

**OROVILLE CITY COUNCIL MEETING - MINUTES
JULY 5, 2005 - 7:00 PM**

The agenda for the July 5, 2005 meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall on July 1, 2005 at 4:27 p.m.

The July 5, 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, Prouty, Sharkey, Simpson, Vice Mayor Jernigan, 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	Karolyn Fairbanks, City Treasurer
Eric Teitelman, Community Development/Public Works	Elizabeth Ehrenstrom, Human Resource Analyst II

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Charles Miller, Director of Parks and Trees.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

Freda Flint – Item #8
Bob Zollner – Item #13
Robert Hewitt – Items #8 and #19

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 JUNE 14, 2005 JOINT OROVILLE CITY COUNCIL AND PARKS COMMISSION MEETING, AND THE JUNE 21, 2005 ADJOURNED REGULAR MEETING OF THE OROVILLE CITY COUNCIL** - minutes attached.
- 2. ACCEPTANCE OF TRANSPORTATION PLANNING GRANT FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, EXECUTION OF AN AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE GRANT, AND ESTABLISHMENT OF A BUDGET AND MATCHING FUNDS** – staff report

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The Council considered accepting the grant in the amount of \$174,000 for the development of a Public Participation and Outreach Program and Smart Growth/Liability Transportation Plan, authorizing the Mayor to execute an agreement between the City and the State of California to implement the grant (forthcoming), and establishing a budget and matching funds in the amount of \$43,500 from Fund 111. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested:

1. **Adopt Resolution No. 6487 – A RESOLUTION OF THE OROVILLE CITY COUNCIL ACCEPTING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE TRANSPORTATION PLANNING GRANT IN THE AMOUNT OF \$174,000.**
2. **Approve supplemental appropriation no. 2005/06-0705-04 to establish the budget for the Transportation Planning grant as indicated in the fiscal impact of the July 5, 2005 staff report.**

3. **PURCHASE OF A CONCRETE MIXER – staff report**

The Council considered authorizing the purchase of a new concrete mixer for use by the concrete crew. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Authorize the purchase of a Stone concrete mixer in the amount of \$4,500 for use by the concrete crew.**

4. **PLANNING AND TECHNICAL ASSISTANCE GRANT – staff report**

The Council considered accepting the 2004 Community Development Block Grant (CDBG) Planning Technical Assistance Grant in the amount of \$70,000, and establishing the budget for program activities. **(Pat Griffin, Director of Business Assistance and Housing Development)**

Council Action Requested:

1. **Accept the 2004/2005 Community Development Block Grant Planning and Technical Assistance Grant Agreement No. 04-P/TAA-0331 in the amount of \$70,000.**
2. **Approve supplemental appropriation No. 2005/2006 0705-02 and budget adjustment, and adopt the budget as proposed in the fiscal impact as indicated in the July 5, 2005 staff report.**

5. **ACCEPTANCE OF THE DONATION OF THE “BOLT ANTIQUE TOOL MUSEUM” – staff report**

The Council considered accepting the donation of a tool and wrench collection consisting of 4,000 items and related books, reference materials, computer database, and mailing list from Carl “Bud” Bolt. **(Charles Miller, Director of Parks and Trees)**

Council Action Requested: **Adopt Resolution No. 6488 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH CARL BOLT ACCEPTING THE DONATION OF THE “BOLT ANTIQUE TOOL MUSEUM” - (Agreement No. 1602).**

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6. AGREEMENT WITH KIWANIS CLUB OF OROVILLE – staff report

The Council considered an agreement with the Kiwanis Club of Oroville for the building located at 2363 South 5th Avenue. (*Charles Miller, Director of Parks and Trees*)

Council Action Requested:

1. **Approve the exchange of buildings, terminating the lease at 1650 Broderick Street, and executing an agreement for a metal building located at 2363 South 5th Avenue.**
2. **Adopt Resolution No. 6489 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE OROVILLE KIWANIS CLUB FOR THE METAL BUILDING LOCATED AT 2363 SOUTH 5TH AVENUE, OROVILLE - (Agreement No. 1603).**

7. PROPOSED CHANGES TO THE JOINT POWERS AGREEMENT WITH BUTTE COUNTY ASSOCIATION OF GOVERNMENTS (BCAG) – staff report

The Council considered the proposed changes to the Joint Powers Agreement with Butte County Association of Governments regarding regional transportation. (*Eric Teitelman, Director of Community Development and Public Works*)

Council Action Requested: **Adopt Resolution No. 6490 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDED JOINT POWERS AGREEMENT WITH BUTTE COUNTY ASSOCIATION OF GOVERNMENTS (BCAG) REGARDING THE REGIONAL TRANSPORTATION SYSTEM - (Agreement No. 1570-1).**

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 - None

REGULAR BUSINESS

8. FUNDING FOR THE 100TH YEAR CENTENNIAL CELEBRATION FOR THE CITY OF OROVILLE – staff report

The Council considered the request for funding from Freda Flint in the amount of \$20,000 for advertisement and promotional packets for the 100th year Centennial Celebration for the City of Oroville to begin on January 3, 2006 and continue throughout the year.

Sharon Atteberry, City Administrator, explained that the request for funding was to assist in paying for promotional items for Oroville's Centennial Celebration, such as advertising, media kits, postage, stationery, etc. The Centennial Committee will purchase items for resale to promote the celebration and offset costs, and will also send out letters seeking donations. There are organizations interested in donating art pieces, such as an antique clock and a statue, to the City in honor of the centennial.

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Freda Flint showed the Council the logo and the poster designed to promote the centennial. She distributed a calendar of events listing many of the planned activities throughout the centennial year.

Robert Hewitt spoke to express his admiration of Freda Flint's efforts and the Council's support of the Centennial festivities.

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

Authorize staff to pay invoices associated with the City's Centennial Celebration in 2006 up to \$20,000.

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 AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF FORESTRY (CDF) FOR CLEANUP OF BLIGHTED AREAS IN THE CITY OF OROVILLE – staff report

The Council considered an agreement with CDF for cleanup of blighted areas for fiscal years 2004/05 and 2005/06. **(Eric Teitelman, Director of Community Development and Public Works)**

Eric Teitelman, Director of Community Development and Public Works, explained that the Council in the past has authorized funding for the City to hire CDF crews, and the City pays them a reasonable fee for blight cleanup.

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

Adopt Resolution No. 6491 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF FORESTRY (CDF) FOR THE CLEANUP OF BLIGHTED AREAS IN THE CITY OF OROVILLE – (Agreement No. 1604).

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

10. AMENDMENT TO THE AGREEMENT WITH M.H.M. FOR MAP AND PLAN CHECKING SERVICES - staff report

The Council considered amending the professional services agreement with M.H.M. Engineers & Surveyors to continue map checking, plan checking, and surveying services on an "as needed" basis. **(Eric Teitelman, Director of Community Development and Public Works)**

Eric Teitelman explained that the existing contract had expired as of June 30, 2005. Staff is requesting that the contract be amended and restated for fiscal year 2005/06 to allow the City to have outside plan checking services and map checking of parcel and subdivision maps, which are required by law. Costs for these services are passed on to the developer.

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

Adopt Resolution No. 6492 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED AGREEMENT WITH M.H.M. ENGINEERS AND SURVEYORS FOR MAP CHECKING, PLAN CHECKING AND SURVEYING SERVICES - (Agreement No. 1525-1).

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

11. AN ORDINANCE AMENDING SECTIONS 11-23 AND 11-25 OF THE CODE OF THE CITY OF OROVILLE PERTAINING TO WEED ABATEMENT – staff report

The Council considered an ordinance amending sections 11-23 and 11-25 of the Code of the City of Oroville pertaining to weed abatement in order to amend the date for clearing properties of weeds from June 15th to May 10th. (*Eric Teitelman, Director of Community Development and Public Works*)

Eric Teitelman explained that the current ordinance states that properties must be mowed by June 15th. One of the amendments to this ordinance is to move the weed abatement compliance date to May 10th of each year. The Civil Penalties section and Administrative Hearing and Appeals process have been changed to allow disputes to be heard by a Hearing Officer as opposed to using the court system or an Administrative Hearing Panel. A PowerPoint picture presentation was shown of high weeds that had already grown in the City by May 10, 2005.

Council Member Simpson said that when there are late rains, as there are in many years, it causes the weeds to grow, but the weeds and ground are still too wet to cut. He believes that the June 15th deadline is appropriate. Many property owners pay to have their lots cleared. If they are required to have it cleared by May 10th and it rains again, they would have to pay for their lots to be cleared again. Ms. Atteberry said that responsible property owners will clear their weeds as often as needed. What the City is dealing with are property owners that do not live in the City and do not maintain their property as required. Fire Chief, David Pittman, said that an earlier date may be a problem in wet years because heavy equipment is unable to cut fire breaks when the ground is too wet to maneuver the equipment. Council Member Sharkey asked for an abatement date comparison between cities in Butte County for consistency.

Following discussion, a motion was made by Council Member Simpson, seconded by Vice Mayor Jernigan, to amend the date of the proposed ordinance to remain as June 15th, and:

Waive the first reading and introduce by title only Ordinance No. 1717 – AN ORDINANCE AMENDING SECTIONS 11-23 AND 11-25 OF THE CODE OF THE CITY OF OROVILLE PERTAINING TO WEED ABATEMENT.

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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**12. AMENDMENT TO ARTICLE 7 OF CHAPTER 2 OF THE CODE OF THE CITY OF OROVILLE
PERTAINING TO ADMINISTRATIVE CIVIL PENALTIES – staff report**

The Council considered an ordinance amending Article 7 of Chapter 2 of the Code of the City of Oroville pertaining to administrative penalties. (*Eric Teitelman, Director of Community Development and Public Works*)

Eric Teitelman said that the primary change in this ordinance is to remove the Administrative Appeals Board and replace it with an Administrative Hearing Officer. One advantage of having a Hearing Officer to hear these cases rather than having them go to court—which is time consuming, and the courts are really not interested in hearing these types of petty cases—is that it would allow the City to handle issues in-house in a more efficient manner. It will save on the time that City staff has to sit in court waiting for a hearing. City Attorney, Dwight Moore, stated that this was not a new process. It is just a new way of hearing it. The law has been in place for many years but has not been utilized because the hearing body is difficult to assemble.

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

**Waive the first reading and introduce by title only Ordinance No. 1718 – AN ORDINANCE
AMENDING ARTICLE 7 OF CHAPTER 2 OF THE CODE OF THE CITY OF OROVILLE PERTAINING
TO ADMINISTRATIVE CIVIL PENALTIES (*Eric Teitelman, Director of Community Development and
Public Works*)**

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

**13. AN ORDINANCE REPEALING ARTICLE 2 OF CHAPTER 14 OF THE CODE OF THE CITY OF
OROVILLE AND ADDING A NEW ARTICLE 2 TO CHAPTER 14 PERTAINING TO THE NUISANCE
CODE – staff report**

The Council considered an ordinance repealing Article 2 of Chapter 14 of the Code of the City of Oroville, and adding a new article 2 to Chapter 14 pertaining to the Nuisance Code. (*Eric Teitelman, Director of Community Development and Public Works*)

Mr. Teitelman explained that this proposed ordinance, as rewritten and clarified, better allows the City to administer and enforce the ordinance. A PowerPoint picture presentation was shown to illustrate the blight being referred to in this ordinance. Staff is recommending that issues resulting from this ordinance be heard by an Administrative Hearing Officer. There is a 15-day notice in the proposed ordinance to abate a nuisance, which is a change from the 30-days in the current ordinance. Vice Mayor Jernigan said that 30-day is adequate to allow for nuisance abatement. Ms. Atteberry said that staff tries to make personal contact with property owners to let them know there is a problem prior to citing them. Staff needs the tools to enforce the problems that are seen on a daily basis and not abated. Mayor Andoe said that the goal of the proposed changes is to put teeth into the ordinance and go after those who flaunt the system.

Patrick Bulmer has concerns with it being up to the discretion of the Code Enforcement Officer to determine whether something is blight, and he takes issue with giving too much authority to two city employees.

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M.C. McCarter requested that fireworks be banned from Wyandotte Avenue School on the 4th of July in the future. They create a nuisance with the noise and the debris left all over the school and neighborhood. Council Member Sharkey suggested that Mr. McCarter speak with Dr. Remley, Superintendent of Oroville Elementary School District, regarding this matter.

Bob Zollner, past City of Oroville Code Enforcement Officer, spoke in support of the proposed ordinance. He said there is better definition in the proposed ordinance as to what constitutes blight, etc. For seven years he tried to clean up Oroville, and became very frustrated with the court system. The court didn't want to be bothered with these issues. There were individuals that were dealt with on numerous occasions who resisted the City's efforts to improve the community. One in particular was cited into court three times, and the judge dismissed the case every time. This new process will hopefully change that. Mr. Zollner urged the Council to adopt the revised ordinance.

Ms. Atteberry asked for clarifications on requested changes by Council to the proposed ordinance. Language was changed in the proposed ordinance stating "public to private", but will be changed back to the original language of "public or adjacent properties". The language of the courtesy notice giving 15-days or 30-days for abatement will remain 15-days per consensus of the Council.

A motion, with the above clarifications made, was made by Council Member Sharkey, seconded by Vice Mayor Jernigan, to:

1. **Waive the first reading and introduce by title only Ordinance No. 1719 – AN ORDINANCE REPEALING ARTICLE 2 OF CHAPTER 14 OF THE CODE OF THE CITY OF OROVILLE, AND ADDING A NEW ARTICLE 2 TO CHAPTER 14 PERTAINING TO THE NUISANCE CODE.**
2. **Adopt Resolution No. 6493 – A RESOLUTION OF THE OROVILLE CITY COUNCIL ESTABLISHING FEES FOR CODE ENFORCEMENT ACTIONS.**

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

14. CONSOLIDATION OF BENEFIT ASSESSMENT DISTRICTS AND CONSOLIDATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS – staff report

The Council considered the consolidation of the City's existing Landscape and Lighting Maintenance Districts into the City of Oroville "Consolidated Landscape and Lighting Maintenance Assessment District," (Consolidated LLMAD), and the consolidation of the City's existing Benefit Assessment Districts into the City of Oroville "Consolidated Benefit Assessment District," (Consolidated BAD). (***Eric Teitelman, Director of Community Development and Public Works***)

Eric Teitelman explained the City presently has nine Landscaping and Lighting Districts that were set up as individual districts, and one Benefit Assessment District that was set up for drainage maintenance. Administratively it is simpler and more efficient to have them in one consolidated district. One advantage is that it actually streamlines the process for the developer, and shortens the public review period from 45 days to 10 days. There is a time advantage for developers by annexing into an existing district as opposed to creating a new district.

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

1. **Adopt Resolution No. 6494 – A RESOLUTION OF THE OROVILLE CITY COUNCIL ANNOUNCING THE CONSOLIDATION OF THE CITY’S EXISTING BENEFIT ASSESSMENT DISTRICT INTO THE CITY OF OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT BEGINNING FISCAL YEAR 2005/06.**
2. **Adopt Resolution No. 6495 – A RESOLUTION OF THE OROVILLE CITY COUNCIL ANNOUNCING THE CONSOLIDATION OF THE CITY’S EXISTING LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS INTO THE CITY OF OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT BEGINNING FISCAL YEAR 2005/06.**

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

15. **AMENDMENT TO AGREEMENT WITH NBS LOCAL GOVERNMENT SOLUTIONS, AND FORMATION OF A SEWER COMMUNITY FACILITIES DISTRICT FOR THE HERITAGE OAKS SUBDIVISION AND OTHER DEVELOPMENT IN THE VICINITY – staff report**

The Council considered amending and restating the professional services agreement with NBS Local Government Solutions to increase the contract amount, and authorized the formation of a sewer CFD for the Heritage Oaks Subdivision and other development in the vicinity. (*Eric Teitelman, Director of Community Development and Public Works*)

Eric Teitelman explained that the Heritage Oaks subdivision and a proposed subdivision by the racquetball club do not have access to sewer. The closest sewer station is the Olive Glen pump station, and it does not have the capacity, nor do the pipes downstream from there have the capacity, to serve these subdivisions. The City would need to create a Community Facility District (Mello Roos District) for expansion of the sewer system. The assessments would be placed back on the developed properties to pay back the bonds to extend the sewer. The request is for approval to collect deposits and to amend the agreement with NBS; the City will then initiate the formation and the formal adoption for formation would be brought to the Council.

Following discussion, a motion was made by Vice Mayor Jernigan, seconded by Council Member Prouty, to:

1. **Authorize the formation of a sewer Community Facilities District for the Heritage Oaks Subdivision.**
2. **Adopt Resolution No. 6496 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDED AND RESTATED AGREEMENT WITH NBS LOCAL GOVERNMENT SOLUTIONS FOR PROVIDING PROFESSIONAL CONSULTING SERVICES FOR THE FORMATION OF A SEWER COMMUNITIES FACILITIES DISTRICT FOR HERITAGE OAKS SUBDIVISION AND OTHER DEVELOPMENTS IN THE VICINITY – (Agreement No. 1518-5).**

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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

16. ANNEXATION OF FOOTHILL ESTATES INTO THE “CONSOLIDATED BENEFIT ASSESSMENT DISTRICT” AS ZONE 2, AND INTO “CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT” AS ZONE 10 – staff report

The Council considered directing staff to proceed with the annexation of the Foothill Estates Subdivision in the “Consolidated Landscape and Lighting Maintenance Assessment District”, and into the “Consolidated Benefit Assessment District” for the purpose of maintaining common landscaping areas and storm water detention basins within the subdivision. *(Eric Teitelman, Director of Community Development and Public Works)*

Eric Teitelman said that now that Council has adopted the resolutions consolidating the two districts, the first annexation would be for Foothill Estates. A tentative map has been approved, but before the final map is recorded, the City wanted to initiate, and hopefully complete, the formation of the assessment districts.

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

1. **Adopt Resolution No. 6497 – A RESOLUTION OF THE OROVILLE CITY COUNCIL INITIATING PROCEEDINGS FOR THE ANNEXATION OF TERRITORY INTO THE CITY OF OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT, AND TO PROVIDE FOR THE LEVY OF ANNUAL ASSESSMENTS THEREIN FOR ANNEXATION NO. 1, ZONE 2 (FOOTHILL ESTATES), AND ORDERING THE PREPARATION OF AN ASSESSMENT ENGINEER’S REPORT.**
2. **Adopt Resolution No. 6498 – A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE ASSESSMENT ENGINEERS REPORT FOR PROCEEDINGS FOR THE ANNEXATION OF TERRITORY INTO THE CITY OF OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT, AND TO PROVIDE FOR LEVY OF ASSESSMENTS WITHIN SAID ANNEXATION FOR FISCAL YEAR 2005/06.**
3. **Adopt Resolution No. 6499 – A RESOLUTION OF THE OROVILLE CITY COUNCIL DECLARING ITS INTENTION TO ANNEX TERRITORY INTO THE CITY OF OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT, AND TO PROVIDE FOR THE LEVY AND COLLECTION OF ASSESSMENTS IN SUCH ANNEXATION, SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON, AND ORDERING THE INITIATION OF ASSESSMENT BALLOT PROCEDURES.**
4. **Adopt Resolution No. 6500 – A RESOLUTION OF THE OROVILLE CITY COUNCIL INITIATING PROCEEDINGS FOR THE ANNEXATION OF TERRITORY INTO THE CITY OF OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT, AND TO PROVIDE FOR LEVY AND COLLECTION OF ASSESSMENTS FOR ANNEXATION NO. 1, ZONE 10 (FOOTHILL ESTATES).**

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5. **Adopt Resolution No. 6501 – A RESOLUTION OF THE OROVILLE CITY COUNCIL FOR PRELIMINARY APPROVAL OF THE ANNUAL LEVY REPORT, AND PROCEEDINGS FOR THE ANNEXATION OF TERRITORY INTO THE CITY OF OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, AND TO PROVIDE FOR LEVY OF ASSESSMENTS WITHIN SAID DISTRICT FOR FISCAL YEAR 2005/06.**

6. **Adopt Resolution No. 6502 – A RESOLUTION OF THE OROVILLE CITY COUNCIL DECLARING IT INTENTION TO ANNEX TERRITORY INTO THE CITY OF OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, AND TO PROVIDE FOR THE LEVY AND COLLECTION OF ASSESSMENTS IN SUCH ANNEXATION, SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON, AND ORDERING THE INITIATION OF ASSESSMENT BALLOT PROCEDURES.**

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

17. **AWARD OR REJECTION OF BID FOR PASS® CR SCRUB SEAL AND MICRO-SURFACING – staff report**

The Council considered:

Awarding the PASS® CR Scrub Seal and Micro-surfacing contract to the low bidder, Valley Slurry Seal Company (VSS), in the amount of \$779,328.20, and authorize a 10% contingency, which if there are contingency funds remaining towards the end of the contract, staff may consider awarding a change order to add additional streets to the scrub seal contract;

OR

Rejecting all bids.

Eric Teitelman explained a scrub seal project is a more cost effective technique to overlaying the roads at about half the cost. Mostly residential streets were chosen for longer life expectancy of the scrub seal process because there is not heavy truck traffic or heavy volumes of traffic. Council Member Prouty asked about the life expectancy of the scrub seal as opposed to an overlay. A chip-seal project is used as preventative maintenance to extend the life of an existing road. The only alternative to a chip-seal is to overlay at a considerably higher cost. On a residential street with low to moderate traffic volumes, a chip-seal will extend the life of the road for 5-10 years. Valley Slurry Seal Company agreed to a 24-month warranty on the scrub seal project.

Following questions from Council, a motion was made by Council Member Sharkey, seconded by Council Member Berry, to:

1. **Adopt Resolution No. 6503 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE PASS® CR SCRUB SEAL, OR APPROVED EQUAL, AND MICRO-SURFACING CONTRACT TO VALLEY SLURRY SEAL COMPANY IN THE AMOUNT OF \$779,328.20 – (Agreement No. 1605).**

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Authorize funding for the project in the amount of \$860,000, including a 10% contingency, which if there are contingency funds remaining towards the end of the contract, Council will authorize staff to award a change order and add additional streets to the scrub seal contract.

Approve Supplemental Appropriation No. 2005/06-0705-05 as indicated in the fiscal impact.

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. PROFESSIONAL SERVICE AGREEMENT WITH NORTHSTAR ENGINEERING FOR THE MONTGOMERY STREET AND WASHINGTON AVENUE ROUNDABOUT PROJECT – staff report

The Council considered a professional service agreement with Northstar Engineering for the Montgomery Street and Washington Avenue roundabout project for an amount not to exceed \$245,239.

Eric Teitelman stated that staff had applied for a CMAC grant through Butte County Association of Governments (BCAG) to construct a roundabout at the intersection of Montgomery Street, Washington Avenue and Table Mountain Blvd. The grant was awarded to the City, and the Council adopted a resolution to accept the grant funds. Proposals were solicited from consultants; three proposals were received. Staff interviewed the consultants, and based upon the best proposal and the best presentation, the Northstar Engineering team and their expert on roundabouts, was selected. The first phase of the project, outside of the background data collection, will be to prepare the feasibility study—an analysis that will look at the traffic volumes, geometrics of the intersection, capacities, the impacts to adjacent properties, etc.—and then come back and determine whether or not it is feasible to design and construct the roundabout. If it is not feasible the City will not move forward with the project. Council Member Simpson asked if there would be public hearings regarding the roundabout construction. Mr. Teitelman said there would be several public forums held. He stated the biggest benefit of a roundabout is a much safer intersection.

Hearing no more discussion from Council, a motion was made by Council Member Corkin, seconded by Council Member Simpson, to:

- 1. Adopt Resolution No. 6504 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH NORTHSTAR ENGINEERING TO PROVIDE PROFESSIONAL SERVICES FOR THE MONTGOMERY STREET AND WASHINGTON AVENUE ROUNDABOUT PROJECT – (Agreement No. 1606).**
- 2. Approve supplemental appropriation no. 2005/06-0705-06 as indicated in the fiscal impact of the July 5, 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

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19. PROFESSIONAL SERVICE CONTRACT WITH RRM DESIGN GROUP FOR PHASE 1 OF THE RIVERFRONT IMPROVEMENT PROJECT – staff report

The Council considered a professional service contract between the City and RRM Design Group for Phase 1 of the Riverfront Improvement Project in the amount of \$277,814. (*Eric Teitelman, Director of Community Development and Public Works*)

Eric Teitelman said that this project stems from Proposition 40 bond funds for park improvements, and that the City of Oroville is the recipient of \$3,000,000 of those funds for the Riverfront Improvement project. Four proposals were received and, based upon quality of proposal and quality of presentation, staff recommends awarding the bid to RRM Design Group, who has developed some award-winning projects. Public hearings will be held on this project for public input.

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

2. **Adopt Resolution No. 6505 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH RRM DESIGN GROUP FOR PROVIDING PROFESSIONAL SERVICES FOR THE RIVERFRONT IMPROVEMENT PROJECT PHASE 1 – (Agreement No. 1607).**
2. **Approve supplemental appropriation no. 2005/06-0705-07 as indicated in the fiscal impact of the July 5, 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

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 reported on the meeting and reported on the following items.

- A gentleman from RCD was there to lead discussion on economic development.
- Tao Stadler reported on “The Pulse of the City” event that will be presented by the Oroville Chamber of Commerce. It will focus on the roles of the City, the Chamber, the DBA, and most importantly, the role of property owners in working together to further the development of the historic downtown district.
- Seeking volunteers to help with the OEDCO barbeque.
- A list of committees was distributed, and OEDCO is seeking more participation.
- There was an announcement by John Peace about a company that will be locating to Oroville within the next couple of months, but the name is not being revealed yet.

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- The meeting was well attended and very informative.

Butte County Association of Governments - (BCAG)

No Council Members were in attendance

Sewage Commission Oroville Region - (SC-OR)

- Council Member Simpson reported that the new officers on the SC-OR Board are:
Ernie Reynolds – Chairman
Al Simpson – Vice Chairman
- He said the board approved phase 1 of a west interceptor capacity study (Thermalito across the lower bridge to 7th Ave.). With all of the growth in Thermalito SC-OR will have to install a larger sewer line at a cost of approx. \$45,000.
- There is concern that there will be complaints about odors from a 2-story residence located inside a mini-storage facility that is proposed to be built next to SC-OR and the SPCA. Another letter will be sent by SC-OR to the Planning Department expressing this concern.
- There is a plan for the schedule of activities for facilities upgrade and possible plant expansion in the future. There is a 5-year timeline for completion of the upgrade.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

Sharon Atteberry reported that there will be more ordinance changes coming in the future to the Council. Staff is currently working on the City's animal ordinance for the SPCA. There are additional minor ordinances that will also be worked on and brought to the Council.

CORRESPONDENCE - None

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS - None

CLOSED SESSION

The meeting was adjourned to Closed Session at 10:45 p.m. to discuss the following:

1. Pursuant to Government Code Section 54957 the City Council held performance evaluations for the following:

Mitchel Brown, Chief of Police
David Pittman, Fire Chief

OROVILLE CITY COUNCIL MEETING - MINUTES
JULY 5, 2005 - 7:00 PM

2. Pursuant to Government Code section 54947.6, the City 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	

The meeting was reconvened at 11:04 p.m. Mayor Andoe announced that no action was taken and direction was given to staff.

ADJOURNMENT

The meeting was adjourned at 11:05 p.m. An adjourned regular meeting of the Oroville City Council will be held on Tuesday, July 19, 2005 at 7:00 p.m.

Sharon Atteberry, City Clerk

Gordon Andoe, Mayor