

**OROVILLE CITY COUNCIL MEETING MINUTES  
NOVEMBER 15, 2005 – 7:00 P.M.**

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The agenda for the November 15, 2005 meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall on Thursday, November 10, 2005 at 4:25 p.m.

The November 15, 2005 regular meeting of the Oroville City Council was called to order by Mayor Gordon Andoe at 7: 10 p.m.

**ROLL CALL**

Present: Council Members Corkin, Prouty, Sharkey, Simpson, Vice Mayor Jernigan, Mayor Andoe  
Absent: Council Member Berry (Excused)

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**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	Diane MacMillan, Finance Director
Eric Teitelman, Community Development/Public Works Director	Sharon Mize, Administrative Assistant
Pat Griffin, Business Assistance/Housing Development Director	

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**PLEDGE OF ALLEGIANCE**

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

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

**PROCLAMATION / PRESENTATION**

Mayor Andoe presented “***A Proclamation Honoring Veterans and Members of the Armed Forces of the United States of America***” to Veteran Ted Grainger. Mr. Grainger accepted the Proclamation on behalf of all veterans and members of the Armed Forces.

Mayor Andoe presented “***A Proclamation of Appreciation to Papacito’s Restaurant for Outstanding Community Service***” to Mary Sulik, Manager, for serving free meals to veterans on Veteran’s Day. Papacito’s Restaurant has been serving veterans free meals on Veteran’s Day for the past ten years.

**CONSENT CALENDAR**

A motion was made by Council Member Corkin, seconded by Council Member Simpson, to approve the following Consent Calendar, with the exception of item no. 2:

**1. APPROVAL OF THE MINUTES OF THE NOVEMBER 1, 2005 7:00 P.M. REGULAR MEETING OF**

**THE OROVILLE CITY COUNCIL** - minutes attached.

**2. THIS ITEM WAS REMOVED FROM CONSENT CALENDAR – SEE BELOW**

**3. YEAR END BUDGET ADJUSTMENTS FOR FISCAL YEAR 2004/05 – staff report.**

The Council considered approval of the year end budget adjustments for Fiscal Year 2004/05 Supplemental Appropriation No. 2004/05-0605-70. **(Diane MacMillan, Director of Finance)**

Council Action Requested: **Approve Supplemental Appropriation No. 2004/05-0605-70 as indicated in the fiscal impact of the November 15, 2005 staff report.**

**4. OROVILLE MID-MANAGER’S ASSOCIATION MEMORANDUM OF UNDERSTANDING – staff report.**

The Council considered the Memorandum of Understanding establishing benefits and working conditions for the Oroville Mid-Manager’s Association (OMMA) for the contract period of July 1, 2005 through June 30, 2007. **(Liz Ehrenstrom, Human Resource Analyst II)**

Council Action Requested:

**1. Adopt Resolution No. 6583 - A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF OROVILLE AND THE OROVILLE MID-MANAGER’S ASSOCIATION.**

**2. Adopt Resolution No. 6584 - A RESOLUTION OF THE OROVILLE CITY COUNCIL IMPLEMENTING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR OROVILLE MID-MANAGER’S ASSOCIATION MEMBERS.**

**3. Approve Supplemental Appropriation No. 2005/06-1105-33 as indicated in the fiscal impact of the November 15, 2005 staff report.**

**5. PROPERTY ACQUISITION FOR HOME OWNERSHIP OPPORTUNITIES – staff report.**

The Council considered the purchase of a single-family residential property located at 2145 Gray Street, Oroville for \$150,000 to create additional home ownership opportunities through the City’s First Time Home Buyers (FTHB) Program. **(Pat Griffin, Director of Business Assistance and Housing Development)**

Council Action Requested: **Adopt Resolution No. 6585 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS AND AMENDMENTS THERETO NECESSARY FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 2145 GRAY STREET, OROVILLE FOR THE CITY’S FIRST TIME HOME BUYER PROGRAM – (Agreement No. 1638).**

**6. AMENDED AND RESTATED AGREEMENT WITH FRED DAVIS RELATING TO PERSONNEL HEARING SERVICES – staff report.**

The Council considered an amended and restated agreement with Fred Davis for personnel hearing

services. (Dwight L. Moore, City Attorney)

Council Action Requested: **Adopt Resolution No. 6586 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDED AND RESTATED AGREEMENT WITH FRED DAVIS – (Agreement No. 1543-1).**

**7. MAINTENANCE AGREEMENTS FOR VISTA DEL ORO SUBDIVISION – staff report.**

The Council considered initiating proceedings for the annexation of the Vista Del Oro Subdivision (Subdivision) to an existing Lighting and Landscaping Maintenance Assessment District and a Benefit Assessment District for the maintenance of common landscaping areas and storm water detention basins in the Subdivision. (Eric Teitelman, Director of Community Development and Public Works)

Council Action Requested:

1. **Adopt Resolution No. 6587 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF TERRITORY INTO THE CITY OF OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS THEREIN, AND ORDERING THE PREPARATION OF AN ASSESSMENT ENGINEER'S REPORT FOR ANNEXATION NO. 2, ZONE 12 (VISTA DEL ORO).**
2. **Adopt Resolution No. 6588 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF TERRITORY INTO THE CITY OF OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT; THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS THEREIN AND ORDERING THE PREPARATION OF AN ASSESSMENT ENGINEER'S REPORT FOR ANNEXATION NO. 3, ZONE 12 (VISTA DEL ORO).**

**8. FINAL SUBDIVISION MAP AND OTHER SUBDIVISION AGREEMENTS FOR FOOTHILL ESTATES SUBDIVISION – staff report.**

The Council considered a Subdivision Improvement Agreement, an Agreement Containing Covenants Affecting Real Property, and an Agreement Regarding Oak Tree Mitigation between the City and Malamar Construction, Inc. for the Foothill Estates Subdivision, The Council will also consider approving the Final Subdivision Map and accepting grant deeds and dedications associated with the subdivision. (Eric Teitelman, Director of Community Development and Public Works)

Council Action Requested: **Adopt Resolution No. 6589 –A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SUBDIVISION IMPROVEMENT AGREEMENT, AN AGREEMENT CONTAINING COVENANTS AFFECTING REAL PROPERTY, AND AN AGREEMENT REGARDING OAK TREE MITIGATION WITH MALAMAR CONSTRUCTION, INC. FOR THE FOOTHILL ESTATES SUBDIVISION AND APPROVING THE FINAL SUBDIVISION MAP FOR THE FOOTHILL ESTATES SUBDIVISION – (Agreement No. 1639).**

**9. ACCEPTANCE OF \$1,000.00 GRANT FROM THE WAL-MART FOUNDATION FOR THE**

**OROVILLE FIRE DEPARTMENT**– staff report.

The Council considered the acceptance of a \$1,000.00 grant from the Wal-Mart Foundation for the Oroville Fire Department to purchase smoke detectors for the Fire Prevention Program. **(David Pittman, Fire Chief)**

Council Action Requested: **Approve the acceptance of the \$1,000.00 grant from the Wal-Mart Foundation and approve the necessary budget adjustments as indicated in the fiscal impact of the November 15, 2005 staff report.**

**10. LANDLORD’S RELEASE RELATING TO EQUIPMENT FOR SIERRA PACIFIC PACKAGING –**  
staff report.

The Council considered a Landlord’s Release for Sierra Pacific Packaging, Inc. (SPPI) relating to a business equipment loan from the State of California Integrated Waste Management Board. **(Pat Griffin, Director of Business Assistance and Housing Development)**

Council Action Requested: **Adopt Resolution No. 6590 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE A LANDLORD’S RELEASE FOR SIERRA PACIFIC PACKAGING, INC. (SPPI) RELATING TO A LOAN WITH THE STATE OF CALIFORNIA INTEGRATED WASTE MANAGEMENT FOR THE PURPOSE OF EQUIPMENT – (Agreement No. 1452-9).**

The motion to approve the above Consent Calendar, with the exception of item no. 2, passed by the following vote:

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

**ITEM(S) REMOVED FROM CONSENT CALENDAR**

**2. OPERATIONAL BUDGET CARRY-OVERS FROM FISCAL YEAR 2004/05 TO FISCAL YEAR 2005/06 –** staff report.

The Council considered approving Supplemental Appropriation No. 2005/06-1105-32 to carry over the balances of operating budget appropriations from Fiscal Year 2004/05 to Fiscal Year 2005/06. **(Diane MacMillan, Director of Finance)**

This item was removed from the Consent Calendar at the request of Vice Mayor Jernigan for questions which were answered by staff.

Hearing no further concerns, a motion was made by Vice Mayor Jernigan, seconded by Council Member Corkin, to:

**Approve Supplemental Appropriation No. 2005/06-1105-32 as indicated in the fiscal impact of the November 15, 2005 staff report.**

The motion was approved by the following vote:

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

**PUBLIC HEARINGS** – None

**REGULAR BUSINESS**

**11. AN ORDINANCE REPEALING CHAPTER 3A OF THE CODE OF THE CITY OF OROVILLE AND ADDING A NEW CHAPTER 3A PERTAINING TO FALSE ALARMS** – staff report.

The Council considered an ordinance repealing Chapter 3A of the Code of the City of Oroville and adding a new Chapter 3A pertaining to the Nuisance Code. **(Mitch Brown, Chief of Police)**

Mitchel Brown, Chief of Police, stated that of approximately 2,000 alarm calls per year, ninety percent of the calls were false alarms. These alarm calls have a high priority and require a response of two to five officers per call, averaging twenty minutes each. Ten percent of the City of Oroville Police Department's time is consumed by these calls. This Ordinance would hold someone accountable for false alarms. The party held accountable would be fined an amount that would progressively increase depending on the number of false alarms in a determined time period.

Tom Fitzpatrick, temporary RDA Coordinator, explained that this Nuisance Code pertaining to false alarms is modeled after Butte County's Code. When Butte County implemented the code pertaining to false alarms, there was a fifty percent decrease in false alarm calls. Also, by modeling the County's Code, it will be a smoother transition for the owners of alarm systems installed on County properties that are marked for future annexation into the City.

After discussion, a motion was made by Council Member Sharkey, seconded by Council Member Corkin, to:

**Waive the first reading and introduce by title only Ordinance No. 1729 - AN ORDINANCE REPEALING CHAPTER 3A OF THE CODE OF THE CITY OF OROVILLE AND ADDING A NEW CHAPTER 3A PERTAINING TO FALSE ALARMS.**

The motion was approved by the following vote:

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

**12. MONTHLY FINANCIAL REPORT FOR OCTOBER 2005 AND SUMMARY OF INVESTMENTS FOR SEPTEMBER 2005.**

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

Council Member Simpson asked a question which was answered by staff.

**Hearing no further comments, the Council acknowledged receipt of the October 2005 Monthly Financial Report and the September 2005 Monthly Summary of Investments.**

## **MAYOR/ COUNCIL REPORTS**

### **COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS**

#### **Chamber of Commerce Meeting**

Vice Mayor Jernigan attended the Oroville Chamber of Commerce Meeting and reported that the Chamber is actively working on a proposed budget.

#### **Oroville Recreation Area Committee Meeting - (ORAC)**

Council Member Sharkey reported that several State agencies attended the ORAC meeting and that the Cold Water Fishery issue had been resolved by planting more fish in Lake Oroville in the near future.

## **CITY ADMINISTRATOR/ ADMINISTRATION REPORTS**

#### **Parks and Trees Department – monthly report**

#### **Oroville Fire Department – activities report**

#### **Public Works Department – activities report**

#### **Community Development and Public Works Department – pond closure update**

#### **Business Assistance and Housing Development – activities report**

#### **Chamber of Commerce – activities report**

#### **Business Assistance and Housing Development - Update on Landscaping Program**

Pat Griffiin, Director of Business Assistance and Housing Development, gave a PowerPoint Presentation to update the Council on the recently implemented Landscaping Program.

#### **2006 Mayors and Council Members Academy Leadership Institute**

Sharon Atteberry, City Administrator, reported that the League of California Cities – 2006 Mayors and Council Members Academy Leadership Institute will be held on January 11, 2006 through January 13, 2006 and wanted to give Council the opportunity to attend.

#### **Development and Public Facilities Committee Meeting**

Sharon Atteberry, City Administrator, stated that the Committee met to discuss a proposal from the Oroville Downtown Business Association (ODBA) to assist the City with coordinating events at the State Theater. The Committee gave staff authorization to work with the ODBA to develop a proposed budget for events. Ms. Atteberry explained that the ODBA was not requesting funds from the City of Oroville. They want to work with the City in coordinating events at the State Theater to benefit the downtown businesses. Staff and ODBA will develop a budget and determine how the events and other services will be provided at the State Theater. A report on the planned strategy to coordinate the events will be presented to the Committee for more review.

#### Oroville Dam Re-licensing

Sharon Atteberry, City Administrator, stated that she and Dwight Moore, City Attorney, attended a meeting with the Department of Water Resources and all the stakeholders for the Oroville Dam Re-licensing. There will be one more meeting on December 14, 2005 for the final review of the settlement agreement. At that meeting, each stakeholder will be requested to take the settlement agreement back to the governing body of their agency for review and approval.

#### Update on Inundation Maps for Oroville Dam

Dave Pittman, Fire Chief, stated that the Department of Water Resources (DWR) was currently working on the Inundation Maps and they would be ready within thirty days. Mayor Andoe expressed concerns regarding flood control in the City of Oroville.

#### Landlord Training Program

Pat Griffin, Director of Business Assistance and Housing Development, stated that David Goyer, Code Enforcement Officer, and Jason Taylor, Community Service Officer, held a training for property managers and owners on Thursday, November 10, 2005, for tenant application screening.

#### **CORRESPONDENCE** - None

#### **HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS**

Bill Connelly thanked the Council for their dedication to their jobs and the Proclamation for the Veterans. Mr. Connelly also stated that the Veteran's Memorial project is still active.

#### **CLOSED SESSION**

The meeting was adjourned to Closed Session at 8:01p.m. to discuss the following

Pursuant to Government Code section 54947.6, the City Council will meet with Labor Negotiator, Sharon L. Atteberry, to discuss labor negotiations for Oroville Firefighters Association – (OFFA).

The meeting was reconvened at 9:10 p.m., and Mayor Andoe announced that no action was taken in Closed Session and direction was given to staff.

**ADJOURNMENT**

The meeting was adjourned at 9:12 p.m. A regular meeting of the Oroville City Council will be held on Tuesday, December 6, 2005 at 5:30 p.m.

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Sharon L. Atteberry, City Clerk

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Gordon Andoe, Mayor