

**OROVILLE CITY COUNCIL MEETING - MINUTES
MARCH 1, 2005 - 7:00 PM**

The agenda for the March 1, 2005 regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall on February 25, 2005 at 2:40 p.m.

The March 1, 2005 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, Jernigan, Sharkey, Simpson, Vice Mayor Hatley, Mayor Andoe
ABSENT: None

Staff Present:

Sharon Atteberry, City Administrator/City Clerk	Mitch Brown, Chief of Police
Dwight Moore, City Attorney	Charles Miller, Director of Parks and Trees
Diane MacMillan, Director of Finance	David Pittman, Fire Chief
Lauri Pittman, Administrative Assistant	Jim Haase, Housing Development Supervisor
Eric Teitelman, Community Development/Public Works	Karolyn Fairbanks, City Treasurer

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Eric Teitelman, Director of Community Development and Public Works.

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

PROCLAMATION / PRESENTATION

Mayor Andoe presented a proclamation proclaiming March 10, 2005 as "**Arbor Day**" in the City of Oroville to Laurie Mahoney from the City Parks and Trees Department.

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 FEBRUARY 15, 2005 7:00 P.M. ADJOURNED REGULAR MEETING OF THE OROVILLE CITY COUNCIL** - minutes attached.
- 2. BUTTE COUNTY INTEGRATED WASTE MANAGEMENT BOARD REPRESENTATIVE** - staff report

The Council considered authorizing the Director of Community Development and Public Works or his designee to serve as a representative for the City of Oroville while attending the Butte County Local Solid Waste Task Force Committee meetings. (**Eric Teitelman, Director of Community Development and Public Works Department**)

**OROVILLE CITY COUNCIL MEETING - MINUTES
MARCH 1, 2005 - 7:00 PM**

Council Action Requested: **Adopt Resolution No. 6430 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE DIRECTOR OF COMMUNITY DEVELOPMENT AND PUBLIC WORKS OR HIS/HER DESIGNEE TO SERVE AS A REPRESENTATIVE OF THE CITY OF OROVILLE AT THE BUTTE COUNTY LOCAL SOLID WASTE TASK FORCE COMMITTEE MEETINGS.**

3. HEWITT PARK PHASE I BID AWARD – staff report

The Council considered awarding the Hewitt Park Base Bid Phase I contract to the low bidder, R.J. Heuton Construction in the amount of \$513,741. (*Charles Miller, Director of Parks and Trees*)

Council Action Requested:

- 1. Adopt Resolution No. 6431 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE THE HEWITT PARK BASE BID FOR PHASE I TO R.J. HEUTON CONSTRUCTION. – (Agreement No. 1582)**
- 2. Approve the fiscal impact as indicated in the March 1, 2005 staff report.**

The motion to approve the above Consent Calendar passed 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

4. FINAL GRANTEE PERFORMANCE/CLOSE-OUT REPORT ON COMMUNITY DEVELOPMENT BLOCK GRANT ACTIVITIES – 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 performance of the 01-EDBG-833 CDBG California Community Economic Enterprise Fund Community Development Block Grant Program. (*Pat Griffin, Director of Business Assistance and Housing Development Department*)

Council Member Simpson asked when the skateboard park is sold or the lease assumed by another party, what happens to the City's loan with the existing business owner. Sharon Atteberry, City Administrator, said that the City's loan is secure. Dwight Moore, City Attorney, said that a lease is generally not transferable. The City would have to negotiate with a new owner, but until a property is sold, it is obligated to perform under the provisions of the law.

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

**OROVILLE CITY COUNCIL MEETING - MINUTES
MARCH 1, 2005 - 7:00 PM**

REGULAR BUSINESS

5. REIMBURSEMENT OF FUNDS FOR THE GRAYHAWK SUBDIVISION LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT – staff report

The Council considered authorizing staff to reimburse Grayhawk Investors in the amount of \$2,970 for excessive funds paid into the Grayhawk Subdivision Landscape and Lighting Maintenance District account. ***(Eric Teitelman, Director of Community Development and Public Works Department)***

Eric Teitelman, Director of Community Development and Public Works, explained that Grayhawk Investors paid \$5,940 for fiscal year 2003/2004, and an additional \$5,940 in 2004/2005, into the Grayhawk Subdivision Landscape and Lighting Maintenance District account for the creation of the assessment district, and prior to the subdivision being completed. The City did not incur much in expenses in 2003/2004, and is required by law to reimburse 50% of the overages to the developer.

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

Authorize staff to reimburse \$2,970 to Grayhawk Investors for excessive funds paid to the Grayhawk Subdivision Landscape and Lighting Maintenance District fund.

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

6. BUSINESS INCUBATOR FACILITY EXTENDED DRAFT REPORT - staff report

The Council considered acknowledging the extended draft report on the Business Incubator Facility completed by Greg O'Sullivan, Economic Development "On Call", Red Bluff, California. ***(Pat Griffin, Director of Business Assistance and Housing Development Department)***

Mayor Andoe excused himself on this item due to a possible conflict of interest and left the Council Chambers.

Sharon Atteberry explained that a business incubator facility is a building that can be utilized for a start-up business. This report is for Council's and the public's review and comments regarding this program, and will be brought back to the next Council meeting for final acceptance.

The Council, by consensus, acknowledged receipt of the extended report on the Business Incubator Facility for the City of Oroville.

7. FUNDING FOR 1511 ROBINSON STREET (VEGA CENTER), OROVILLE – staff report

The Council considered authorizing the use of a City revolving loan to fund various costs associated with 1511 Robinson St. (Vega Center), Oroville, California in the amount of \$50,000. ***(Pat Griffin, Director of Business Assistance and Housing Development Department)***

Mayor Andoe excused himself on this item due to a possible conflict of interest.

OROVILLE CITY COUNCIL MEETING - MINUTES
MARCH 1, 2005 - 7:00 PM

Sharon Atteberry explained the purpose of the revolving loan, which would be used for exterior maintenance and landscaping only on the Vega Center building. There are structural items on the exterior that need repair and trees that must be removed to prevent damage to the building foundation. This loan will allow the City to get the building in adequate condition to be used as a business incubator facility and/or community service building.

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

Approve supplemental appropriation no. 2004/05-0305-53 to appropriate \$50,000 to cover costs associated with property located at 1511 Robinson Street (Vega Center), Oroville, California as indicated in the fiscal impact of the March 1, 2005 staff report.

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

MAYOR/ COUNCIL REPORTS

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

Oroville Economic Development Corporation (OEDCO)

Council Member Sharkey said there was no meeting due to the *OEDCO State of the City* dinner and meeting held on February 24, 2005.

Butte County Association of Governments - (BCAG)

Mayor Andoe reported that there was approval of a CalTrans Cooperative Agreement for construction and management of a fresh water habitat and vernal pool habitat required for the Hwy 149 project mitigation, which approved BCAG to be the lead agency for those projects.

A letter was approved to be sent to Assemblyman Rick Keene regarding opposition of the diversion of State Proposition 42 monies.

Sewage Commission Oroville Region - (SC-OR)

Council Member Simpson reported that the Oroville co-generation plant has proposed expansion and would discharge their cooling water from their system into SC-OR; they may utilize about 1,000,000 gallons a day of plant effluent for their cooling water.

The State Parks recreation contract expires in 2007. The SC-OR manager will be working with LOPUD in developing a master plan for a settlement between LOPUD and State Park, and the lawsuit they are currently involved in.

Negotiations have started between SC-OR and the City for the purchase of the SPCA property that will no longer be needed once their new facility is built.

**OROVILLE CITY COUNCIL MEETING - MINUTES
MARCH 1, 2005 - 7:00 PM**

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

Sharon Atteberry announced that Eugene Ludwig was the 2005 recipient of the Sam Norris Award, which was presented at the *OEDCO State of the City* dinner on February 24, 2005.

A letter was sent to Congressman Doolittle's office regarding appropriations on various projects. Many projects were included in the request for grant monies for the City of Oroville.

CORRESPONDENCE - None

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

Stu Shaner, Chairman of the Veterans Memorial Park, spoke regarding the 60th anniversary of Iwo Jima, and reported that three Oroville boys were lost at Iwo Jima.

CLOSED SESSION

The meeting was adjourned to Closed Session at 7:58 p.m. to discuss the following:

1. Pursuant to Government Code Section 54957, the Council considered the provisions of the employment agreement with Charles Miller, Director of Parks and Trees.
2. Pursuant to Government Code Section 54957, the Council held a performance evaluation for Fire Chief, David Pittman.
3. Pursuant to Government Code Section 54956.9(a), the Council held a closed session with City Attorney Dwight L. Moore to discuss the following litigation: John Jones v. City of Oroville, Workers' Compensation Claim No. 9103816.

The meeting was reconvened at 9:28 p.m., and Mayor Andoe announced that no action was taken on items 1, 2 & 3, and direction was given to staff.

4. Pursuant to Government Code Section 54947.6, the City Council met with Labor Negotiator, Sharon Atteberry, to discuss labor negotiations for the Oroville Firefighters Association.

THE COUNCIL CONSIDERED THE FOLLOWING:

OROVILLE FIREFIGHTERS (OFFA) MEMORANDUM OF UNDERSTANDING – staff report

The Council considered approving the Memorandum of Understanding establishing benefits and working conditions for the Oroville Fire Fighters Association (OFFA) for the contract period of July 1, 2004 through June 30, 2005. *(Liz Ehrenstrom, Human Resource Analyst II)*

**OROVILLE CITY COUNCIL MEETING - MINUTES
MARCH 1, 2005 - 7:00 PM**

Mayor Andoe announced, based upon the recommendation of the Council, to adopt Resolution No. 6432 subject to the elimination of section 5.4 under the Seniority item, and section 10.2 within the draft tentative agreement, subject to the Firefighters' accepting the changes to the Memorandum of Understanding.

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

1. **Adopt Resolution No. 6432 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF OROVILLE AND THE OROVILLE FIREFIGHTERS ASSOCIATION - (Agreement No. 1436-3) subject to the elimination of section 5.4 under the Seniority item.**
2. **Approve supplemental appropriation as indicated in the fiscal impact of the March 1, 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

ADJOURNMENT

The meeting was adjourned at 9:30 p.m. An adjourned regular meeting of the Oroville City Council will be held on Tuesday, March 15, 2005 at 7:00 p.m.

Sharon Atteberry, City Clerk

Gordon Andoe, Mayor