

**OROVILLE CITY COUNCIL MEETING MINUTES
DECEMBER 18, 2007 – 7:00 P.M.**

The agenda for the December 18, 2007 adjourned regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall on Thursday, December 13, 2007 at 2:38 p.m.

The December 18, 2007 adjourned regular meeting of the Oroville City Council was called to order by Mayor Steven Jernigan at 7:00 p.m.

ROLL CALL

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

Staff Present:

| | |
|---|---|
| Diane MacMillan, Finance Director/Acting City Administrator | Michel Brown, Chief of Police |
| Dwight Moore, City Attorney | Kirk Trostle, Assistant Chief of Police |
| David Pittman, Fire Chief | Nathan Trauernicht, Deputy Fire Chief |
| Eric Teitelman, Community Development/Public Works Director | Karolyn Fairbanks, City Treasurer |
| Pat Clark, Business Assistance/Housing Development Director | Jared Hancock, Associate Planner |
| Sharon Mize, Administrative Assistant | |

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

Patricia Noel - Correspondence

PROCLAMATIONS / PRESENTATIONS

A Proclamation of recognition and appreciation was presented to Lenny Durrer of Eyekandy Videographer Services by Council Member Hatley.

The Presentation by Butte College regarding Focus the Nation was continued to a later meeting.

CONSENT CALENDAR

A motion was made by Council Member Hatley, seconded by Council Member Corkin, to approve the following Consent Calendar, with the exception of item no. 4 and 5:

1. **APPROVAL OF THE MINUTES OF THE NOVEMBER 20, 2007 7:00 P.M. ADJOURNED REGULAR MEETING AND THE DECEMBER 4, 2007 REGULAR MEETING OF THE OROVILLE CITY COUNCIL** - minutes attached.

2. **INVESTMENT POLICY ADOPTION FOR 2008** – staff report

The Council considered adopting the Investment Policy for the City of Oroville. (**Karolyn Fairbanks, City Treasurer**)

Council Action Requested: **Adopt Resolution No. 7053 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE ADOPTION OF AN INVESTMENT POLICY FOR THE CITY OF OROVILLE.**

3. **EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND KIRK E. TROSTLE** – staff report

The Council considered an employment agreement between the City of Oroville and Kirk E. Trostle for the position of Chief of Police for the Oroville Police Department. (**Liz Ehrenstrom, Human Resource Analyst II**)

Council Action Requested: **Adopt Resolution No. 7054 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND KIRK E. TROSTLE – (Agreement No. 1792).**

4. **THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW).**

5. **THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW).**

6. **BUTTE INTERAGENCY NARCOTICS TASK FORCE MEMORANDUM OF UNDERSTANDING** – staff report

The Council considered approving a Memorandum of Understanding for participation in the Butte Interagency Narcotics Task Force (BINTF). (**Kirk Trostle, Assistant Chief of Police**)

Council Action Requested: **Adopt Resolution No. 7057 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE BUTTE INTERAGENCY NARCOTICS TASK FORCE – (Agreement No. 0900-3).**

7. **NETWORK SERVER BACKUP SOFTWARE** – staff report

The Council considered the purchase of network server software for the Oroville Police Department to provide backup of critical computer data. (**Kirk Trostle, Assistant Chief of Police**)

Council Action Requested: **Authorize the purchase of network server software for the**

Oroville Police Department in the amount of \$3,308.66.

8. PURCHASE OF OFFICE EQUIPMENT – staff report

The Council considered authorizing the purchase of various office equipment for use by the Business Assistance and Housing Development Department and other City staff. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Authorize the purchase of various office equipment, as described in the December 18, 2007 staff report.**

9. AMENDMENT TO AGREEMENT WITH ADVANCED COMPUTERS – staff report

The Council considered a one-year amendment to the agreement with Advanced Computers (John Palys) for the City's computer network services. **(Diane MacMillan, Director of Finance)**

Council Action Requested:

1. **Adopt Resolution No. 7064 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH JOHN PALYS, DBA AS ADVANCED COMPUTER SERVICES – (Agreement No. 1383-7); and**
2. **Authorize the budget adjustment as indicated in the December 18, 2007 staff report.**

10. PURCHASE OF ARCEEDITOR, GEOGRAPHIC INFORMATION SYSTEM (GIS) SOFTWARE – staff report

The Council considered the purchase of software for an amount not to exceed \$7,500 to manage and edit spatial data. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Approve the purchase of *ArcEditor* for an amount not to exceed \$7,500.**

11. CHEMICAL ROOT TREATMENT OF VARIOUS SANITARY SEWER LINES – staff report

The Council considered an agreement with Root Tamers for the chemical root treatment of various sanitary sewer lines. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Adopt Resolution No. 7058 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH ROOT TAMERS FOR THE CHEMICAL ROOT TREATMENT OF VARIOUS SANITARY SEWER LINES IN THE CITY OF OROVILLE – (Agreement No. 1793).**

12. AGREEMENT AMENDMENT WITH BCM CONSTRUCTION FOR THE LAKE OROVILLE HISTORICAL/CULTURAL TRAIL AND CENTENNIAL PLAZA IMPROVEMENTS PROJECT –

staff report

The Council considered the first and final amendment to the agreement with BCM Construction for the construction of the Lake Oroville Historical/Cultural Trail and Centennial Plaza Improvements Project. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Adopt Resolution No. 7059 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE FIRST AND FINAL AMENDMENT TO THE AGREEMENT WITH BCM CONSTRUCTION FOR CONSTRUCTION OF THE LAKE OROVILLE HISTORICAL/CULTURAL TRAIL AND CENTENNIAL PLAZA IMPROVEMENTS PROJECT – (Agreement no. 1737-1).**

13. PURCHASE OF UPGRADED LIGHTING EQUIPMENT FOR THE STATE THEATER – staff report

The Council considered authorizing the purchase of specialized stage lighting equipment for the State Theater. **(Charles Miller, Director of Parks and Trees)**

Council Action Requested: **Authorize staff to purchase specialized stage lighting equipment in an amount not to exceed \$4,328.61.**

14. AIRPORT INSURANCE FOR POLICY YEAR 2008/09 – staff report

The Council considered authorizing the purchase of airport insurance coverage for the City for policy year 2008/09. **(Diane MacMillan, Director of Finance)**

Council Action Requested: **Authorize the purchase of airport insurance coverage outlined in the December 18, 2007 staff report.**

The motion to approve the above Consent Calendar, with the exception of items no. 4 and 5, 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

ITEM(S) REMOVED FROM THE CONSENT CALENDAR

Items no. 4 and 5 were removed from the Consent Calendar at the request of Council Member Berry for questions which were answered by staff.

After discussion, a motion was made by Council Member Prouty, seconded by Council Member Howard, to approve items no 4 and 5:

4. ADOPTION OF THE AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF OROVILLE AND THE OROVILLE CITY EMPLOYEE'S ASSOCIATION – staff report

The Council considered adopting the amended and restated Memorandum of Understanding between the City of Oroville and the Oroville City Employee's Association. (**Liz Ehrenstrom, Human Resource Analyst II**)

Council Action Requested:

1. **Adopt Resolution No. 7055 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF OROVILLE AND THE OROVILLE CITY EMPLOYEE'S ASSOCIATION – (Agreement No. 1432-3);and**
 2. **Approve supplemental appropriation no. 2007/08-1207-30 as indicated in the December 18, 2007 staff report.**
5. **APPROVE CORRECTIONS TO THE OROVILLE POLICE OFFICER'S ASSOCIATION NON-SWORN MEMORANDUM OF UNDERSTANDING – staff report**

The Council considered approving corrections to the amended and restated Oroville Police Officer's Association's Non-Sworn Unit's Memorandum of Understanding. (**Liz Ehrenstrom, Human Resource Analyst II**)

Council Action Requested: **Adopt Resolution No. 7056 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF OROVILLE AND THE OROVILLE POLICE OFFICER'S ASSOCIATION NON-SWORN UNIT – (Agreement No. 1448-4).**

The motion to approve items no. 4 and 5 was passed by the following vote:

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

PUBLIC HEARINGS

15. **FINAL GRANTEE REPORT ON COMMUNITY DEVELOPMENT BLOCK GRANT PLANNING AND TECHNICAL ASSISTANCE ACTIVITY – staff report**

The Council will conduct a public hearing to provide an opportunity for citizens of the City of Oroville to ask questions and comment on the accomplishments of the final product received for the Community Development Block Grant Planning and Technical Assistance grant activity related to the Substandard Housing Inventory and Action Plan component.

The Council will also consider accepting the Final Report on Substandard Housing Identification and Revitalization Action Strategy prepared by Rosenow Spevacek Group, Inc. (**Pat Clark, Director of Business Assistance and Housing Development**)

This item was continued to the January 15, 2008 Council meeting at the request of staff to allow time for the consultant, Rosenow Spevacek Group, Inc., to complete the final report on the Substandard Housing Identification and Revitalization Action Strategy, therefore, no action was taken on the following:

Accept the Final Report on the City of Oroville CDBG Planning and Technical Assistance Grant General Allocation, Substandard Housing Identification and Revitalization Action Strategy component.

16. USE OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME FOR STATE THEATER 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)**

Mayor Jernigan opened the Public Hearing. Hearing no comments or questions from the public on the use of CDBG Program Income funds for necessary repairs at the State Theater, the Public Hearing was closed.

REGULAR BUSINESS

17. INITIATION OF PROCEEDINGS FOR ISLAND ANNEXATION PROPERTIES – staff report

The Council considered the initiation of proceedings for the island annexation of properties designated as Areas 14 and 15. **(Eric Teitelman, Director of Community Development and Public Works)**

Jared Hancock, Associate Planner, explained that Area No 14 is comprised of 3 parcels, totaling approximately 2.6 acres, located on the northeast corner of Brookdale Drive and Claremont Drive, adjacent to the southern portion of the Oroville City Limits, and within the City's Sphere of Influence. Mr. Hancock reported that one of the land owners has requested that the City initiate annexation.

Jared Hancock, Associate Planner, explained that Area No 15 is comprised of 1 parcel, totaling 6.8 acres, located between Oroville Dam Blvd and Oro Quincy Hwy; property at the end of Ford Drive (which divides the property).

Council Member Hatley had concerns about the City's ability to provide law enforcement services to these areas once they are annexed.

Jared Hancock, Associate Planner, explained that because these are island annexations, there would be very little impact because the City is already providing services all around the proposed annexation areas.

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

Adopt Resolution No. 7060 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE INITIATION OF APPLICATION BY THE CITY OF OROVILLE REQUESTING THE BUTTE COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE ANNEXATION OF PROPERTIES IDENTIFIED AS AREAS 14 AND 15.

The motion was passed by the following vote:

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

18. ASSESSMENT DISTRICT ANNEXATIONS FOR FEATHER RIVER BLUFFS SUBDIVISION – staff report

The Council considered directing City staff to annex the Feather River Bluffs Subdivision into the City's existing Landscaping and Lighting Maintenance Assessment District for the maintenance of street lights within the Subdivision. **(Eric Teitelman, Director of Community Development and Public Works)**

Eric Teitelman, Director of Community Development and Public Works, explained that the developer will build single family residences that are quite attractive.

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

Adopt Resolution No. 7061 - 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 AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS THEREIN AND ORDERING THE PREPARATION OF AN ASSESSMENT ENGINEER'S REPORT FOR ANNEXATION NO. 9, ZONE 18 (FEATHER RIVER BLUFFS SUBDIVISION).

The motion was passed by the following vote:

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

19. ASSESSMENT DISTRICT ANNEXATIONS FOR ROSEWOOD ESTATES SUBDIVISION – staff report

The Council considered directing City staff to annex the Rosewood Estates Subdivision into the City's existing Landscaping and Lighting Maintenance Assessment District and Benefit Assessment District for the maintenance of street lights and storm water infrastructure within the Subdivision. **(Eric Teitelman, Director of Community Development and Public Works)**

Eric Teitelman, Director of Community Development and Public Works, explained that this development is off of Mono Avenue and the developer did have approval to build a mobile home park on the site but is now going to build single family residences and some duplexes.

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

1. **Adopt Resolution No. 7062 - 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 LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS THEREIN AND ORDERING THE PREPARATION OF AN ASSESSMENT ENGINEER'S REPORT FOR ANNEXATION NO. 8, ZONE 17 (ROSEWOOD ESTATES SUBDIVISION); and**
2. **Adopt Resolution No. 7063 – 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 AND THE LEVY OF ANNUAL ASSESSMENTS THEREIN FOR SAID ANNEXATION AND ORDERING THE PREPARATION OF AN ASSESSMENT ENGINEER'S REPORT FOR ANNEXATION NO. 8, ZONE 9 (ROSEWOOD ESTATES SUBDIVISION).**

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

20. **ADOPTING THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2007 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE AND OTHER BUILDING RELATED CODES –** staff report

The Council considered approving the most recent additions of the construction codes with the applicable amendments relating to the City of Oroville. **(Eric Teitelman, Director of Community Development and Public Works)**

Becky Frazier, CSG Consultants, Inc., explained that the State of California has mandated protection requirements for swimming pools regarding fences to protect neighborhood children that will be effective January 1, 2008. Ms. Frazier explained that Ordinance No. 1747 would repeal Chapter 6 of the City Code and establish new requirements for fences around swimming pools.

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

Waive the first reading and introduce by title only, Ordinance No. 1747 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE REPEALING CHAPTER 6 AND ADDING A NEW CHAPTER OF THE CODE OF THE CITY OF OROVILLE

MUNICIPAL CODE, AND ADOPTING BY REFERENCE THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2007 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE AND THE UNIFORM HOUSING CODE 1997 EDITION, AND THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS 1997 EDITION AND AMENDING CERTAIN PORTIONS OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24.

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

21. ADOPT THE 2007 EDITION OF THE CALIFORNIA FIRE CODE BASED ON THE 2006 INTERNATIONAL FIRE CODE, TITLE 24, OF THE CALIFORNIA CODE OF REGULATIONS – staff report

The Council considered approving the most recent edition of the California Fire code with the applicable amendments relating to the City of Oroville. **(Nathan Trauernicht, MPA Deputy Fire Chief)**

Nathan Trauernicht, MPA Deputy Fire Chief, explained that changes to the Fire Code was also mandated by the State of California and would be effective January 1, 2008.

A motion was made by Council Member Howard, seconded by Vice Mayor Johansson, to:

Waive the first reading and introduce by title only, Ordinance No. 1748 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE REPEALING CHAPTER 10 OF THE CITY OF OROVILLE MUNICIPAL CODE AND ADDING A NEW CHAPTER 10 TO THE CITY OF OROVILLE MUNICIPAL CODE, AND ADOPTING BY REFERENCE PART 9, CALIFORNIA FIRE CODE INCLUDING THE APPENDIX CHAPTERS OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2007 EDITION OF THE CALIFORNIA BUILDING STANDARDS.

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 Recreation Area Committee (ORAC)

Vice Mayor Johansson reported that ORAC did not meet last month because the meetings are

held on quarterly basis now.

Chamber of Commerce Meeting

Council Member Howard reported that the last meeting was held at the Old Town Bar and Grill and new Chamber directors, Karen Whitlow and Eric Omquest, were introduced.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

1. Community Development and Public Works – activity report.
2. Business Assistance and Housing Development – activity report.

CORRESPONDENCE

Letter from Patricia Noel regarding “Possible Brown Act Violation”.

Patricia Noel inquired about if the Council and other Commissions were given any training regarding the Brown Act.

Dwight Moore, City Attorney, explained that the Council did receive training regarding the Brown Act. Mr. Moore stated that he did not know if the other City Commissions received training on the Brown Act.

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

John Anderson, 16 Terrace Drive, Oroville, inquired about when the stop signs at the intersection of Wyandotte Avenue and Lincoln Blvd would be installed.

Eric Teitelman, Director of Community Development and Public Works, responded by stating that the bids will be ready to go out the last week of December 2007, or the first week in January, 2008.

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 negotiator, Dwight L. Moore, Agency Counsel, to discuss the price and terms to purchase the following property:

| | |
|----------|--|
| Address: | 711 Montgomery St, Oroville |
| Owner: | Delbert III and Kelley McGue & Osborne and Glacken McGue |
| APN: | 012-064-001 |

2. Pursuant to Government Code section 54956.9(b), the Council held a closed session with the City Attorney regarding a significant exposure to litigation: one potential case.

The Council reconvened and Mayor Jernigan announced that no action was taken in Closed Session

and direction was given to staff.

ADJOURNMENT

The meeting was adjourned at 9:22 p.m. to a regular meeting to be held on Wednesday, January 2, 2008 at 7:00 p.m.

Sharon L. Atteberry, City Clerk

Steven Jernigan, Mayor