

**OROVILLE CITY COUNCIL MEETING MINUTES
MARCH 18, 2008 – 7:00 P.M.**

The agenda for the March 18, 2008 adjourned regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall on Thursday, March 13, 2008 at 3:57 p.m.

The March 18, 2008 adjourned regular meeting of the Oroville City Council was called to order by Vice Mayor Johansson at 7:00 p.m.

ROLL CALL

Present: Council Members Berry, Corkin, Hatley, Howard, Prouty, Vice Mayor Johansson
Absent: Mayor Jernigan (Excused)

Staff Present:

Sharon Atteberry, City Administrator	Diane MacMillan, Finance Director
Dwight Moore, City Attorney	Kirk Trostle, Chief of Police
Nathan Trauernicht, Interim Fire Chief	Karolyn Fairbanks, City Treasurer
Eric Teitelman, Community Development/Public Works Director	Charles Miller, Director of Parks and Trees
Pat Clark, Business Assistance/Housing Development Director	Sharon Mize, Administrative Assistant

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Interim Fire Chief Nathan Trauernicht.

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

PROCLAMATIONS / PRESENTATIONS

A Proclamation in recognition and appreciation for Congressman John T. Doolittle for various grant contributions to the City of Oroville was read by Vice Mayor Johansson.

A Proclamation in recognition and appreciation for the Oroville Fire Department, Cal Fire/Butte County Fire, City of Gridley Fire Department and El Medio Fire Department was presented to the Oroville Fire Department by Council Member Hatley.

CONSENT CALENDAR

- 1. THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW).**
- 2. THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW).**
- 3. REQUEST TO PURCHASE REPLACEMENT FIRE HOSE – staff report**

The Council considered approving a request to purchase a replacement fire hose in the amount of \$9,632.60 for the Oroville Fire Department. **(Nathan Trauernicht, Interim Fire Chief)**

Council Action Requested: **Approve the purchase of replacement fire hose from Allstar Fire Equipment in the amount of \$9,632.60.**

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

5. **PROFESSIONAL SERVICE AGREEMENT WITH MUSSELMAN PICTURES RELATING TO VIDEO TAPE-RECORDING OF THE CITY COUNCIL AND REDEVELOPMENT AGENCY MEETINGS** – staff report

The Council will consider authorizing a professional service agreement with Musselman Pictures relating to video tape-recording of City Council and Redevelopment Agency meetings. **(Sharon Atteberry, City Administrator)**

Council Action Requested: **Adopt Resolution No. 7101 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH MUSSELMAN PICTURES TO VIDEO TAPE-RECORD THE CITY COUNCIL AND REDEVELOPMENT AGENCY MEETINGS – (Agreement No. 1810).**

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

7. **TEMPORARY WORKER FOR DOWNTOWN HISTORIC CONCRETE WORK** – staff report

The Council considered authorizing the hiring of a temporary concrete worker to assist the Lead Operator/Cement Finisher. **(Charles Miller, Director of Parks and Trees and Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Authorize the hiring of a temporary concrete worker to assist the Lead Operator/Cement Finisher on installing and repairing sidewalks throughout the City.**

8. **REMODEL AND EXPANSION OF CITY HALL** – staff report

The Council considered amending the construction contract with Hignell Incorporated for additional funding in the amount of \$20,033.63 for the garage expansion component of the City Hall remodel. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Adopt Resolution No. 7103 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE CONSTRUCTION CONTRACT WITH HIGNELL INCORPORATED TO INCREASE THE CONTRACT AMOUNT TO \$198,195.63 – (Agreement No. 1704-1).**

9. **BUDGET ADJUSTMENT OF HOME REVOLVING LOAN FUND ACCOUNT** – staff report

The Council considered a budget adjustment to transfer \$120,044 from Un-appropriated Program Income and \$31,537 from Direct Labor to the LOAN account to fund HOME First-Time Home Buyer Loan activities. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Approve the budget adjustment for HOME First-Time Home Buyer activities as indicated in the March 18, 2008 staff report.**

10. BUDGET ADJUSTMENT OF CDBG FIRST-TIME HOME BUYER REVOLVING LOAN FUND ACCOUNT – staff report

The Council considered a budget adjustment to transfer \$182,253 in Community Development Block Grant First-Time Home Buyer Revolving Loan funds to the Loan account to fund First-Time Home Buyer Loan Program activities. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Approve the budget adjustment for CDBG First-Time Home Buyer activities as indicated in the March 18, 2008 staff report.**

11. AMENDMENT TO THE AGREEMENT WITH ROSENOW SPEVACEK GROUP, INC. FOR A SUBSTANDARD HOUSING INVENTORY AND REVITALIZATION ACTION STRATEGY – staff report

The Council considered an amendment to the agreement with Rosenow Spevacek Group, Inc. for the preparation of the Substandard Housing Inventory and Revitalization Action Strategy, in the amount of \$1,600. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Adopt Resolution No. 7104 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH ROSENOW SPEVACEK GROUP, INC. FOR THE PREPARATION OF THE SUBSTANDARD HOUSING INVENTORY AND REVITALIZATION ACTION STRATEGY – (Agreement No. 1721-1).**

12. ACCEPTANCE OF NEW APPRAISAL AND AMENDMENT TO PURCHASE PRICE ON SALE OF CITY-OWNED PROPERTY LOCATED AT 1110 POMONA AVENUE – staff report

The Council considered adjusting the purchase price from \$220,000 to \$215,000 on the sale of the residential City-owned property located at 1110 Pomona Avenue, Oroville currently in escrow with a qualified First-Time Home Buyer. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Accept the new appraisal for 1110 Pomona Avenue, Oroville at \$215,000 and amend the purchase price to reflect \$215,000.**

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

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

The motion to approve the above Consent Calendar with the exception of items no. 1, 2, 6, 13 and 14 was passed by the following vote:

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

ITEM(S) REMOVED FROM THE CONSENT CALENDAR

- 1. APPROVAL OF THE MINUTES OF THE MARCH 4, 2008 6:00 P.M. SPECIAL MEETING AND 7:00 P.M. REGULAR MEETING OF THE OROVILLE CITY COUNCIL** - minutes attached.

This item was removed from the Consent Calendar at the request of Council Member Hatley in order to abstain from voting because he was not in attendance at the March 4, 2008 Council meeting.

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

APPROVE THE MINUTES OF THE MARCH 4, 2008 6:00 P.M. SPECIAL MEETING AND 7:00 P.M. REGULAR MEETING OF THE OROVILLE CITY COUNCIL.

The motion was passed by the following vote:

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

- 2. WILDLAND WATERSHED AGREEMENT RENEWAL – staff report**

The Council considered renewing the agreement for wildland fire protection between the City of Oroville and the State of California Department of Forestry and Fire Protection Butte Unit. **(Nathan Trauernicht, Interim Fire Chief)**

This item was removed from the Consent Calendar at the request of Council Member Prouty for questions which were answered by staff.

After discussion, a motion was made by Council Member Prouty, seconded by Council Member Hatley, to:

Adopt Resolution No. 7099 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF OROVILLE AND THE STATE OF CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR WILDLAND FIRE PROTECTION TO CERTAIN AREAS OF THE CITY OF OROVILLE – (Agreement No. 1809).

The motion was passed by the following vote:

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

4. AMENDED AND RESTATED AGREEMENT WITH THE OROVILLE AREA CHAMBER OF COMMERCE –staff report

The Council will consider an amended and restated agreement with the Oroville Area Chamber of Commerce to provide assistance to the City for marketing and tourism in the amount of \$10,000. **(Sharon Atteberry, City Administrator)**

This item was removed from the Consent Calendar at the request of the Oroville Area Chamber of Commerce to be continued to a future meeting, therefore, no action was taken on the following:

Adopt Resolution No. 7100 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDED AND RESTATED AGREEMENT WITH THE OROVILLE AREA CHAMBER OF COMMERCE – (Agreement No. 1412-5).

6. AWARD OF BID FOR SOLAR PHOTOVOLTAIC SYSTEMS FOR CITY HALL ADDITION – staff report

The Council will consider awarding the bid for solar photovoltaic systems with SPG Solar, Inc. for the City Hall addition. **(Diane MacMillan, Finance Director)**

This item was removed from the Consent Calendar at the request of Council Member Prouty for questions.

After discussion, Council Members Hatley and Prouty requested that this item be continued to the April 1, 2008 Council meeting, therefore, no action was taken on the following:

Adopt Resolution No. 7102 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AWARDED THE BID FOR THE INSTALLATION OF SOLAR PHOTOVOLTAIC SYSTEMS FOR THE CITY HALL ADDITION, TO SPG SOLAR, INC. AND AUTHORIZING THE MAYOR TO EXECUTE ANY DOCUMENTS NECESSARY.

13. APPROVAL OF RIGHT-OF-ENTRY AGREEMENT WITH WEST COAST RAILROAD AND TERMINATION OF A MAINTENANCE AGREEMENT WITH UNION PACIFIC RAILROAD–staff report

The Council will consider a right-of-entry agreement with West Coast Railroad to remove railroad tracks and ties between Oro Dam Boulevard and Ophir Road, and will consider termination of a maintenance agreement with Union Pacific Railroad for said tracks. **(Eric Teitelman, Director of Community Development and Public Works)**

This item was removed from the Consent Calendar at the request of Eric Teitelman, Director of Community Development and Public Works, because there has been interest from other entities in obtaining the railroad tracks for display in a railroad museum, therefore, no action was taken on the following:

Adopt Resolution No. 7105 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RIGHT-OF-ENTRY AGREEMENT WITH WEST COAST RAILROAD FOR REMOVAL AND CLEAN-UP OF RAILROAD TRACK AND TIES LOCATED BETWEEN ORO DAM BOULEVARD AND OPHIR ROAD AND TERMINATION OF A MAINTENANCE AGREEMENT WITH UNION PACIFIC RAILROAD FOR SAID TRACKS – (Agreement No. 1811).

14. AMENDMENT TO THE AGREEMENT WITH APPLIED TESTING CONSULTANTS FOR GEOTECHNICAL OBSERVATION AND TESTING SERVICES – staff report

The Council considered amending the professional services agreement with Applied Testing Consultants for on-going geotechnical observation and testing services relating to private project construction and subdivision construction. **(Eric Teitelman, Director of Community Development and Public Works)**

This item was 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:

Adopt Resolution No. 7106 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH APPLIED TESTING CONSULTANTS FOR GEOTECHNICAL OBSERVATION AND TESTING SERVICES IN SUPPORT OF PRIVATE PROJECTS AND SUBDIVISION CONSTRUCTION – (Agreement No. 1599-1).

The motion was passed by the following vote:

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

PUBLIC HEARINGS - None

REGULAR BUSINESS

15. COMMUNITY DEVELOPMENT BLOCK GRANT FOR FISCAL YEAR 2008/09 – staff report

The Council considered giving direction to staff for the 10% Set-Aside component related to

the 2008/09 Community Development Block Grant application as well as utilization of unanticipated Community Development Block Grant Program income. **(Pat Clark, Director of Business Assistance and Housing Development)**

Pat Clark, Director of Business Assistance and Housing Development, explained that the State Department of Housing and Community Development will only fund one 10% set-aside component relating to the Community Development Block Grant (CDBG) Program application. Ms. Clark recommended that the 10% Set-Aside component of the CDBG Program application be for the funding of two fire engines and equipment in conjunction with the utilization of unanticipated program income for a total of \$907,000.

The Council directed staff to apply for funds to purchase the fire engines and equipment under the 10% Set-Aside component of the 2008/09 Community Development Block Grant application with the utilization of unanticipated Community Development Block Grant Program income.

16. MONTHLY FINANCIAL REPORT FOR FEBRUARY 2008 AND MONTHLY SUMMARY OF INVESTMENTS FOR JANUARY 2008 AND FEBRUARY 2008.

The Council received a copy of the Monthly Financial Report for February 2008 and the Monthly Summary of Investments for January 2008 and February 2008. **(Diane MacMillan, Director of Finance)**

The Council acknowledged receipt of the February 2008 Monthly Financial Report and the January 2008 and February 2008 Monthly Summary of Investments.

MAYOR/ COUNCIL REPORTS

COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS

Council Member Berry questioned whether or not the property at 2400 Montgomery Street had been transferred to the County for the Veterans Memorial. Staff confirmed that the property had been transferred along with \$100,000 for the Veterans Memorial Park.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

1. Report on Municipal Service Review progress.
2. Code Enforcement – activities report.
3. Community Development and Public Works – activities report.
4. Department of Business Assistance and Housing Development – activities report.
5. Interim Fire Chief Traernicht reported that the Second Annual Fire Leadership Council was at Gold Country Casino and Hotel with over one hundred fire chiefs and captains in attendance.

CORRESPONDENCE - None

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

CLOSED SESSION

CLOSED SESSION

1. Pursuant to Government Code section 54956.8, the Council met with real property negotiators, Sharon Atteberry, City Administrator and Pat Clark, Director of Business Assistance and Housing Development, to discuss the price and terms to purchase property located at 1875 Feather River Boulevard, Oroville (APN 035-240-098).
2. Pursuant to Government Code Section 54957 Council held performance evaluations for Charlie Miller, Director of Parks & Trees, Eric Teitelman, Director of Community Development & Public Works, Pat Clark, Director of Business Assistance and Housing Development, Diane MacMillan, Director of Finance, Kirk Trostle, Chief of Police and Nathan Trauernicht, Interim Fire Chief.
3. Pursuant to Government Code section 54956.9(a), the Council held a closed session with Dwight L. Moore, City Attorney, relating to existing litigation:
 - Randy M. Hueton v. City of Oroville, arbitration
 - Russell Proctor and Renee Proctor v. City of Oroville, Butte Superior Court Case No. 141188
4. Pursuant to Government Code section 54956.9(b), the Council held a closed session with Dwight L. Moore, City Attorney, relating to anticipated litigation based on three (3) letters from an attorney representing the Feather River Recreation and Park District in which the attorney states that he is preparing a petition of writ mandate on each of the City's denials of the District's appeals relating to the following:
 - Linkside Place Phase II (TSM 07-04)
 - Heritage Oaks Estates Subdivision (TSM 05-01)
 - Canal View Subdivision (TSM 07-02)
5. 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 from Closed Session and Vice Mayor Johansson announced that no action was taken in Closed Session and direction was given to staff.

ADJOURNMENT

The meeting was adjourned at 9:50 p.m. to a regular meeting of the Oroville City Council to be held on Tuesday, April 1, 2008 at 7:00 p.m.

Sharon L. Atteberry, City Clerk

James Johansson, Vice Mayor