OROVILLE CITY COUNCIL MEETING MINUTES
APRIL 7, 2009 – 7:00 P.M.

The agenda for the April 7, 2009 regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall on Thursday, April 2, 2008 at 3:50 p.m.

The April 7, 2009 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
Les Bowers, Interim Fire Chief
Eric Teitelman, Community Development/Public Works Director
Pat Clark, Business Assistance/Housing Development Director
Diane MacMillan, Finance Director
Dwight Moore, City Attorney
Karolyn Fairbanks, City Treasurer
Jamie Hayes, Administrative Assistant
Charles Miller, Parks & Trees Director
Kirk Trostle, Police Chief

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 - None

PROCLAMATIONS / PRESENTATIONS

Kirk Trostle, Chief of Police, read a Proclamation recognizing the month of April as "Sexual Assault Awareness Month" and April 22nd as "Denim Day".

Council Member Corkin presented a Proclamation recognizing April 12 – 19, 2009 as "National Telecommunicators' Week" to Gina Noel, Public Safety Communications Specialist.

Council Member Simpson presented a Proclamation recognizing the month of April as "Child Abuse Prevention Month".

Council Member Wilcox presented a Proclamation recognizing April 5 – 11, 2009 as "Youth Appreciation Week" to Las Plumas High School student, Olivia Evans.

Council Member Pittman presented a Proclamation in support of "Census 2010" to Pam Ames, U.S. Census Bureau Partnership Specialist.

CONSENT CALENDAR

A motion was made by Council Member Wilcox, seconded by Council Member Hatley to approve the following Consent Calendar, with exception to items 2 and 10:

1. **APPROVAL OF THE MINUTES OF THE MARCH 12, 2009 4:00 P.M. SPECIAL MEETING OF THE OROVILLE CITY COUNCIL, THE MINUTES OF THE MARCH 17, 2009 6:00 P.M. JOINT MEETING OF THE OROVILLE CITY COUNCIL AND THE OROVILLE PLANNING COMMISSION AND THE MINUTES OF THE MARCH 17, 2009 7:00 P.M. ADJOURNED REGULAR MEETING OF THE OROVILLE CITY COUNCIL** - minutes attached.

2. **THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW)**

3. **CARRYOVER OF REMAINING GRANT ACTIVITY FUNDS** – staff report

   The Council considered approving a supplemental appropriation to carry over grant activity funds remaining in 2007/08 fiscal year to the 2008/09 fiscal year for the 06-HOME-2407 grant and to correct the carryover for 06-STBG-2607 grant. **(Pat Clark, Director of Business Assistance and Housing Development)**

   Council Action Requested: **Approve supplemental appropriation no. 2008/09-0409-35 to carry over remaining 2007/08 fiscal year grant and Housing program activity funds to the 2008/09 fiscal year.**

4. **AFFIRMATION OF SUPPORT AND PARTNERSHIP WITH THE 2010 CENSUS** – staff report

   The Council considered a resolution to become a 2010 Census Partner in a nationwide effort to "Be Counted". **(Eric Teitelman, Director of Community Development and Public Works)**

   Council Action Requested: **Adopt Resolution No. 7322 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AFFIRMING THE CITY OF OROVILLE'S SUPPORT OF AND PARTNERSHIP WITH THE 2010 CENSUS.**

5. **ACCEPTANCE AND APPROPRIATION OF WAL-MART FOUNDATION GRANT FUNDS FOR THE OROVILLE FIRE DEPARTMENT** – staff report

   The Council considered the acceptance and appropriation of grant funds from the Wal-Mart Foundation to the Oroville Fire Department (OFD) in the total amount of $1,000 to purchase a STIHL rescue saw. **(Les Bowers, Interim Fire Chief)**

   Council Action Requested:

   1. **Accept the Wal-Mart Foundation grant funds in the amount of $1,000.**

   2. **Authorize the Oroville Fire Department to purchase a STIHL Cut-Off Machine Saw Model TS 460 from Industrial Power Products in the amount of $960.**

   3. **Approve supplemental appropriation no. 2008/09-0409-34.**

6. PARTNERSHIP IN A READINESS AND EMERGENCY MANAGEMENT FOR SCHOOLS GRANT PROGRAM – staff report

The Council considered three memorandums of understanding between the Butte County Office of Education's Partners in Health and Safety and the City of Oroville, the Oroville Police Department and the Oroville Fire Department for participation in the Readiness and Emergency Management for Schools (REMS) Grant Program. **(Kirk Trostle, Chief of Police)**

Council Action Requested: **Adopt Resolution No. 7323 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THREE (3) MEMORANDUMS OF UNDERSTANDING WITH THE BUTTE COUNTY OFFICE OF EDUCATION'S PARTNERS IN HEALTH AND SAFETY FOR THE SUBMITTAL OF A U.S. DEPARTMENT OF EDUCATION, OFFICE OF SAFE AND DRUG-FREE SCHOOLS READINESS AND EMERGENCY MANAGEMENT FOR SCHOOLS GRANT APPLICATION WHICH WOULD PROVIDE A TOTAL OF $19,000 TO THE CITY OF OROVILLE – (Agreement Nos. 1879, 1880 and 1881).**

7. AMENDMENT TO AGREEMENT WITH RON GRAVES- staff report

The Council considered an amendment to the agreement with Ron Graves for map plan check services relating to lot line adjustments, parcel maps, subdivision maps, etc. for an amount not to exceed $7,000. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Adopt Resolution No. 7324 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH RON GRAVES FOR MAP CHECKING SERVICES – (Agreement No. 1804-1).**

8. PURCHASE OF P25 COMPLIANT EQUIPMENT AND INSTALLATION OF A RADIO COMMUNICATION SYSTEM THROUGH THE DEPARTMENT OF JUSTICE TECHNOLOGY GRANT – staff report

The Council considered authorizing the expenditure of U.S. Department of Justice Technology grant funds for the purchase of Project 25 compliant radio equipment and installation of a radio communication system. **(Kirk Trostle, Chief of Police)**

Council Action Requested: **Authorize the Police Department to award the bid for the purchase and installation of (2) two existing repeater sites and for the installation of a new repeater site at the Oroville Airport and California State Parks Recreation and Parks Department to Day Wireless Systems for a total price of $92,378.73.**

9. COOPERATIVE AGREEMENT WITH CALTRANS FOR CONSTRUCTION OF THE PHASE 2 LANDSCAPING AT THE HIGHWAY 70 & MONTGOMERY STREET INTERCHANGE – staff report

The Council considered a Cooperative Agreement with Caltrans for the construction of the Phase 2 (northeast quadrant – northbound on-ramp) landscaping at the Highway 70

& Montgomery Street Interchange. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Adopt Resolution No. 7325 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A COOPERATIVE AGREEMENT WITH CALTRANS FOR CONSTRUCTION OF PHASE 2 OF LANDSCAPING IMPROVEMENTS AT THE HIGHWAY 70 & MONTGOMERY STREET INTERCHANGE - (Agreement No. 1882).**

10. THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW)

11. AN ORDINANCE ADDING SECTION 6-15 TO THE CODE OF THE CITY OF OROVILLE RELATING TO FEATHER RIVER RECREATION AND PARK DISTRICT FEES – staff report

The Council considered the second reading and adoption of an ordinance adding a new section 6-15 to the Code of the City of Oroville relating to Feather River Recreation and Park District Park Development Impact Fees. **(Dwight Moore, City Attorney)**

Council Action Requested: **Approve the second reading, by title only, and adopt Ordinance No. 1754 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE ADDING SECTION 6-15 TO THE CODE OF THE CITY OF OROVILLE RELATING TO FEATHER RIVER RECREATION AND PARK DISTRICT FEES.**

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

<u>ITEMS REMOVED FROM THE CONSENT CALENDAR</u>

2. REQUEST FROM OROVILLE AREA CHAMBER OF COMMERCE FOR FUNDING FOR FEATHER FIESTA DAYS – staff report

The Council considered a request for funding from the Oroville Area Chamber of Commerce, in the amount of $4,800, for support of the annual Feather Fiesta Days to be held in May 2009. **(Sharon Atteberry, City Administrator)**

This item was removed from the Consent Calendar at the request of Council Member Hatley for questions, which were answered by staff.

Following discussion, a motion was made by Council Member Hatley, seconded by Vice Mayor Johansson, to:

Authorize staff to pay the invoices associated with the 2009 Feather Fiesta Days for an amount not to exceed $4,800.
The motion was passed by the following vote:

Ayes:	Council Members Corkin, Hatley, Pittman, Simpson, Wilcox, Vice Mayor Johansson, Mayor Jernigan
Noes:	None
Absent:	None
Abstain:	None

10. COPS HIRING RECOVERY GRANT APPLICATION – staff report

The Council considered authorizing the application for grant funding from the COPS Hiring Recovery Grant in the amount of $675,000 to fund three police officer positions. **(Kirk Trostle, Chief of Police)**

This item was removed from the Consent Calendar at the request of Council Member Hatley for questions, which were answered by staff.

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

Authorize submission of an application for funding of three full-time police officer positions under the COPS Hiring Recovery Program (CHRP).

The motion was passed by the following vote:

Ayes:	Council Members Corkin, Hatley, Pittman, Simpson, Wilcox, Vice Mayor Johansson, Mayor Jernigan
Noes:	None
Absent:	None
Abstain:	None

PUBLIC HEARINGS

12. PUBLIC HEARING-FINAL GRANTEE PERFORMANCE AND/OR CLOSE-OUT REPORTS ON COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ACTIVITIES – staff report

The Council conducted a public hearing on the performance and final accomplishments of the Community Development Block Grant Agreement No. 05-EDBG-1977. **(Pat Clark, Director of Business Assistance and Housing Development)**

Pat Clark, Director of Business Assistance and Housing Development explained that the City is responsible for monitoring and reporting on all Community Development Block Grant (CDBG) activities to assure that time schedules are being met and milestones are accomplished and a Final Grantee Performance Report (GPR) and/or Close-out Report must be submitted for each activity as the grant expires.

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

REGULAR BUSINESS

13. AGREEMENT WITH CONSULTANT RELATING TO CITY PERSONNEL ACTIONS – staff report

The Council considered entering into an agreement with a consultant relating to City personnel issues. **(Dwight Moore, City Attorney)**

Following discussion, a motion was made by Council Member Hatley, seconded by Council Member Simpson, to:

Authorize the Mayor to execute an agreement with Mark Kruger to perform a review of the City personnel actions.

The motion was passed by the following vote:

Ayes:	Council Members Corkin, Hatley, Wilcox, Simpson, Vice Mayor Johansson, Mayor Jernigan
Noes:	Council Member Pittman
Absent:	None
Abstain:	None

14. UPDATE ON THE SEWER MASTER PLAN – staff report

The Council heard a presentation by Rick Walls, Senior Civil Engineer, on the City's Sewer Master Plan. **(Eric Teitelman, Director of Community Development and Public Works)**

Rick Walls, Senior Engineer, gave a Powerpoint presentation in regards to City's Sewer Master Plan. The presentation outlined existing budget uses, existing system and budget deficiencies, proposed budget revisions, historical user charge summaries, inflow and infiltration (I & I) studies and facts, past rehabilitation projects and costs, I & I reductions and costs, and challenges for the City.

Mr. Walls reported that with the existing budget deficiencies, the collection systems could not be cleaned as often as required, as well as smoke testing and root treatment. The City has no resources to conduct I & I source investigations and has limited funding available for annual pipe rehabilitation.

The City's existing system deficiencies total $16,200,000, including undersized pipes for design storm, deficient pipes, manholes and private laterals.

The proposed revenue increases reflected 15 - 20% increases over the next six years, which would provide an estimated $2,251,000 by 2015.

If the revenues were increased as proposed, program uses would include hiring 2 additional fulltime maintenance workers to support I & I investigative flow monitoring and condition assessment efforts, one-third of the collection system to be cleaned each year as well as root treatment and smoke testing.

In addition, program uses would include increased funding for in-house I & I reductions, provide funding to conduct comprehensive condition assessments and I & I investigations

and condition assessment for pipe defect ranking, flow monitoring and I & I project list development to be managed by the Engineering Department.

In viewing a summary of the City and State's average user charges, the City has had a 3.1% average increase in the past 18 years, while the State reflects a 5% increase. The difference in user rates show the City's user rates are 300% lower than the statewide average, leaving insufficient funds needed for the City's system rehabilitation.

The Council was asked to review the current user costs, based upon a review of other local communities, and consider an increase of the rates in the future.

15. MONTHLY SUMMARY OF INVESTMENTS AND MONTHLY FINANCIAL REPORT FOR FEBRUARY 2009

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

The Council acknowledged receipt of the February 2009 Monthly Summary of Investments and the February 2009 Monthly Financial Report.

MAYOR/ COUNCIL REPORTS

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

Appointment to various Council Committees

The Mayor made appointments to the following committees:

Council Member Hatley was appointed to the Finance Committee.

Vice Mayor Johansson was appointed to Butte County Association of Governments and Mayor Jernigan was appointed as an alternate.

Sewerage Commission – Oroville Region – SC-OR

Council Member Hatley reported that the SC-OR Expansion Plan was completed.

Council Member Hatley also reported that the SC-OR Developer's Agreement was available for input and comments from the public until July 1, 2009 at 4:00 p.m.

Oroville Economic Development Corporation – OEDCO

Vice Mayor Johansson reported that OEDCO had expressed concerns over the proposed SC-OR Developer's Agreement.

Butte County Association of Governments – BCAG

Vice Mayor Johansson reported that a B-Line Stakeholder's meeting had been held in regards to adding earlier routes, and providing bus service at user friendly locations.

Oroville Downtown Business Association – ODBA

Council Member Corkin reported that the First Friday event in Downtown Oroville had been well attended by many parents and children and was very successful. The children really enjoyed hunting for Easter eggs.

Supplemental Benefits Fund Steering Committee (SBF)

Council Member Simpson reported that an Ad hoc Committee had been created in order to review and eliminate locations for the proposed White Water Rafting Park.

Council Member Simpson also reported that the SBF Committee, based on an appeal from an applicant, reviewed the Small Allocation Grant applications submitted in 2007. With $17,268 remaining in the allocation, the Tree of Hope Foundation's Kids-at-Risk Sports Intervention & Investment Program had been awarded $5,000. The other unfunded grants will be reviewed at the July 1, 2009 SBF Steering Committee meeting.

Neighborhood Watch Group

Council Member Hatley reported that he and Council Member Simpson had attended a Neighborhood Watch Group meeting. A request was made to hold future meeting at the Centennial Cultural Center, 1931 Arline Rhine Drive, Oroville.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

City Administrator, Sharon Atteberry explained that the Federal Regulatory Energy Commission (FERC) required the Department of Water Resources (DWR) to hold a table top exercise training regarding emergency services associated with the complete failure of the Oroville Dam. Many counties and emergency agencies will participate in the mock disaster which will be held on May 6, 2009.

CORRESPONDENCE - None

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

Patrick Hopkins spoke to the Council in regards to code enforcement issues.

Kelli Munson, Co-Chairperson for the Chico State/Butte College Focus the Nation Conference, spoke to the Council in regards to the April 18, 2009, conference and urged local citizens to attend.

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 Pat Clark, Director of Business Assistance and Housing Development, concerning authorization to make available for sale

the City owned home located at 1800 Pine Street, Oroville.

2. Pursuant to Government Code section 54956.9, the City Council met with the City Attorney Dwight L. Moore, relating to the following pending litigation:

- Slater v. City of Oroville Butte County Superior Court Case Number 143235
- Roberson v. City of Oroville arbitration
- Belser v. City of Oroville arbitration

The Council reconvened from Closed Session to take action on the following:

A motion was made by Council Member Simpson, seconded by Council Member Pittman, to:

Adopt Resolution No. 7326- A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH LIEBERT, CASSIDY AND WHITMORE RELATING TO PERSONNEL MATTERS – (Agreement No. 1476-18).

The motion was passed by the following vote:

Ayes:	Council Members Corkin, Hatley, Pittman, Simpson, Vice Mayor Johansson, Mayor Jernigan
Noes:	None
Absent:	None
Abstain:	Council Member Wilcox

Mayor Jernigan announced that no action had been taken in Closed Session and direction had been given to staff.

ADJOURNMENT

The meeting was adjourned at 10:35 p.m. to an adjourned City Council meeting to be held on Tuesday, April 21, 2009 at 7:00 p.m.

Sharon L. Atteberry, City Clerk

Steve Jernigan, Mayor