Stewardship Council (Stewardship Council) for allocations of conservation easements and land dedications of PG&E lands.

Council Action Requested: **Direct staff to submit an application to the Stewardship Council to be part of the planning process and evaluate the opportunities associated with obtaining**

conservation easements and fee title property to help facilitate local conservation and mitigation efforts.

PUBLIC HEARINGS

10. MODIFICATIONS TO THE HOME INVESTMENT PARTNERSHIPS AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FIRST TIME HOMEBUYER (FTHB) PROGRAM GUIDELINES – staff report

The Council will conduct a public hearing to solicit input and comments from the citizens of Oroville and will consider modifications to the HOME Investment Partnerships Program and the Community Development Block Grant (CDBG) Program First Time Homebuyer Guidelines (FTHB). **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Authorize the modifications to the HOME Investment Partnerships First Time Home Buyer Program Guidelines and the Community Development Block Grant Home Ownership Program Revolving Loan Fund.**

11. PERMIT APPLICATION FEE & TRANSFER FEE FOR ADULT-ORIENTED BUSINESSES – staff report

The Council will consider adopting an adult-oriented business permit application fee in the amount of $516, and an adult-oriented businesses permit transfer fee in the amount of $516. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested:

1. **Receive public comment regarding the adoption of fees for Adult-Oriented Businesses.**

2. **Adopt Resolution No. 7337 – A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE ADOPTION OF THE PERMIT APPLICATION FEE AND THE TRANSFER FEE FOR ADULT-ORIENTED BUSINESSES IN THE AMOUNT OF $516 EACH.**

REGULAR BUSINESS

12. CONGESTION MITIGATION AIR QUALITY FUNDS FROM THE BUTTE COUNTY ASSOCIATION OF GOVERNMENTS – staff report

The Council will consider a Congestion Mitigation Air Quality (CMAQ) grant application to the Butte County Association of Governments (BCAG), for the construction of a roundabout at the intersection of Montgomery Street and Feather River Boulevard. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Adopt Resolution No. 7338 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE SUBMITTAL OF A CMAQ GRANT APPLICATION TO BCAG FOR A ROUNDABOUT PROJECT AT THE INTERSECTION OF MONTGOMERY STREET AND FEATHER RIVER BOULEVARD, OROVILLE.**

13. REQUEST FROM BCM FOR AN AMENDMENT TO THEIR AGREEMENT FOR CONSTRUCTION OF CENTENNIAL PLAZA – staff report

The Council will consider a request from BCM Construction for an amendment to their agreement with the City of Oroville for construction of the Centennial Plaza. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Adopt Resolution No. 7339 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH BCM CONSTRUCTION COMPANY FOR THE CENTENNIAL PLAZA IMPROVEMENTS PROJECT - (Agreement No. 1737-2).**

14. MONTHLY SUMMARY OF INVESTMENTS AND MONTHLY FINANCIAL REPORT FOR MARCH 2009

The Council received a copy of the Monthly Summary of Investments and the Monthly Financial Report for March 2009. **(Diane MacMillan, Director of Finance)**

Council Action Requested: **Acknowledge receipt of the March 2009 Monthly Summary of Investments and the March 2009 Monthly Financial Report.**

MAYOR/ COUNCIL REPORTS

COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS (A verbal report may be given regarding any committee meetings attended.)

Sewerage Commission – Oroville Region – SC-OR

Oroville Economic Development Corporation – OEDCO

Butte County Association of Governments – BCAG

Oroville Downtown Business Association – ODBA

Butte County Water Advisory Board

Supplemental Benefits Fund Steering Committee (SBF)

Oroville Recreation Area Committee (ORAC)

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

Activity report for Parks & Trees and Public Works Departments – short presentation

CORRESPONDENCE – None

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

This is the time the Mayor will invite anyone in the audience wishing to address the Council on a matter not listed on the agenda to step to the podium, state your name for the record and make your presentation.

Presentations are limited to 3 minutes. Under Government Code Section 54954.2, The Council is prohibited from taking action except for a brief response by the Council or staff to a statement or question relating to a non-agenda item.

CLOSED SESSION

The City Council will hold a closed session for the following:

1. Pursuant to Government Code section 54956.9 (c), The Council will meet with Dwight L. Moore, City Attorney, to consider initiating litigation for two cases.

2. Pursuant to Government Code section 54956.9(a), the City Council will meet with the City Attorney Dwight L. Moore, relating to the following existing litigation:

   - Jackson v. City of Oroville et al, United States District Court, Eastern District of California, case no. 2:09-CV-00398-JAM-CMK

3. Pursuant to Government Code section 54957.6, the City Council will meet with Labor Negotiator, Sharon Atteberry, to discuss labor negotiations for the Oroville Mid-Managers Association (OMMA), Oroville City Employees Association (OCEA), Oroville Fire Fighters Association (OFFA) and Oroville Police Officers Association, Sworn and Non-Sworn (OPOA).

ADJOURNMENT

The meeting will be adjourned. An adjourned regular meeting of the Oroville City Council will be held on Tuesday, May 19, 2009 at 7:00 p.m.