CITY COUNCIL MEETING MINUTES
APRIL 15, 2014 – 5:00 P.M.

The agenda for the April 15, 2014 regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall on Friday, April 11, 2014, at 12:44 p.m.

The April 15, 2014 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 5:03 p.m.

ROLL CALL

Present: Council Members Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier

Absent: Council Member Andoe (excused)

Staff Present:

Randy Murphy, City Administrator
Rick Walls, Interim City Engineer
Donald Rust, Director of Planning & Development Services
Pat Clark, Director of Bus. Asst. & Housing Development
Rick Farley, RDA Coordinator
Scott E. Huber, City Attorney
Bill La Grone, Director of Public Safety
Jamie Hayes, Deputy City Clerk
Karolyn Fairbanks, City Treasurer
Luis Topete, Associate Planner

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by members of the Oroville Fire Department.

PROCLAMATIONS / PRESENTATIONS

Members of the Old Time Fiddler's Association including: Larry Jendro, Jimmy Beeler, Malana Cochran, Connie Curry, Allison Woodruff, Jenne Beeler, Ivy Herrick, Leanne Huber and Josette McElligott presented the Council and audience with fiddle melodies and thanked the Council for supporting the 2014 Annual California State Old Time Open Fiddle and Picking Championship.

Mayor Dahlmeier conducted an Oath of Office for newly hired Firefighters: Chris Perondi, Alex O'Hara, Marco Barajas, Joel Harper, Misty Labriola and Amir Olympia.

Raul Ragoza, Butte County Public Health, presented the Council with a Certificate of Appreciation relating to the adoption of Ordinance No. 1794 – Relating to the Use, Sale and Distribution of Tobacco Products.

Mayor Dahlmeier announced a New Business Acknowledgement and Welcome to Oroville for Dollar General.

Vince Carrano and Derek DeVine gave a presentation relating to the June 21, 2014 Mudder Event hosted by the Lords Gym.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

Victoria Coots – Item No. 6

CONSENT CALENDAR

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

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

2. **AVAILABILITY OF CALIFORNIA SHORT-TERM DISABILITY INSURANCE TO CITY STAFF** – staff report

   The Council considered a Resolution to allow all City workers to purchase State Disability Insurance (SDI) at their own expense. **(Randy Murphy, City Administrator)**

   Council Action Requested: **Adopt Resolution No. 8204 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING ALL CITY STAFF TO PARTICIPATE IN THE CALIFORNIA STATE DISABILITY PROGRAM AT THEIR OWN EXPENSE AND PURSUANT TO ANY REQUIRED FUTURE ELECTIONS OR ACTS BY STATE DISABILITY INSURANCE OVERSEERS.**

3. **PURCHASE OF MOTOROLA HANDHELD AND VEHICLE MOBILE RADIOS** – staff report

   The Council considered the purchase and installation of ten (10) Motorola APX7000 handheld radios and two (2) APX7500 vehicle mobile radios and accessories from the sole qualified bidder, Day Wireless, in an amount not to exceed $55,508.58, utilizing the U.S. Department of Homeland Security Assistance to Firefighters Grant No. EMW-2012-FO-06615, which was accepted by the City Council on July 2, 2013. **(Bill La Grone, Director of Public Safety)**

   Council Action Requested: **Approve the purchase and installation of ten (10) Motorola APX7000 handheld radios and two (2) APX7500 vehicle mobile radios and accessories from the sole qualified bidder, Day Wireless , in an amount not to exceed $55,508.58, utilizing the U.S. Department of Homeland Security Assistance to Firefighters Grant No. EMW-2012-FO-06615.**

4. **LETTER OF AGREEMENT WITH PACIFIC GAS AND ELECTRIC COMPANY** – staff report

   The Council considered a Letter of Agreement with Pacific Gas and Electric Company for the temporary use of City Airport property as a construction lay down area for a gas line hydro project. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

   Council Action Requested: **Adopt Resolution No. 8205 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A LETTER OF AGREEMENT WITH PACIFIC GAS AND ELECTRIC COMPANY FOR THE TEMPORARY USE OF CITY AIRPORT PROPERTY (APN 030-260-068) AS A CONSTRUCTION LAY DOWN AREA FOR A GAS LINE IMPROVEMENT PROJECT – (Agreement No. 3062).**

5. **PURCHASE OF SURFACING MATERIAL FOR CITY PARK PLAYGROUNDS** – staff report

The Council considered the purchase of green surfacing material for City park playgrounds, from the lowest responsible bidder, Rubberecycle, in the amount of $12,831.25 per 25 tons. **(Donald Rust, Director of Community Development)**

Council Action Requested: **Approve the purchase of green surfacing material for City park playgrounds, from the lowest responsible bidder, Rubberecycle, in the amount of $12,831.25 per 25 tons, as indicated in the April 15, 2014 staff report.**

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

Ayes:	Council Members Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier
Noes:	None
Abstain:	None
Absent:	Council Member Andoe

ITEMS REMOVED FROM THE CONSENT CALENDAR

1. **APPROVAL OF THE MINUTES OF THE MARCH 18, 2014 AND APRIL 1, 2014 REGULAR MEETINGS OF THE OROVILLE CITY COUNCIL** – minutes attached

At the request for City Administrator, Randy Murphy, this item was removed from the Consent Calendar for clarification of a supplemental appropriation number relating to Item No. 4.

Following discussion, a motion was made by Council Member Bunker, seconded by Vice Mayor Wilcox, to:

Approve the minutes of the March 18, 2014 and April 1, 2014 Regular meetings of the Oroville City Council.

The motion was passed by the following vote:

Ayes:	Council Members Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier
Noes:	None
Abstain:	None
Absent:	Council Member Andoe

PUBLIC HEARING

6. **ZONING CODE 14-01: HOUSING ELEMENTS CODE AMENDMENTS** – staff report

The Council conducted a public hearing and considered certain amendments to Chapter 26 of the Oroville Municipal Code for the purpose of fulfilling City objectives as specified in the 2009-2014 Housing Element of the General Plan. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Mayor Dahlmeier opened the public hearing.

Victoria Coots expressed concerns pertaining to the subject of farm animals in the 2009-2014 Housing Element of the General Plan.

Hearing no further comments or questions from the audience, the public hearing was closed.

Following discussion, a motion was made by Vice Mayor Wilcox, seconded by Council Member Berry, to:

Waive the first reading and introduce by title only, Ordinance No. 1804 – AN ORDINANCE OF THE OROVILLE CITY COUNCIL AMENDING CHAPTER 26 OF THE OROVILLE MUNICIPAL CODE FOR THE PURPOSE OF FULFILLING CITY OBJECTIVES AS SPECIFIED IN THE 2009-2014 HOUSING ELEMENT OF THE GENERAL PLAN.

The motion was passed by the following vote:

Ayes:	Council Members Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier
Noes:	None
Abstain:	None
Absent:	Council Member Andoe

7. **FEE REFUND POLICY** – staff report

The Council conducted a public hearing and considered adopting a Fee Refund Policy. **(Donald Rust, Director of Community Development)**

Mayor Dahlmeier opened the public hearing. Hearing no comments or questions from the audience, the public hearing was closed.

Following discussion, a motion was made by Council Member Bunker, seconded by Council Member Pittman, to:

Adopt Resolution No. 8206 – A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING A FEE REFUND POLICY.

The motion was passed by the following vote:

Ayes:	Council Members Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier
Noes:	None
Abstain:	None
Absent:	Council Member Andoe

REGULAR BUSINESS

8. **REPLACEMENT OF EXISTING STAIRWAY AT HEWITT PARK** – staff report

The Council considered the removal and replacement of the existing stairway at Hewitt Park. **(Donald Rust, Director of Community Development)**

Following discussion, a motion was made by Council Member Pittman, seconded by Council Member Bunker, to:

1. **Adopt Resolution No. 8208 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH GOLDEN WEST STAIRS FOR AN AMOUNT NOT TO EXCEED $24,899 FOR THE REMOVAL AND REPLACEMENT OF THE SPENCER AVENUE STAIRWAY INTO HEWITT PARK AND $2,601 IN EXPENDITURES FOR THE INSTALLATION OF CONCRETE FOOTINGS BY CITY PERSONNEL – (Agreement No. 3064).**

2. **Approve Supplemental Appropriation No. 2013/14-0415-48 as indicated in the April 15, 2014 staff report.**

The motion was passed by the following vote:

Ayes:	Council Members Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier
Noes:	None
Abstain:	None
Absent:	Council Member Andoe

9. **LEASE AGREEMENT EXTENSION WITH BINDERUP INVESTMENTS, INC.** – staff report

The Council considered an amendment to the Lease Agreement with Binderup Investments, Inc. to allow a time extension of the terms of the Agreement for the installation, operation, maintenance and marketing of a "Welcome to Oroville" Gateway video (digital) display sign, to be located on City-owned property at the northwest corner of the intersection of Georgia Pacific Road and Feather River Boulevard, just east of the Highway 70 (Caltrans) right-of-way. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Following discussion, a motion was made by Vice Mayor Wilcox, seconded by Council Member Bunker, to:

Adopt Resolution No. 8207– A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT WITH BINDERUP INVESTMENTS, INC. RELATING TO THE "WELCOME TO OROVILLE" GATEWAY SIGN TO ALLOW FOR A TIME EXTENSION OF THE TERMS OF THE AGREEMENT – (Agreement No. 2062-3).

The motion was passed by the following vote:

Ayes:	Council Members Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier
Noes:	None
Abstain:	None
Absent:	Council Member Andoe

10. FULL SERVICE JET FUEL SALES AT OROVILLE MUNICIPAL AIRPORT – staff report

The Council heard an update regarding the retail full service jet fuel sales volume at the Oroville Municipal Airport and considered making necessary adjustments to improve the sales. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

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

Direct staff to set the self-service jet fuel sales and full-service jet fuel at the same price at the Oroville Municipal Airport, and return to Council with a policy for establishing the price of full service jet fuel sales.

The motion was passed by the following vote:

Ayes:	Council Members Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier
Noes:	None
Abstain:	None
Absent:	Council Member Andoe

11. REQUEST FOR BIDS - INSTALLATION OF JET FUEL FILTER – staff report

The Council considered the issuance of a Request for Bids relating to the construction work associated with the installation of a jet fuel filter package at the Oroville Municipal Airport. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

Following discussion, a motion was made by Council Member Bunker, seconded by Council Member Pittman, to:

Authorize the issuance of a Request for Bids relating to the construction work associated with the installation of a jet fuel filter package at the Oroville Municipal Airport.

The motion was passed by the following vote:

Ayes:	Council Members Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier
Noes:	None
Abstain:	None
Absent:	Council Member Andoe

12. MONTHLY SUMMARY OF INVESTMENTS AND MONTHLY FINANCIAL REPORTS FOR JANUARY, FEBRUARY AND MARCH 2014 – reports attached

The Council received and acknowledged receipt of the Monthly Summary of Investments and the Monthly Financial Reports for January, February and March 2014. **(Randy Murphy, City Administrator)**

SUCCESSOR AGENCY

13. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ROSENOW SPEVACEK GROUP, INC. – staff report

The Successor Agency considered an amendment to the Professional Services Agreement with Rosenow Spevacek Group, Inc. (RSG) extending the term of the Agreement from August 7, 2014 to August 7, 2015 and adding an additional $36,000 to provide technical services relating to the implementation of AB1x 26 and AB 1484. **(Rick Farley, RDA Coordinator)**

Following discussion, a motion was made by Commissioner Bunker, seconded by Commissioner Berry, to:

Adopt Resolution No. 14-05 – A RESOLUTION OF THE OROVILLE SUCCESSOR AGENCY OF THE FORMER OROVILLE REDEVELOPMENT AGENCY OF THE CITY OF OROVILLE AUTHORIZING AND DIRECTING THE CHAIRPERSON TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ROSENOW SPEVACEK GROUP, INC., EXTENDING THE TERM OF THE AGREEMENT FROM AUGUST 7, 2014 TO AUGUST 7, 2015 AND ADDING AN ADDITIONAL $36,000 FOR TECHNICAL SERVICES RELATING TO THE IMPLEMENTATION OF AB1X 26 AND AB 1484 – (Agreement No. 12-01-01).

The motion was passed by the following vote:

Ayes:	Commissioners Berry, Bunker, Pittman, Simpson, Vice Chairperson Wilcox, Chairperson Dahlmeier
Noes:	None
Abstain:	None
Absent:	Commissioner Andoe

MAYOR/ COUNCIL REPORTS

Council Member Bunker and Mayor Dahlmeier reported their attendance at the Dollar General's Grand Opening.

Mayor Dahlmeier reported her attendance at the Oroville Rotary's 90th Anniversary celebration.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

- Public Safety Department – activity report
- Community Development – activity report

Bill La Grone, Director of Public Safety, reported that staff had modified a federal grant to allow for equipment purchases relating to the upgrades of infrastructure for the Oroville Fire Department.

Don Rust, Director of Community Development, reported his attendance at the Dollar General Grand Opening. Mr. Rust acknowledged a second Dollar General location on 3rd Street which is scheduled to open in July 2014. In addition, Mr. Rust reported that he would be participating with the Butte County Public Health Department on a community health assessment and improvement plan.

Pat Clark, Director of Business Assistance and Housing Development, reported that staff had submitted a Community Development Block Grant application for $2,000,000. A specila acknowledgment was given to Amy Bergstrand, Gary Layman, Rick Walls for their assistance in preparing the grant application.

Randy Murphy, City Administrator, reported that he had attending a Sacramento League of California Cities City Managers meeting in Folsom, Calfornia.

CORRESPONDENCE

- Oroville Economic Development Corporation, received April 1, 2014
- John L. Hammon, received April 4, 2014

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON NON-AGENDA ITEMS

Council Member Bunker announced that the Oroville Economic Development Corporation would be hosting a Lunch and Learn meeting on April 23, 2014, at the Feather River Opportunity Center, with guest speakers, Bud Tracy, Tracy Realty and Sonny Ventimiglio, Tri Counties Bank.

Randy Murphy, City Administrator, announced a National Prescription Drug Take-Back Day event on April 26, 2014, at the Oroville Comprehensive Care Clinic, 900 Oro Dam Boulevard.

Council Member Pittman reported that he had toured the Northwest SPCA facility on 5th Avenue, Oroville and praised the staff for their professionalism and dedication to the facility.

CLOSED SESSION

The Council held a Closed Session on the following:

1. Pursuant to Government Code section 54957.6, the Council met with Labor Negotiators and City Attorney to discuss labor negotiations for the Oroville City Employee's Association.

2. Pursuant to Government Code section 54957.6, the Council met with Labor Negotiators and City Attorney to discuss labor negotiations for the Oroville City Confidential Association.

3. Pursuant to Government Code section 54957.6, the Council met with Labor Negotiators and City Attorney to discuss labor negotiations for the Oroville Mid Manager's Association.

4. Pursuant to Government Code Section 54957(b), the Council met with the City Administrator and City Attorney to consider the appointment, employment, evaluation of performance, discipline, and/or dismissal of a public employee related to the following position: Director of Finance.

5. Pursuant to Government Code Section 54957(b), the Council met with the City Administrator and City Attorney to consider the appointment, employment, evaluation of performance, discipline, and/or dismissal of a public employee related to the following position: City Administrator.

6. Pursuant to Government Code section 54956.9(b), the Council met with the City Administrator and the City Attorney regarding potential litigation – two cases.

7. Pursuant to Government Code Section 54957(b), the Council met with Labor Negotiators, City Attorney and Director of Public Safety to consider the appointment, employment, evaluation of performance, discipline, and/or dismissal of a public employee related to the following position: Assistant Chief of Police.

8. Pursuant to Government Code section 54956.9(a), the Council met with the City Administrator and City Attorney relating to existing litigation: Walnut Hill Estate Enterprises v. County of Butte, et al., United States District Court, Eastern District of California, Case No. 2:14-cv-00640.

9. Pursuant to Government Code section 54956.9(a), the Council held the following closed sessions relating to existing litigation: City of Oroville, et al. v. Department of Finance, et al., Sacramento County Superior Court Case No. 34-2013-80001543.

Mayor Dahlmeier announced that a motion had been made by Council Member Bunker, seconded by Council Member Berry, to:

Dismiss the Director of Finance without cause.

The motion had been passed by the following vote:

Ayes:	Council Members Berry, Bunker, Pittman, Vice Mayor Wilcox, Mayor Dahlmeier
Noes:	Council Member Simpson
Abstain:	None
Absent:	Council Member Andoe

Pursuant to Government Code section 54957.1, action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph not withstanding, the report of a dismissal or of the non-renewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

Following this action, Mayor Dahlmeier reported that no other actions had been taken in Closed Session.

ADJOURNMENT

The meeting was adjourned at 9:30 p.m. A regular meeting of the Oroville City Council will be held on Tuesday, May 6, 2014 at 5:00 p.m.

Randy Murphy, City Clerk

Linda L. Dahlmeier, Mayor