

**OROVILLE CITY COUNCIL MEETING - MINUTES
SEPTEMBER 20, 2005- 7:00 PM**

The agenda for the September 20, 2005 meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall on Friday, September 16, 2005 at 4:00 p.m.

The September 20, 2005 adjourned regular meeting of the Oroville City Council was called to order at 7:00 p.m. by Mayor Andoe.

ROLL CALL

PRESENT: Council Members Berry, Corkin, Prouty, Sharkey, Simpson, Vice Mayor Jernigan, Mayor Andoe
ABSENT: None

Staff Present:

Sharon Atteberry, City Administrator/City Clerk	Mitchel Brown, Chief of Police
Dwight Moore, City Attorney	Charles Miller, Director of Parks and Trees
David Pittman, Fire Chief	Lauri Pittman, Administrative Assistant
Eric Teitelman, Community Development/Public Works	Pat Clark, Business Assistance/Housing Development
Diane MacMillan, Finance Director	

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by members of the Oroville 4-H club.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS - None

PROCLAMATION / PRESENTATION - None

CONSENT CALENDAR

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

- 1. APPROVAL OF THE MINUTES OF THE AUGUST 18, 2005 ADJOURNED MEETING, THE AUGUST 30, 2005 SPECIAL MEETING, SEPTEMBER 6, 2005 JOINT ADJOURNED MEETING OF THE OROVILLE CITY COUNCIL AND REDEVELOPMENT AGENCY, AND THE SEPTEMBER 6, 2005 REGULAR MEETING OF THE OROVILLE CITY COUNCIL - minutes attached.**
- 2. STANDARD TEST SECURITY AGREEMENT WITH COOPERATIVE PERSONNEL SERVICES – staff report**

The Council considered renewing the Standard Test Security Agreement with Cooperative Personnel Services (CPS). (*Liz Ehrenstrom, Human Resource Analyst II*)

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Council Action Requested: **Adopt Resolution No. 6545 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH COOPERATIVE PERSONNEL SERVICES (CPS) – (Agreement No. 889-4).**

3. **REMOVED FROM CONSENT CALENDAR – See Below**
4. **REMOVED FROM CONSENT CALENDAR – See Below**
5. **AMENDMENT TO THE FIRST-TIME HOME BUYER PROGRAM GUIDELINES – staff report**

The Council considered modifications to the HOME First-Time Home Buyers (FTHB) Program Guidelines as required by the State Department of Housing and Community Development. **(Pat Griffin, Director of Business Assistance and Housing Development)**

Council Action Requested: **Approve the HOME First-Time Home Buyers Program Guidelines as amended.**

6. **2005/2006 HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS APPLICATION – staff report**

The Council considered authorizing staff to submit an application to the State Department of Housing and Community Development for Home Investment Partnerships Program (HOME) funds. **(Pat Griffin, Director of Business Assistance and Housing Development)**

Council Action Requested: **Adopt Resolution No. 6547 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE HOME INVESTMENT PARTNERSHIPS PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING, AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE HOME INVESTMENT PARTNERSHIPS PROGRAM.**

7. **PROFESSIONAL SERVICES OF JAN DOLE TO FACILITATE LABOR NEGOTIATIONS – staff report**

The Council considered an agreement for an amount not to exceed \$4,000, for the professional services of Jan Dole to assist in facilitating labor negotiations with the Oroville City Employee's Associations. **(Liz Ehrenstrom, Human Resource Analyst II)**

Council Action Requested:

1. **Adopt Resolution No. 6548 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES OF JAN DOLE TO FACILITATE LABOR NEGOTIATIONS WITH THE OROVILLE CITY EMPLOYEE'S ASSOCIATION – (Agreement No. 1544-1).**
2. **Approve the budget adjustment as indicated in the fiscal impact of the September 20, 2005 staff report.**

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8. **REDUCTION OF THE HISTORICAL ADVISORY BOARD MEMBERS FROM SEVEN TO FIVE** – staff report

The Council considered an ordinance reducing the Historical Advisory Board from seven regular members to five. (*Eric Teitelman, Director of Community Development and Public Works*)

Council Action Requested: **Approve the second reading, by title only, and adopt Ordinance No. 1725 – AN ORDINANCE OF CITY COUNCIL OF THE CITY OF OROVILLE AMENDING CHAPTER 26-79A(G) OF THE CODE OF THE CITY OF OROVILLE PERTAINING TO THE HISTORICAL ADVISORY BOARD.**

9. **REMOVED FROM CONSENT CALENDAR** – See Below

10. **REMOVED FROM CONSENT CALENDAR** – See Below

11. **REMOVED FROM CONSENT CALENDAR** – See Below

12. **CONSENT AND WAIVER ALLOWING GREAT ATLANTIC CAPITAL CORPORATION (GACC) ACCESS TO EQUIPMENT BEING FINANCED/LEASED BY SIERRA PACIFIC PACKAGING, INC.** – staff report

The Council considered a Consent and Waiver allowing Great Atlantic Capital Corporation (GACC) access to the 1991 Bobst Model Domino 165, 65” Folder Gluer, as required for the financing agreement with Sierra Pacific Packaging. (*Pat Griffin, Director of Business Assistance and Housing Development*)

Council Action Requested: **Adopt Resolution No. 6549 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE A CONSENT AND WAIVER BY OWNER, LANDLORD OR MORTGAGEE OF REAL ESTATE RELATING TO EQUIPMENT BEING LEASED/FINANCED BY SIERRA PACIFIC PACKAGING, INC. – (Agreement No. 1452-8)**

13. **AIRPORT FUEL REIMBURSEMENT TO OROVILLE AVIATION, INC.** – staff report

The Council considered a reimbursement to Oroville Aviation for remaining fuel in the tanks at the Oroville Municipal Airport. (*Eric Teitelman, Director of Community Development and Public Works*)

Council Action Requested: **Approve the reimbursement to Oroville Aviation for the remaining carryover of fuel in the amount of \$2,639.24.**

14. **BUDGET FOR JET FUEL AT THE OROVILLE MUNICIPAL AIRPORT** – staff report

The Council considered establishing a budget for the purchase and sale of jet fuel at the Oroville Municipal Airport. (*Eric Teitelman, Director of Community Development and Public Works*)

Council Action Requested:

1. **Approve a budget in the amount of \$420,000 for the purchase and sale of jet fuel at the Oroville Municipal Airport.**
2. **Approve supplemental appropriation no. 2005/06-0905-22 as indicated in the fiscal impact of the September 20, 2005 staff report.**

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15. TRANSFER OF HOME INVESTMENT PARTNERSHIPS UNANTICIPATED PROGRAM INCOME TO HOME REVOLVING LOAN ACCOUNT – staff report

The Council considered a transfer of \$215,000 in unanticipated HOME Investment Partnership (HOME) Program revenues to:

1. The HOME revolving loan account to fund expenditures associated with the First-Time Home Buyer Mortgage Subsidy Loan;

and/or
2. The Redevelopment Agency Housing Set-aside construction account to reimburse expenses associated with the construction of First-Time Home Buyer In-fill houses. **(Pat Griffin, Director of Business Assistance and Housing Development)**

Council Action Requested:

1. **Approve the transfer of \$215,000 in unanticipated HOME Investment Partnership program revenues.**
2. **Approve supplemental appropriation no. 2005/06-0905-25 as indicated in the fiscal impact of the September 20, 2005 staff report.**

16. AGREEMENT WITH ASSOCIATED RIGHT OF WAY SERVICES (AR/WS), INC. RELATING TO RELOCATION SERVICES

The Council considered an agreement, for an amount not to exceed \$14,530, with AR/WS to provide relocation services for the tenant of the residential property located at 2400 Montgomery Street, Oroville. **(Sharon Atteberry, City Administrator/Tom Fitzpatrick, RDA Assistant)**

Council Action Requested: **Adopt Resolution No. 6550 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH ASSOCIATED RIGHT OF WAY SERVICES (AR/WS) TO PERFORM RELOCATION SERVICES - (Agreement No. 1573-1).**

The motion to approve the above Consent Calendar, with the exceptions of item no's. 3, 4, 9, 10 and 11, passed by the following vote:

AYES: Council Members Berry, Corkin, Prouty, Sharkey, Simpson, Vice Mayor Jernigan, Mayor Andoe
NOES: None
ABSENT: None
ABSTAIN: None

ITEMS REMOVED FROM CONSENT CALENDAR

3. INITIATE FORECLOSURE PROCEEDINGS ON PROPERTY LOCATED AT 2866 FLORENCE AVENUE – staff report

The Council considered initiating foreclosure proceedings relating to the City's security interest in its deed of trust against property located at 2866 Florence Avenue, Oroville. **(Pat Griffin, Director of Business Assistance and Housing Development)**

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This item was removed from the consent calendar at the request of Mayor Andoe due to a conflict of interest.

A motion was made by Council Member Berry, seconded by Council Member Corkin, to:

1. **Authorize foreclosure proceedings on 2866 Florence Avenue, including payment of defaulted taxes and penalties, insurance, reasonable costs of escrow, and minor property repairs, if necessary, to secure the City's interest in the deed of trust against the property; and**
2. **Adopt Resolution No. 6546 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO INITIATE AND COMPLETE FORECLOSURE PROCEEDINGS ON REAL PROPERTY LOCATED AT 2866 FLORENCE AVENUE, OROVILLE (APN 013-214-023).**

The motion was approved by the following vote:

AYES: Council Members Berry, Corkin, Prouty, Sharkey, Simpson, Vice Mayor Jernigan
NOES: None
ABSENT: None
ABSTAIN: Mayor Andoe

4. **INTEGRATED WASTE MANAGEMENT GRANT TO PURCHASE RECYCLING CONTAINERS-** staff report

The Council considered the purchase of recycling containers to be placed in various locations within the city limits. **(Pat Griffin, Director of Business Assistance and Housing Development)**

This item was removed from the consent calendar at the request of Council Member Prouty for discussion. Council Member Prouty said he would like to see a budget for maintaining the containers, the cost of replacement due to vandalism, etc. Charles Miller, Director of Parks and Trees, stated there was no budget for maintenance or replacement of the containers. The City has not experienced any vandalism to this type of container, therefore has not had to replace existing receptacles. The cost of maintenance may be decreased with the additional recycling containers due to not having to clean up trash dumped on the grounds when people are searching for recyclables, which is currently a problem for the City. Sharon Atteberry, City Administrator, said that the City is also hoping to reduce the maintenance of trash pickup in the downtown area where no receptacles currently exist. Pat Clark, Director of Business Assistance and Housing Development, stated that staff would work with the Parks Department, Police Department, Feather River Recreation and Parks District, etc. to see where these departments feel receptacles would be beneficial in the City.

A motion was made by Vice Mayor Jernigan, seconded by Council Member Sharkey, to:

2. **Authorize staff to purchase recycling receptacles using the Integrated Waste Management grant funds.**
3. **Approve supplemental appropriation no. 2005/06-0905-21 as indicated in the fiscal impact of the September 20, 2005 staff report.**

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The motion was approved by the following vote:

AYES: Council Members Berry, Corkin, Prouty, Sharkey, Simpson, Vice Mayor Jernigan, Mayor Andoe
NOES: None
ABSENT: None
ABSTAIN: None

9. AN ORDINANCE ADDING CHAPTER 6A OF THE CODE OF THE CITY OF OROVILLE PERTAINING TO MULTI-FAMILY DWELLINGS AND ESTABLISHING FEES FOR CODE ENFORCEMENT/BUILDING OFFICIAL SERVICES – staff report

The Council will consider an ordinance adding Chapter 6A of the Code of the City of Oroville pertaining to Multi-Family Dwellings, and a resolution establishing fees for Code Enforcement/Building Official services relating to inspections. *(Eric Teitelman, Director of Community Development and Public Works/Tom Fitzpatrick, RDA Assistant)*

This item was continued to the October 4, 2005 City Council meeting due to the necessity to publish a summary of the ordinance prior to the second reading, therefore, no action was taken on the following:

Council Action Requested: **Approve the second reading, by title only, and adopt Ordinance No. 1726 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE ADDING CHAPTER 6A OF THE CODE OF THE CITY OF OROVILLE PERTAINING TO MULTI-FAMILY DWELLINGS.**

10. AN ORDINANCE ADDING ARTICLE 4 TO CHAPTER 14 OF THE CITY CODE PERTAINING TO SHOPPING CARTS, AND ESTABLISHING FEES FOR CODE ENFORCEMENT ACTION – staff report

The Council will consider an ordinance adding Article 4 to Chapter 14 of the Code of the City of Oroville pertaining to shopping carts, and a resolution establishing fees for code enforcement action relating to off-premise shopping carts. *(Eric Teitelman, Director of Community Development and Public Works/Tom Fitzpatrick, RDA Assistant)*

This item was continued to the October 4, 2005 City Council meeting due to the necessity to publish a summary of the ordinance prior to the second reading, therefore, no action was taken on the following:

Council Action Requested: **Approve the second reading, by title only, and adopt Ordinance No. 1727 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE ADDING ARTICLE 4 TO CHAPTER 14 OF THE CODE OF THE CITY OF OROVILLE PERTAINING TO SHOPPING CARTS.**

11. INSPECTION OF THE SCRUB SEAL AND MICRO-SURFACING ROADWAY PROJECT – staff report

The Council considered an agreement with Holdrege & Kull for inspection and testing of the Scrub Seal and Micro-surfacing project for various streets within the City. *(Eric Teitelman, Director of Community Development and Public Works)*

This item was removed from the consent calendar at the request of Council Member Prouty for discussion. Council Member Prouty asked if this cost was over and above the original \$75,000 approved for these testing services. Eric Teitelman, Director of Community Development and Public Works, explained that this request was separate from the original amount requested. This request is for City street projects that must be tested.

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Hearing no further discussion, a motion was made by Council Member Sharkey, seconded by Council Member Corkin, to:

1. **Adopt Resolution No. 6555 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH HOLDREGE & KULL FOR INSPECTION AND TESTING OF THE SCRUB SEAL AND MICRO-SURFACING PROJECT – (Agreement No. 1628)**
2. **Approve supplemental appropriation no. 2005/06-0905-24 in the amount of \$30,981.**

The motion was approved by the following vote:

AYES: Council Members Berry, Corkin, Prouty, Sharkey, Simpson, Vice Mayor Jernigan, Mayor Andoe
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARINGS

17. ZC 04-13: PLANNED UNIT DEVELOPMENT ZONE – staff report

The Council held a public hearing to consider amending zoning regulations to completely revise Oroville's existing Planned Unit Development Zoning District requirements. (This public hearing was continued from the September 6, 2005 City Council Meeting.) (*Jo Sherman, Planning Manager*)

Mayor Andoe opened the public hearing. Hearing no response, the public hearing was closed.

A motion was made by Council Member Corkin, seconded by Council Member Sharkey, to:

Waive the first reading, and introduce by title only, Ordinance No. 1722 – AN ORDINANCE AMENDING IN ITS ENTIRETY THE PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS SET FORTH IN SECTION 26-71 OF THE CODE OF THE CITY OF OROVILLE.

The motion was approved by the following vote:

AYES: Council Members Berry, Corkin, Prouty, Sharkey, Simpson, Vice Mayor Jernigan, Mayor Andoe
NOES: None
ABSENT: None
ABSTAIN: None

18. ZC 05-11: DEFINITION OF PROFESSIONAL OFFICE – staff report

The Council held a public hearing and considered amending zoning regulations to make the definition of "Professional Office" refer to a building used to provide services that require a state license or certificate, so that uses such as realty offices and beauty shops will be allowed without approval of a use permit. (This public hearing was continued from the September 6, 2005 City Council Meeting.) (*Jo Sherman, Planning Manager*)

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Council Member Prouty asked if staff was going to leave this ordinance as is, with the possibility that tattoo parlors may one day be state licensed facilities. Dwight Moore, City Attorney, said the ordinance would be left as is, and if in the future the laws are changed to require a state license for this type of establishment then the City will revisit this ordinance.

Mayor Andoe opened the public hearing. Hearing no response, the public hearing was closed.

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

Waive the first reading, and introduce by title only, Ordinance No. 1723 – AN ORDINANCE AMENDING THE DEFINITION OF “PROFESSIONAL OFFICE” AS SET FORTH IN SECTION 26-10 OF THE CODE OF THE CITY OF OROVILLE.

The motion was approved by the following vote:

AYES: Council Members Berry, Corkin, Prouty, Sharkey, Simpson, Vice Mayor Jernigan, Mayor Andoe
NOES: None
ABSENT: None
ABSTAIN: None

19. GENERAL PLAN AMENDMENT NO. 04-10 AND ZONING AMENDMENT NO. 04-16 (AT LARKIN ROAD, FOR VISTA DEL ORO SUBDIVISION)

The Council held a public hearing to consider amending the land use designations of 30.7 acres abutting the east side of Larkin Road, south of Oro Dam Boulevard West, to enable the site to be subdivided into 92 single-family building lots in accordance with a tentative subdivision map conditionally approved by the Planning Commission (TSM 04-05; Vista Del Oro). The proposed land use amendments are as follows. (This public hearing was continued from the September 6, 2005 City Council Meeting.) (*Jo Sherman, Planning Manager*)

1. Amend the General Plan Diagram designation of the entire 30.7-acre site from Airport Business Park to Medium Density Residential; and
2. Amend the Zoning Map designation of approximately 2.5 acres of the site from Agricultural Residential 5 Acres (AR-5) to Single-Family Residential (R-1).

Eric Teitelman said that an application was submitted by Vista Del Oro for rezoning the proposed subdivision site.

Mayor Andoe opened the public hearing. Mr. Gene Ludwig asked how many general plan changes the City could make in a one-year period. Attorney Moore said the law states four general plan changes in a year, but that several changes could be made together as one amendment, so it can actually be many changes that can be made. Hearing no more questions, the public hearing was closed.

A motion was made by Council Member Sharkey, seconded by Council Member Corkin, to:

1. **Adopt Resolution No. 6538B - A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING A MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT (GPA) 04-10 AND ZONING AMENDMENT (ZC) 04-16, AND APPROVING GPA 04-10 TO MAKE THE GENERAL PLAN DIAGRAM DESIGNATION OF 30.7 ACRES OF LAND THAT ABUTS LARKIN ROAD SOUTH OF ORO DAM BOULEVARD “MEDIUM DENSITY RESIDENTIAL”.**

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2. **Waive the first reading, and introduce by title only, Ordinance No. 1724 - AN ORDINANCE OF THE OROVILLE CITY COUNCIL APPROVING ZC 04-16 TO REZONE APPROXIMATELY 2.5 ACRES OF LAND ABUTTING LARKIN ROAD OPPOSITE CHALLENGER WAY, BEING THE NORTHERLY PORTION OF THE 30.7-ACRE VISTA DEL ORO SUBDIVISION (TSM 04-05), FROM AGRICULTURAL-RESIDENTIAL 5 ACRES (AR-5) TO SINGLE-FAMILY RESIDENTIAL (R-1).**

The motion was approved by the following vote:

AYES: Council Members Berry, Corkin, Prouty, Sharkey, Simpson, Vice Mayor Jernigan, Mayor Andoe
NOES: None
ABSENT: None
ABSTAIN: None

REGULAR BUSINESS

20. **ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR THE STATE THEATER RENOVATION PROJECT** – staff report

The Council considered adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for construction improvements to the State Theater. (*Jo Sherman, Planning Manager*)

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

Adopt Resolution No. 6551 – A RESOLUTION OF THE OROVILLE CITY COUNCIL MAKING FINDINGS AND ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR CONSTRUCTION IMPROVEMENTS TO THE STATE THEATER.

The motion was approved by the following vote:

AYES: Council Members Berry, Corkin, Prouty, Sharkey, Simpson, Vice Mayor Jernigan, Mayor Andoe
NOES: None
ABSENT: None
ABSTAIN: None

21. **POLICIES ON WORKPLACE VIOLENCE PREVENTION AND UNLAWFUL WORKPLACE HARASSMENT, AND COMPUTER, CELL PHONE AND ELECTRONIC MEDIA** – staff report

The Council will consider three new policies on Workplace Violence Prevention, Unlawful Workplace Harassment, and Computer, Cell Phone and Electronic Media. (*Liz Ehrenstrom, Human Resource Analyst II*)

Liz Ehrenstrom, Human Resource Analyst II, said staff would like to continue this item to a future meeting, as full consensus has not yet been received from the City employee bargaining groups. Vice Mayor Jernigan asked if the Council would receive a copy of the employee's comments regarding these policies. Mr. Ehrenstrom said she would provide that for the Council when this item is brought back.

Council Action Requested: Adopt the Workplace Violence Prevention, Unlawful Workplace Harassment, and Computer, Cell Phone and Electronic Media policies.

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22. AGREEMENT WITH RICHARD CRABTREE RELATING TO HEARING OFFICER SERVICES – staff report

The Council considered an agreement with Richard Crabtree to provide hearing officer services. (*Dwight L. Moore, City Attorney*)

Attorney Moore explained that the Council had amended the ordinances regarding administration of civil penalties and nuisance hearings. The City needs to hire a hearing officer for that purpose. Richard Crabtree, a lawyer out of Chico, has agreed to provide these services.

Council Member Simpson asked if the fines for violations of the ordinances would cover the cost of the hearing and code enforcement officers. Attorney Moore said the fine amounts were set, and there would be additional charges for the hearing and code enforcement officers.

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

1. **Adopt Resolution No. 6552 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH RICHARD CRABTREE FOR HEARING OFFICER SERVICES – (Agreement No. 1626)**
2. **Approve the necessary budget adjustment as indicated in the fiscal impact of the September 20, 2005 staff report.**

The motion was approved by the following vote:

AYES: Council Members Berry, Corkin, Prouty, Sharkey, Simpson, Vice Mayor Jernigan, Mayor Andoe
NOES: None
ABSENT: None
ABSTAIN: None

23. FORMATION OF STEERING COMMITTEE FOR THE UPDATE OF THE OROVILLE GENERAL PLAN – staff report

The Council considered appointing a designated list of individuals to serve on a steering committee to assist in the update of the Oroville General Plan. (*Eric Teitelman, Director of Community Development and Public Works*)

Eric Teitelman explained that the Council had previously authorized staff to proceed with the update of the Oroville General Plan by Design, Community & Environment (DC&E). An objective steering committee must be formed, and a recommendation list of nine names was given to all Council Members. Council Member Sharkey suggested adding some alternates to the list to attend the meetings also. Vice Mayor Jernigan asked how often the committee will bring an update to the Council, and whether there would be public workshops on the update of the general plan. Council Member Prouty asked if the steering committee meetings would be public meetings. Ms. Atteberry said that the project would work its way through the Planning Commission, Parks Commission, etc., and then their input will be brought to the Council. Mr. Teitelman said he would update the Council monthly on the progress of the project. Ms. Atteberry said alternates would be added to the steering committee.

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It was approved by consensus to:

Appoint the recommended individuals to serve on the steering committee for the Oroville General Plan, and add alternates.

24. TRANSPORTATION ENHANCEMENT ACTIVITIES PROJECT AT HIGHWAY 70 AND MONTGOMERY STREET INTERCHANGE – staff report

The Council considered an agreement with Land Image for the beautification project at Highway 70 and Montgomery Street. This project is funded via federal Transportation Enhancement Activities (TEA) and RDA funds. **(Eric Teitelman, Director of Community Development and Public Works)**

Eric Teitelman said Requests for First Proposals were sent out for this project, and Land Image was the only response received. Their original proposal was for \$137,070, but the first phase of the project was scaled back, and staff was able to negotiate their design contract down to \$73,000, which is the amount of grant funds received on the first phase of this project.

A motion was made by Council Member Sharkey, seconded by Council Member Corkin, to:

Adopt Resolution No. 6553 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH LAND IMAGE FOR CONSULTING SERVICES FOR THE TRANSPORTATION ENHANCEMENT ACTIVITIES (TEA) FUNDED PROJECT AT THE HIGHWAY 70 AND MONTGOMERY STREET INTERCHANGE – (Agreement No. 1627).

The motion was approved by the following vote:

AYES: Council Members Berry, Corkin, Prouty, Sharkey, Simpson, Vice Mayor Jernigan, Mayor Andoe
NOES: None
ABSENT: None
ABSTAIN: None

25. NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) ADOPTION – staff report

The Council considered adopting the National Incident Management System (NIMS) as the Incident Management System to be used during all emergencies and disasters. **(David Pittman, Fire Chief)**

David Pittman, Fire Chief, explained that all agencies received the Presidential directive requiring them to institute the National Incident Management System (NIMS) for use in emergencies and disasters. If the City chooses not to institute the NIMS, it will no longer be eligible to receive Federal funds if an emergency or disaster occurs.

A motion was made by Vice Mayor Jernigan, seconded by Council Member Prouty, to:

Adopt Resolution No. 6554 – A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM FOR THE CITY OF OROVILLE.

The motion was approved by the following vote:

AYES: Council Members Berry, Corkin, Prouty, Sharkey, Simpson, Vice Mayor Jernigan, Mayor Andoe
NOES: None
ABSENT: None
ABSTAIN: None

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26. REVISED FLOODPLAIN ORDINANCE – staff report

The Council will consider an ordinance repealing Chapter 8B of the Code of the City of Oroville relating to “Flood Damage Prevention”, and adopting a new Chapter 8B. (*Eric Teitelman, Director of Community Development and Public Works*)

This item was continued to a future City Council meeting so it can be reviewed by the Public Facilities Committee, therefore, no action was taken on the following:

Council Action Requested: **Waive the first reading, and introduce by title only, Ordinance No. 1728 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE REPEALING CHAPTER 8B OF THE CODE OF THE CITY OF OROVILLE RELATING TO FLOOD HAZARDS, AND ADOPTING A NEW CHAPTER 8B.**

27. MONTHLY FINANCIAL REPORT FOR JULY 2005 AND MONTHLY SUMMARY OF INVESTMENTS FOR JUNE 2005.

The Council received a copy of the Monthly Financial Report for August 2005 and the Monthly Summary of Investments for July 2005. (*Diane MacMillan, Director of Finance*)

The Council acknowledge receipt of the August 2005 Monthly Financial Report and July 2005 Summary of Investments.

MAYOR/ COUNCIL REPORTS

APPOINTMENT OF CITY COUNCIL MEMBER TO THE BUTTE COUNTY WATER ADVISORY COMMITTEE

The Council considered a replacement for Vice Mayor Jernigan to serve on the Butte County Water Advisory Committee (WAC). (*Sharon Atteberry, City Administrator/City Clerk*)

Mayor Andoe stated that Vice Mayor Jernigan has a conflict with the Butte County Water Advisory Committee meeting times, and that Council Member Prouty was willing to replace him on that committee. Council Member Prouty was appointed by consensus of the Council.

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

Council Member Prouty reported that a Loan Committee meeting was held, and the committee gave guidance to staff to lower the loan rate charged for economic development small business loans to 5%.

Chamber of Commerce Meeting

Vice Mayor Jernigan reported that the Chamber is continuing to set goals and benchmarks. A grant was received by the Chamber to promote tourism to the City.

Oroville Recreation Area Committee Meeting - (ORAC)

Council Member Sharkey reported that there was much discussion on cold water fishery, and asked Supervisor Bill Connelly to update the Council on that discussion. Supervisor Connelly reported that it looks as though Oroville will have Coho salmon in the lake in the next month. The pressure for that came from FERC.

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Council Member Sharkey reported that the bike trail through Bedrock Park has been cleaned up, and staff did a wonderful job. It is now a much safer and secure area for recreation.

Mayor Andoe announced that the Chico Conference by Great Valley Center of Modesto will be held on October 27, 2005 from 9:30 a.m.-5:00 p.m., and encouraged council members to attend.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

1. Parks & Trees Department – monthly report
2. Oroville Fire Department – activities report
3. Public Works Department – activities report
4. Community Development and Public Works Department – pond closure update
5. Business Assistance and Housing Development Department – activities report
6. Chamber of Commerce – activities report

Sharon Atteberry reported on the roof-raising at the new SPCA complex.

CORRESPONDENCE - None

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

Mr. Craig Shire, a county resident, had questions regarding the update of the general plan. Ms. Atteberry said she would contact him to answer any questions he had.

Supervisor Bill Connelly reported there would be a meeting with Fish & Game on September 21st to discuss the prevention of the 5 mph speed enforcement. He also thanked the Council for the purchase of property for the Veteran's Memorial Park.

CLOSED SESSION

The meeting was adjourned to closed session at 9:30 p.m. to discuss the following:

1. Pursuant to Government Code section 54947.6, the Council met with Labor Negotiator, Sharon Atteberry, to discuss labor negotiations for the following:

Oroville Firefighters Association	Oroville Mid-Managers Association
Oroville Police Officers Association – Sworn	Oroville City Employees Association
Oroville Police Officers Association – Non-Sworn	
2. Pursuant to Government Code Sections 54956.9(a) and 54956.95, the Council held a closed session with the City Attorney Dwight L. Moore relating to a worker's compensation claim by Wanda Sant against the City of Oroville.
3. Pursuant to Government Code Section 54956.9(a), the Council held a closed session with the City Attorney Dwight L. Moore relating to a worker's compensation claim by William Duvall, claim no. 2005036339; 2005033990; 9103864, against the City of Oroville.

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4. Pursuant to Government Code section 54956.8, the Council held a closed session with its real property negotiators, Sharon L. Atteberry and Dwight L. Moore, concerning the purchase of the following real properties:

Location: Wyandotte Avenue, Oroville
APN 035-091-006

Location: 3023 Oro Bangor Hwy, Oroville
APN 036-021-004

Location: 3027 Florence Ave., Oroville
APN 013-225-013

5. Pursuant to Government Code Section, 54956.9(a), the Council held a closed session with City Attorney Dwight L. Moore concerning existing litigation and arbitration on Jerry Roberson.

The Council reconvened at 11:10 p.m. and took action on the amendment to the Liebert, Cassidy and Whitmore agreement relating to closed session item No. 5.

A motion was made by Vice Mayor Jernigan, seconded by Council Member Berry, to:

AUTHORIZE AND DIRECT THE MAYOR TO EXECUTE A SIXTH AMENDMENT TO THE AGREEMENT WITH LIEBERT, CASSIDY & WHITMORE (LAW FIRM) – (Agreement No. 1476-9).

The motion was approved by the following vote:

AYES:	Council Members Berry, Corkin, Prouty, Sharkey, Simpson, Vice Mayor Jernigan, Mayor Andoe
NOES:	None
ABSENT:	None
ABSTAIN:	None

Mayor Andoe announced that no action was taken on item no's 1 through 4, and direction was given to staff.

ADJOURNMENT

The meeting was adjourned at 11:12 p.m. A regular meeting of the Oroville City Council will be held on Tuesday, October 4, 2005 at 7:00 p.m.

Sharon Atteberry, City Clerk

Gordon Andoe, Mayor