

**OROVILLE CITY COUNCIL MEETING MINUTES
OCTOBER 2, 2007 – 7:00 P.M.**

The agenda for the October 2, 2007 regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall on Thursday, September 27, 2007, at 2:07 p.m.

The October 2, 2007 regular meeting of the Oroville City Council was called to order by Mayor Jernigan at 7:01 p.m.

ROLL CALL

Present: Council Members Berry, Corkin, Hatley, Howard, Prouty, Vice Mayor Johansson,
Mayor Jernigan
Absent: None

Staff Present:

Sharon Atteberry, City Administrator/City Clerk	Dwight Moore, City Attorney
Eric Teitelman, Community Development/Public Works Director	David Pittman, Fire Chief
Pat Clark, Business Assistance/Housing Development Director	Kirk Trostle, Assistant Chief of Police
Charles Miller, Director of Parks and Trees	Karolyn Fairbanks, City Treasurer
Diane MacMillan, Finance Director	Sharon Mize, Administrative Assistant
Rick Farley, Business Assistance and Enterprise Zone Coordinator	

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kirk Trostle, Assistant Chief of Police

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

Juanita Anglin - BCAG

PROCLAMATIONS/ PRESENTATIONS

Council Member Mike Howard presented a Proclamation recognizing October 2007 as **“Domestic Violence Awareness Month”** to Mark Kroll, who accepted it on behalf of Catalyst Domestic Violence Services.

A Proclamation recognizing **Richard Orta** for his act of heroism was continued to the October 16, 2007 Oroville City Council meeting.

Council Member Sue Corkin presented a Proclamation celebrating September 30 - October 7, 2007 as Oroville’s 5th Annual **“Perry Mason Days”** to Pat Koskinen, Chairperson of the Perry Mason Days Committee.

A Presentation was given by Michelle Conn, Vice President of the Artists of River Town, regarding the **“Summit for the Arts”** that will be held on November 3, 2007 at the State Theatre from 3:00 to 7:00 p.m.

CONSENT CALENDAR

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

1. **APPROVAL OF THE MINUTES OF THE SEPTEMBER 18, 2007 7:00 P.M. REGULAR MEETING OF THE OROVILLE CITY COUNCIL** - minutes attached.
2. **AGREEMENT WITH PUBLIC RESOURCE MANAGEMENT GROUP (PRM) FOR STATE MANDATED COST CLAIMS PREPARATION SERVICES FOR 2007/08 THROUGH 2009/10** – staff report

The Council considered authorizing an agreement with Public Resource Management Group for state mandated cost claims preparation services for fiscal year 2007/08 through 2009/10. **(Diane MacMillan, Finance Director)**

Council Action Requested: **Adopt Resolution No. 7002 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH PUBLIC RESOURCE MANAGEMENT GROUP TO PROVIDE STATE MANDATED COST CLAIMS PREPARATION SERVICES FOR 2007/08 THROUGH 2009/10 - (Agreement No. 1673-1).**

3. **ASSUMPTION OF HOUSING REHABILITATION LOAN BY HEIRS** – staff report

The Council considered a housing rehabilitation loan assumption by the heirs of property located at 2786 El Noble Avenue, Oroville. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Adopt Resolution No. 7003 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR ASSUMPTION OF THE HOUSING REHABILITATION LOAN FOR 2786 EL NOBLE AVENUE, OROVILLE, BY HEIRS CORINE AND RAYMOND MOORE.**

4. **AWARD OPEN MARKET BID TO OROZCO AND SONS HEATING & AIR, INC. FOR THE PURCHASE AND INSTALLATION OF AN AIR CONDITIONER FOR THE COMPUTER NETWORK ROOM** – staff report

The Council considered awarding the open market bid to Orozco and Sons Heating & Air, Inc. for the purchase and installation of an air conditioner in the computer network room, located in the Finance Department area. **(Diane MacMillan, Director of Finance)**

Council Action Requested: **Authorize the award of the bid to Orozco and Sons Heating & Air Conditioning, Inc. for purchase and installation of an air conditioner in the Finance Department and authorize the expenditure in the amount of \$2,447.**

5. **AUTHORIZE FIRST-TIME HOME BUYER BORROWERS TO OPERATE A BUSINESS FROM THEIR PRIMARY RESIDENCE LOCATED AT 1376 LINDEN AVENUE, OROVILLE** – staff report

The Council considered authorizing First-Time Home Buyer borrowers, Frank and Tera Rascon, to operate an office for their primary painting business out of their home, which is located at 1376 Linden Avenue, Oroville. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Authorize First-Time Home Buyer borrowers, Frank and Tera Rascon, to operate a business office out of their home, located at 1376 Linden Avenue, Oroville, with the stipulation that such authorization may be rescinded by the City if there is any negative impact to their neighborhood as a result of operating the business.**

6. PURCHASE AND INSTALLATION OF A TOUCH-PAD GATE FOR THE CITY'S CORPORATE YARD – staff report

The Council considered authorizing the expenditure of funds for the purchase of a touch-pad automatic gate to be installed at the City's corporate yard. **(Charles Miller, Director of Parks and Trees)**

Council Action Requested: **Award the bid to Bill's Quality Fencing for a touch-pad automatic gate and installation in the amount of \$6,000 at the City's corporate yard.**

7. INITIATE FORECLOSURE PROCEEDINGS ON PROPERTY LOCATED AT 719 HIGH STREET, OROVILLE – staff report

The Council considered initiating foreclosure proceedings relating to the City's security interest in its deed of trust against real property located at 719 High Street, Oroville. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Adopt Resolution No. 7004 – 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 719 HIGH STREET, OROVILLE.**

8. NEW JOB DESCRIPTION FOR SBF/RDA PROJECT COORDINATOR – staff report

The Council considered a new job description for the position of Supplemental Benefit Fund/Redevelopment Agency (SBF/RDA) Project Coordinator and authorize staff to recruit for the position. **(Liz Ehrenstrom, Human Resource Analyst II)**

Council Action Requested: **Approve the SBF/RDA Project Coordinator job description and authorize staff to recruit for the position.**

9. AMEND LEASE/PURCHASE AGREEMENT FOR TWO (2) COPIERS AT CITY HALL – staff report

The Council considered a lease/purchase agreement with Ray Morgan Company for the replacement of two (2) copiers at City Hall. **(Sharon Atteberry, City Administrator)**

Council Action Requested:

1. Authorize staff to utilize the bid from the City of Fresno in the lease/purchase

of two (2) copiers; and

2. **Adopt Resolution No. 7005 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A LEASE/PURCHASE AGREEMENT WITH RAY MORGAN COMPANY FOR THE REPLACEMENT OF TWO (2) COPIERS AT CITY HALL – (Agreement No. 1459-1).**

The motion to approve the above Consent Calendar was passed by the following vote:

Ayes: Council Members Berry, Corkin, Hatley, Howard, Prouty, Vice Mayor
Johansson, Mayor Jernigan
Noes: None
Abstain: None
Absent: None

PUBLIC HEARINGS

10. **USE OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME FOR STATE THEATRE REPAIRS - staff report**

The Council conducted a public hearing to solicit input and comments on the proposed disbursement of the Community Development Block Grant (CDBG) Program Income funds for activities that are neither non-revolving nor specifically designated in the City of Oroville's Program Income Reuse Plan. **(Pat Clark, Director of Business Assistance and Housing Development)**

Pat Clark, Director of Business Assistance and Housing Development, explained that the funds were to be used for the installation of an elevator but the City is not ready to move forward on that project and would like to use the funds for electrical upgrades and to upgrade the air conditioning system at the State Theater.

Mayor Jernigan opened the Public Hearing. Hearing no comments or questions from the public, the Public Hearing was closed

REGULAR BUSINESS

11. **TARGETED EMPLOYMENT AREA FOR ENTERPRISE ZONE DESIGNATION – staff report**

The Council reviewed and considered declaring the Targeted Employment Area (TEA) for the purpose of establishing a TEA as required by the Enterprise Zone Act of 1996. **(Pat Clark, Director of Business Assistance and Housing Development)**

Rick Farley, Business Assistance and Enterprise Zone Coordinator, gave a PowerPoint presentation on the TEA for the Enterprise Zone designation as required by the Enterprise Zone Act of 1996.

Following discussion, a motion was made by Council Member Corkin, seconded by Vice Mayor Johansson, to:

Adopt Resolution No. 7006– A RESOLUTION OF THE OROVILLE CITY COUNCIL DECLARING THE TARGETED EMPLOYMENT AREA (TEA) FOR THE PURPOSE OF ESTABLISHING A TEA AS REQUIRED BY THE ENTERPRISE ZONE ACT OF 1996.

The motion was passed by the following vote:

Ayes: Council Members Berry, Corkin, Hatley, Howard, Prouty, Vice Mayor
Johansson, Mayor Jernigan
Noes: None
Abstain: None
Absent: None

12. DRAFT RESPONSE TO GRAND JURY REPORT - Attached

The Council considered the draft response to the 2006-2007 Grand Jury Final Report. **(Dwight Moore, City Attorney)**

Dwight Moore, City Attorney, explained that the Butte County Grand Jury submitted a report and per Penal Code 933 sub-section c, the response must be returned within 90 days from June 26, 2007. Mr. Moore explained that the Council Ad Hoc Committee, consisting of Vice Mayor Johansson, Council Member Hatley and Council Member Howard, put together the response to the Grand Jury report.

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

Accept the draft response to the Grand Jury and authorize the Mayor to sign and send the final response to the Presiding Judge, Steven Howell.

The motion was passed by the following vote:

Ayes: Council Members Berry, Corkin, Hatley, Howard, Prouty, Vice Mayor
Johansson, Mayor Jernigan
Noes: None
Abstain: None
Absent: None

MAYOR/ COUNCIL REPORTS

COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS

Oroville Economic Development Corporation (OEDCO)

Vice Mayor Johansson reported that OEDCO was looking for a new president.

Butte County Association of Governments - (BCAG)

Vice Mayor Johansson reported that there will be a public meeting on October 3, 2007 at 4:00 p.m. in Conference Room 1 regarding the B Line and its needs. Vice Mayor Johansson stated that Oroville needs more bus stops particularly in the Southside area.

Mayor Jernigan reported that he will request an earlier bus to Chico on weekdays and a restroom facility for the bus drivers.

Eric Teitelman reported that a \$350,000 grant had been awarded for the bus lines from Congressman Doolittle's office.

Juanita Anglin, 1780 Pine Street, Oroville, stated that Oroville's transportation problem will keep getting worse as the population ages.

Sewerage Commission Oroville Region – (SC-OR)

Council Member Hatley reported that Neal Road Landfill is excepting sludge again. Council Member Hatley also reported that a study was done for rate increases due to the projected growth and that a \$55,000,000 expansion is needed on the plant due to new State mandated requirements.

Council Member Prouty reported that SC-OR approved the increase in impact fees for the \$55,000,000 expansion without a written report. Council Member Prouty reported that it will cost \$5,000 for every new home to hook up to the sewer and that he had requested a copy of the written report.

Sharon Atteberry, City Administrator, reported that she and the Mayor and Vice Mayor had met with developers to hear their concerns regarding the City's infrastructure. Ms. Atteberry suggested that an Ad Hoc Committee be formed to look at the infrastructure needs of the City.

Downtown Business Association – (DBA)

Council Member Howard reported the DBA is very excited about the projects that are being done in Oroville and the City is providing a lot of tools such as the Tourism Study which was very well received and the DBA is providing insight and ideas. Council Member Howard reported that there is very good communication between the City of Oroville and the DBA.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

Linden Avenue and Wyandotte Avenue Sidewalk Projects

Eric Teitelman, P.E., Director of Community Development and Public Works, reported that the Linden Avenue and Wyandotte Avenue Sidewalk Projects have been completed. Mr. Teitelman reported that these projects were funded by the Safe Route to School Grant and the Don North Day funds. Mr. Teitelman reported that a raised crosswalk has been installed in front of Wyandotte Avenue School with solar powered lights that illuminate the crosswalk sign and the lights embedded in the pavement of the crosswalk.

Highway 70 Landscaping

Eric Teitelman, P.E., Director of Community Development and Public Works, reported that the underground utility work has been done for lighting, the moonscape decorative rock has been installed, a dry creek bed and a platform for displaying artwork has also been installed.

Centennial Plaza

Eric Teitelman, P.E., Director of Community Development and Public Works, reported that the Centennial Plaza project should be finished mid October, 2007, and that should allow the City enough time to submit the necessary documents to the State of California to receive the grant funding before the expiration date of December 31, 2007. Mr. Teitelman reported that the underground utilities are in for the street lights and for the lights that will illuminate the pathways, the holes are being dug for planting the landscape, the walkway curb has been installed for the promenade and there are overlook structures with interpretive panels being installed.

Chinese Temple Renovation

Charles Miller, Director of Parks and Trees, reported that the Chan Room at the Chinese Temple is near completion and suggested that the dedication of the new addition take place on Chinese New Year.

Street Light Replacement Project

Charles Miller, Director of Parks and Trees, reported that the street light poles are being replaced with the assistance of the Northwest Lineman's College. Mr. Miller reported that the City crew is pouring the concrete and the students from the Lineman's College are setting the poles. Mr. Miller also reported that the students are donating their time to this project.

Street Sweeper

Sharon Atteberry reported that the new street sweeper should be delivered on October 15, 2007.

Draft Tourism Marketing Coordination & Implementation Plan

Sharon Atteberry, City Administrator, reported that the Tourism Committee met last week to discuss the draft Tourism Plan. Various stakeholders, which included representatives from the Chamber of Commerce, Downtown Business Association, Artists of Rivertown and other members of the community, were in attendance along with the City's consultant.

CORRESPONDENCE

Correspondence from Jessica Miller on behalf of the Feather River Recreation & Park District (FRRPD) RE: Park Impact Fees

Sharon Atteberry, City Administrator, reported that she had put together a list of questions relating to the impact fees. Ms. Atteberry also reported that staff has been reviewing the nexis studies for the impact fees for the City of Oroville and FRRPD and the Municipal Service Reviews that were put together by LAFCO.

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

Butte County District Attorney Mike Ramsey reported the results of his investigation regarding the allegations that City Administrator Sharon Atteberry had altered the original audio tape from the August 7, 2007 City Council Meeting to the Council. Mr. Ramsey reported that, after a thorough investigation, his findings were that the audio tape was not altered. In fact, Mr. Ramsey reported that it would be extremely difficult, if not impossible, to alter the tape.

CLOSED SESSION

The Council adjourned to Closed Session to discuss the following

1. Pursuant to Government Code section 54956.8, the Council met with real property negotiators Sharon Atteberry, City Administrator, and Pat Clark, Business Assistance and Housing Development Director, concerning authorization for the proposed sale of City-owned home, 1325 Pomona Avenue, to Richard and Carla Small.
2. Pursuant to Government Code section 54956.8, the Council met with real property negotiators Sharon Atteberry, City Administrator, and Dwight Moore, City Attorney, regarding the Washington Block Building located at 1985 Montgomery Street, Alpine Sierra, LLC – owner.
3. Pursuant to Government Code section 54957.6, the City Council met with Labor Negotiator, Sharon Atteberry, to discuss labor negotiations for the Oroville Mid-Managers Association, Oroville City Employees Association (OCEA), Oroville Firefighters Association (OFFA), Oroville Police Officers Association (OPOA), Sworn and Non-Sworn.
4. Pursuant to Government Code Section 54957 the Council held a performance evaluation for Mitch Brown, Chief of Police, David Pittman, Fire Chief and Charlie Miller, Director of Parks & Trees.
5. Pursuant to Government Code Section 54956.9(a) the City Council, with legal council, reviewed the following pending litigations:
 - Noel v. City of Oroville et al., U.S. District Court Eastern District, Case Civil 5-07-728
 - Lasik v. City of Oroville et al., U. S. District Court Eastern District of California
 - Martin v. City of Oroville arbitration
 - City of Oroville v. Robison, Butte County Superior Court, Case No. 135447

The Council reconvened from Closed Session at 11:01 p.m. and took action on the following:

A motion was made by Council Member Prouty, seconded by Council Member Howard, to:

1. **Adopt Resolution No. 7007 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH LIEBERT, CASSIDY AND WHITMORE RELATING TO PERSONNEL MATTERS - (Agreement No. 1476-15).**
2. **Adopt Resolution No. 7008 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH PETERS, RUSH, HABIB AND MCKENNA - (Agreement No. 1575-5).**

The motion passed by the following vote:

Ayes: Council Members Berry, Corkin, Hatley, Howard, Prouty, Vice Mayor
Johansson, Mayor Jernigan
Noes: None
Abstain: None

Absent: None

ADJOURNMENT

The meeting was adjourned at 11:06 p.m. An adjourned regular meeting of the Oroville City Council will be held on Tuesday, October 16, 2007 at 7:00 p.m.

Sharon L. Atteberry, City Clerk

Steven Jernigan, Mayor