OROVILLE CITY COUNCIL MEETING MINUTES
JUNE 16, 2009 – 7:00 P.M.

The agenda for the June 16, 2009 adjourned regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall on Friday, June 12, 2008 at 12:15 p.m.

The June 16, 2009 adjourned regular meeting of the Oroville City Council was called to order by Mayor Jernigan at 7:02 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
Kirk Trostle, Police Chief
Jamie Hayes, Administrative Assistant
Charles Miller, Parks & Trees Director
Karolyn Fairbanks, City Treasurer

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Les Bowers, Interim Fire Chief.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

Scott Belyea – Item No. 16
Jeff Ashlock – Item No. 16
Michael Evans – Item No. 16

PROCLAMATIONS / PRESENTATIONS

Council Member Corkin presented a proclamation to Karol Kitchen, in support if the "I Wish" program.

Karol Kitchen and Roseanne Edmondson gave a presentation in regards to the "I Wish" program, which educates children on healthy habits.

CONSENT CALENDAR

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

1. APPROVAL OF THE MINUTES OF THE JUNE 2, 2009 6:00 P.M. ADJOURNED

MEETING, THE JUNE 2, 2009 7:00 P.M. REGULAR MEETING AND THE JUNE 4, 2009 4:30 P.M. ADJOURNED MEETING OF THE OROVILLE CITY COUNCIL - minutes attached.

2. **APPROPRIATION OF FUNDS FOR THE CARPENTER MEMORIAL GARDEN PROJECT IN SANK PARK –** staff report

The Council considered appropriating funds in the amount of $912 for the Carpenter Memorial Garden project in Sank Park. **(Charles Miller, Director of Parks and Trees)**

Council Action Requested: **Authorize the budget adjustment in the amount of $912 for the Carpenter Memorial Garden project in Sank Park as indicated in the fiscal impact of the staff report dated June 16, 2009.**

3. **INITIATE FORECLOSURE PROCEEDINGS RELATING TO THE SECURITY INTEREST IN PROPERTY LOCATED AT 1356 LINDEN AVENUE** – staff report

The Council considered initiating foreclosure proceedings relating to the City's security interest in its deed of trust against the property located at 1356 Linden Avenue, Oroville. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested:

1. **Authorize foreclosure proceedings on 1356 Linden Avenue, Oroville, CA (APN 013-032-020).**

2. **Adopt Resolution No. 7355 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS AND ANY AMENDMENTS THERETO NECESSARY TO INITIATE AND COMPLETE FORECLOSURE PROCEEDINGS ON REAL PROPERTY LOCATED AT 1356 LINDEN AVENUE, OROVILLE.**

4. **PROPERTY AND EQUIPMENT INSURANCE FOR FISCAL YEAR 2009/10** – staff report

The Council considered authorizing the purchase of insurance relating to property, boiler and machinery, mobile equipment, and employee dishonesty for the City of Oroville for fiscal year 2009/10. **(Diane MacMillan, Finance Director)**

Council Action Requested: **Authorize staff to obtain property, boiler and machinery equipment insurance from Vanasek Insurance and to obtain mobile equipment coverage from Alliant Insurance Services, Inc. as indicated in the fiscal impact of the staff report dated June 16, 2009.**

5. **CONSERVATION STUDY OF THE CHINESE TEMPLE ARTIFACTS** – staff reports

The Council considered authorizing the expenditure of $3,250 from the Alta Hengy funds for a professional conservation study of the Chinese Temple Complex and Museum's artifacts. **(Charles Miller, Director of Parks and Trees)**

Council Action Requested:

1. **Adopt Resolution No. 7356 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND TONJA MORRIS CONSERVATION FOR A PROFESSIONAL CONSERVATION STUDY OF THE CHINESE TEMPLE ARTIFACTS - (Agreement No. 1891).**

2. **Authorize the expenditure of $3,250 for a professional conservation study of the Chinese Temple Complex and Museum's artifacts.**

3. **Authorize supplemental appropriation no. 2008/09-0609-43 as indicated in the fiscal impact of the staff report dated June 16, 2009.**

6. **DRINKING FOUNTAIN FOR THE CHINESE TEMPLE** – staff report

The Council considered accepting a donation in the amount of $2,500 to purchase and install a drinking fountain at the Chinese Temple. **(Charles Miller, Director of Parks and Trees)**

Council Action Requested:

1. **Accept the donation of $2,500 for the purchase and installation of the fountain at the Chinese Temple.**

2. **Authorize supplemental appropriation no. 2008/09-0609-44 as indicated in the fiscal impact of the staff report dated June 16, 2009.**

3. **Authorize the purchase of the fountain from PlumbingSupply.com in the amount of $2,375.50.**

7. **TRANSFER OF SURPLUS TWO-WAY RADIOS** – staff report

The Council considered a transfer of six (6) surplus two-way radios from the Oroville Police Department to the Oroville Fire Department and donate three (3) of the surplus radios to the El Medio Fire Protection District. **(Les Bowers, Interim Fire Chief)**

Council Action Requested:

1. **Authorize the Oroville Fire Department to accept the transfer of the six (6) surplus two-way radios from the Oroville Police Department.**

2. **Authorize the donation of three (3) surplus radios to the El Medio Fire Protection District.**

8. **TRADE SURPLUS FIRE HOSE TESTER TO EL MEDIO FIRE PROTECTION DISTRICT FOR MISCELLANEOUS ANTIQUE SURPLUS ITEMS** – staff report

The Council considered trading the Oroville Fire Department's surplus fire hose tester to the

El Medio Fire Protection District in exchange for miscellaneous antique surplus items. **(Les Bowers, Interim Fire Chief)**

Council Action Requested: **Authorize the trade of the surplus fire hose tester to El Medio Fire Protection District in return for miscellaneous antique surplus items described on**

the list attached to the June 16, 2009 staff report.

9. TRADE MISCELLANEOUS SURPLUS ITEMS TO THE WESTERN PACIFIC RAILROAD MUSEUM FOR AN ANTIQUE FIRE CHIEF'S CART – staff report

The Council considered authorizing the Oroville Fire Department to trade miscellaneous surplus items to the Western Pacific Railroad Museum in exchange for an antique Fire Chief's two-wheeled horse-drawn cart.

Council Action Requested: **Authorize the trade of miscellaneous surplus items that are in the Oroville Fire Department's inventory to the Western Pacific Railroad Museum in exchange for the antique Fire Chief's cart.**

10. AUTHORIZATION TO DISPOSE OF SURPLUS PROPERTY – staff report

The Council considered authorizing staff to dispose of items listed on the Surplus Property List. **(Sharon Atteberry, City Administrator)**

Council Action Requested:

1. **Declare the items listed on Exhibit "A" as surplus and authorize that the items be added to the Surplus Property List.**

2. **Adopt Resolution No. 7357 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH RAMAY AUCTIONS TO CONDUCT AN ONLINE AUCTION FOR THE DISPOSAL OF SURPLUS ITEMS LISTED ON THE SURPLUS PROPERTY LIST – (Agreement No. 1892).**

11. RE-APPOINTMENTS TO THE OROVILLE PARK COMMISSION – staff report

The Council considered re-appointing City residents, Lani Fridrich and Carolyn Norton-Broome to the Oroville Park Commission. **(Sharon Atteberry, City Administrator)**

Council Action Requested: **Re-appoint City residents, Lani Fridrich and Carolyn Norton Broome, to the Oroville Park Commission.**

12. APPOINTMENT TO THE OROVILLE MOSQUITO ABATEMENT DISTRICT BOARD – staff report

The Council considered appointing Harrel Wilson to the Board of Directors for the Oroville Mosquito Abatement District to fill the vacancy that was created by the resignation of Ron Hearn. **(Sharon Atteberry, City Administrator)**

Council Action Requested: **Appoint City resident Harrel Wilson to complete Ron Hearn's term on the Oroville Mosquito Abatement District Board, which will expire**

on December 31, 2009.

13. FISCAL YEAR 2009/10 APPROPRIATIONS LIMIT – staff report

The Council considered adopting the fiscal year 2009/10 Appropriations Limit. **(Diane**

MacMillan, Director of Finance)

Council Action Requested: **Adopt Resolution No. 7358 - A RESOLUTION OF THE OROVILLE CITY COUNCIL SETTING THE APPROPRIATIONS LIMIT (PROPOSITION 4) FOR FISCAL YEAR 2009/10.**

14. APPLICATION/AGREEMENT WITH SUN LIFE ASSURANCE COMPANY OF CANADA TO PROVIDE LIFE AND LONG-TERM DISABILITY INSURANCE – staff report

The Council considered an agreement with Sun Life Assurance Company of Canada to provide the City of Oroville with life and long-term disability insurance. **(Liz Ehrenstrom, Human Resource Analyst II)**

Council Action Requested: **Adopt Resolution No. 7359 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH SUN LIFE ASSURANCE COMPANY OF CANADA TO PROVIDE LIFE AND LONG-TERM DISABILITY INSURANCE TO THE CITY OF OROVILLE - (Agreement No. 1893).**

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

15. EDWARD BYRNE MEMORIAL JAG PROGRAM GRANT FISCAL YEAR 2009 LOCAL SOLICITATION APPLICATION – staff report

The Council conducted a public hearing relating to an application for grant funds under the Edward Byrne Memorial Justice Assistance Grant Program for retention of one part-time, non-sworn Police Cadet. **(Kirk Trostle, Chief of Police)**

Kirk Trostle, Chief of Police, explained that the Oroville Police Department is eligible to apply for up to $19,162 in grant funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, which would be utilized to employ on part-time police cadet.

Mayor Jernigan opened the Public Hearing, and hearing no comments, the Public Hearing was closed.

Council Member Wilcox commended Chief Trostle for diligently seeking out grants to assist with the upcoming budget deficit.

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

Authorize the Oroville Police Department to submit an application requesting funding in the amount of $19,160.52.

The motion was passed by the following vote:

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

REGULAR BUSINESS

16. SC-OR CAPACITY AGREEMENTS – staff report

The Council reviewed the draft Sewerage Commission - Oroville Region (SC-OR) capacity agreements for annexation areas and new development and give direction to staff. **(Eric Teitelman, Director of Community Development and Public Works)**

Eric Teitelman, Director of Community Development and Public Works, gave a brief history on the historical growth rate in Oroville, and a Powerpoint presentation explaining the sequence of events leading up to the final map approval and recordation of future developments and annexations.

Council Member Hatley questioned the scrutiny placed upon the proposed SC-OR agreement.

Mr. Teitelman explained that the current proposed SC-OR agreement did not require SC-OR to conduct a sewer capacity study. Without a sewer capacity study, current and future developers would be unable to quantify the impact and cost of future infrastructure that would be required of them.

Scott Belyea, JKB Homes, spoke in opposition of the current proposed SC-OR agreement, citing that it had several major issues and appeared to be an unfair opportunity for developers.

Michael Evens, Fun Works, Inc., spoke in opposition to the SC-OR agreement.

Jeff Ashlock spoke in opposition to the SC-OR agreement.

Vice Mayor Johansson questioned LafCo's stand on the current proposed SC-OR agreement.

Council Member Pittman suggested that SC-OR work with associated agencies to apply for grant opportunities in order to fund a sewer capacity study as they have done in the past.

Mr. Pittman went on to say that he agreed with the County's concerns and would like to reinforce the comments submitted by Greg Iturra, Butte County Interim Chief Administrator.

Council Member Simpson stated that staff and developers were purposely delaying the SC-OR agreement process.

Vice Mayor Johansson questioned if there was a rush to approve the SC-OR agreement.

Mayor Jernigan urged staff and developers to present their comments to SC-OR promptly.

Vice Mayor Jernigan questioned what SC-OR's process would be for addressing the sewer plants current deficiencies, and what their plans were for expanding the plant.

Dwight Moore, City Attorney, suggested that SC-OR consider two separate agreements. One agreement would be for a capacity impact study and requirement acknowledgements. A second agreement would be to implement results from the capacity impact study if a developer chose to continue with a project within SC-OR's boundary.

Mayor Jernigan directed staff to submit comments and concerns expressed by the Council to SC-OR quickly.

17. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2009/10 – staff report

The Council considered giving direction to staff for the 10% Set-Aside component related to the 2009/10 Community Development Block Grant (CDBG) application. **(Pat Clark, Director of Business Assistance and Housing Development)**

This item will be continued to the June 18, 2009 adjourned meeting of the Oroville City Council at the request of Pat Clark, Director of Business Assistance and Housing Development.

18. A LEASE AGREEMENT WITH THE PRIVATE INDUSTRY COUNCIL OF BUTTE COUNTY, INC. – staff report

The Council considered a lease agreement with the Private Industry Council of Butte County, Inc. ("PIC") for the establishment and operation of the Oroville State Theater ("Theater") at 1489 Myers Street, Oroville. **(Dwight Moore, City Attorney)**

Dwight Moore, City Attorney, requested that a few changes be made to the lease agreement.

After discussion, a motion was made by Council Member Wilcox, seconded by Vice Mayor Johansson, to:

Adopt Resolution No. 7360 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE PRIVATE INDUSTRY COUNCIL OF BUTTE COUNTY, INC. FOR THE ESTABLISHMENT AND OPERATION OF THE OROVILLE STATE THEATER, 1489 MYERS STREET, OROVILLE - (Agreement No. 1894).

The motion was passed by the following vote:

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

19. AMENDMENT TO AGREEMENT WITH KIRK TROSTLE, CHIEF OF POLICE – staff report

The Council considered an amendment to the agreement with Kirk Trostle, Chief of Police. **(Sharon Atteberry, City Administrator)**

Sharon Atteberry, City Administrator, explained that Kirk Trostle, Chief of Police, had submitted a request to amend his employment agreement in order to freeze his salary increase for the 2009/10 fiscal year.

Ms. Atteberry explained that Chief Trostle's current employment agreement expired December 31, 2009 and would require a second amendment in January 2010 if the Council renewed Chief Trostle's employment agreement.

The Council commended Chief Trostle's decision to forego his salary increase in order to contribute to the City's 2009/10 budget deficit.

After further discussion, a motion was made by Council Member Simpson, seconded by Council Member Pittman, to:

Adopt Resolution NO. 7361 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH KIRK TROSTLE, CHIEF OF POLICE – (Agreement No. 1792-1).

The motion was passed by the following vote:

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

20. MONTHLY SUMMARY OF INVESTMENTS AND MONTHLY FINANCIAL REPORT FOR APRIL 2009

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

MAYOR/ COUNCIL REPORTS

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

Sewerage Commission-Oroville Region (SC-OR)

Council Member Hatley reported that no meeting had been held.

Oroville Area Chamber of Commerce

Council member Pittman reported that no meeting had been held.

Oroville Recreation Area Committee (ORAC)

Vice Mayor Johansson reported that no meeting had been held.

Oroville Cares Coalition

Council Member Pittman reported that the Oroville Cares Coalition was looking at future grant opportunities.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

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

Report from Interim Fire Chief Les Bowers on fire training project

Interim Chief Bowers reported that the fire training project had been delayed due to the early fire season.

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

Albert Walthall, NAACP President, spoke to the Council in regards to the Southside Community Garden Project, a program for seniors and disabled citizens.

CLOSED SESSION

The City Council held a closed session for the following:

Pursuant to Government Code section 54957, the Council met with Sharon Atteberry, Labor Negotiator, to hold performance evaluations for Eric Teitelman, Director of Community Development and Public Works, and Kirk Trostle, Chief of Police.

The Council reconvened from Closed Session and 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 11:03 p.m. to an adjourned City Council meeting to be held on Tuesday, June 18, 2009 at 4:30 p.m.

Sharon L. Atteberry, City Clerk

Steve Jernigan, Mayor