



OROVILLE CITY COUNCIL

Council Chambers
1735 Montgomery Street
Regular Meeting

OCTOBER 7, 2014
CLOSED SESSION 5:00 P.M.
OPEN SESSION 6:00 P.M.
AGENDA

“Oroville - California's best opportunity for a safe and diverse quality of life”

*This meeting may be broadcast remotely via audio and/or video conference at the following addresses:
San Luis Inn & Suites, 404 Santa Rosa Street, San Luis Obispo, CA 93405*

CLOSED SESSION (5:00 P.M.)

ROLL CALL

Council Members Andoe, Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier

CONVENE TO CLOSED SESSION (ITEMS LISTED ON PAGE NO. 7)

RECONVENE TO OPEN SESSION

OPEN SESSION (6:00 P.M.)

PLEDGE OF ALLEGIANCE

PROCLAMATION / PRESENTATION

Oath of Office for Police Officer Perry Walters.

A New Business Acknowledgement and Welcome to Oroville for Blueberry Twist.

A Proclamation in recognition of KIXE-TV for 50 Years of Broadcasting.

A Proclamation recognizing October 2014 as Domestic Violence Awareness Month.

A Proclamation in recognition of the Oroville Rescue Mission for 50 Years of serving the community of Oroville.

A Presentation by *A & M Vapes* relating to *Vaporizing/E-Cigarettes*

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

This is the time the Mayor will invite anyone in the audience wishing to address the Council on a matter that is on the agenda to state your name and the agenda item on which you wish to speak. When that item comes up on the agenda, you will be asked to step to the podium, repeat your name for the record, and make your presentation or ask questions regarding the agenda item. Following your remarks, Council and/or staff may respond to your comments or questions. **Presentations are limited to three minutes per person.** Under Government Code Section 54954.3 the time allotted for presentations may be limited.

CONSENT CALENDAR

1. **APPROVAL OF THE MINUTES OF THE SEPTEMBER 16, 2014 REGULAR MEETING AND SEPTEMBER 23, 2014 SPECIAL MEETING OF THE OROVILLE CITY COUNCIL** – minutes attached

2. **LEASE OF BUTTE COLLEGE INSTRUCTIONAL FIREARMS RANGE** – staff report

The Council may consider a Letter of Agreement with Butte College relating to the use of the Butte College Instructional Firearms Range, for \$150 annually, by the Oroville Police Department for personnel training. **(Bill La Grone, Director of Public Safety)**

Council Action Requested: **Adopt Resolution No. 8263 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SAFETY TO EXECUTE A LETTER OF AGREEMENT FOR USE OF THE BUTTE COLLEGE INSTRUCTIONAL FIREARMS RANGE – (Agreement No. 1841-5).**

3. **MEMORANDUM OF UNDERSTANDING BETWEEN THE OROVILLE POLICE DEPARTMENT AND RIDEOUT HEALTH GROUP** – staff report

The Council may consider a Memorandum of Understanding with Rideout Health Group to provide sexual assault examinations. **(Bill La Grone, Director of Public Safety)**

Council Action Requested: **Adopt Resolution No. 8264 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SAFETY TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE OROVILLE POLICE DEPARTMENT AND RIDEOUT HEALTH GROUP FOR SEXUAL ASSAULT EXAMINATIONS AND THE ASSOCIATED COST FOR THE EXAMINATIONS, FOR ONE YEAR (OCTOBER 2014 – NOVEMBER 2015) - (Agreement No. 3029-1).**

4. **STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION MATCHING GRANT FOR FAA AIRPORT IMPROVEMENT PROGRAM APPLICATION** – staff report

The Council may consider a State of California Department of Transportation Matching Grant for FAA Airport Improvement Program Application for the Safety Area Grading and Drainage Improvements Design Project at the Oroville Municipal Airport. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

Council Action Requested: **Adopt Resolution No. 8265 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE STATE OF CALIFORNIA MATCHING GRANT FOR FAA AIRPORT IMPROVEMENT PROGRAM APPLICATION FOR THE SAFETY**

AREA GRADING AND DRAINAGE IMPROVEMENTS DESIGN PROJECT AT THE OROVILLE MUNICIPAL AIRPORT – (Agreement No. 3085).

5. **AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH REINARD BRANDLEY FOR SAFETY AREA GRADING AND DRAINAGE IMPROVEMENTS DESIGN AT OROVILLE MUNICIPAL AIRPORT – staff report**

The Council may consider an amendment to the Professional Services Agreement with Reinard Brandley, Consulting Airport Engineer for safety area grading and drainage improvements design at the Oroville Municipal Airport. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

Council Action Requested: **Adopt Resolution No. 8266 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH REINARD W. BRANDLEY, IN THE AMOUNT OF \$47,000, FOR THE PREPARATION OF PLANS AND SPECIFICATIONS FOR THE SAFETY AREA GRADING AND DRAINAGE IMPROVEMENT PROJECT – (Agreement No. 2006-9).**

6. **REIMBURSEMENT AGREEMENT WITH PACIFIC GAS AND ELECTRIC FOR STORM DRAIN PIPE REPAIR AT THE MUNICIPAL AUDITORIUM PARKING LOT – staff report**

The Council may consider a Reimbursement Agreement with Pacific Gas and Electric (PG&E) for the repair of a storm drain pipe at the Municipal Auditorium parking lot. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

Council Action Requested: **Adopt Resolution No. 8267 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH PACIFIC GAS AND ELECTRIC COMPANY FOR REIMBURSEMENT TO THE CITY OF ACTUAL COSTS FOR THE REPAIR OF A BLOCKED STORM DRAIN LOCATED BENEATH THE MUNICIPAL AUDITORIUM PARKING LOT – (Agreement No. 3086).**

7. **GROUNDWATER MONITORING WELL DESTRUCTIONS AND ACCESS AGREEMENTS FOR FORMER INDUSTRIAL WASTEWATER PONDS – staff report**

The Council may consider a Construction Contract with Cascade Drilling, L.P., in the amount of \$35,800, for the destruction of groundwater monitoring wells. The Council may also consider access agreements necessary for the well destructions located on property not owned by the City. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

Council Action Requested:

1. **Adopt Resolution No. 8268 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A CONSTRUCTION CONTRACT WITH CASCADE DRILLING, L.P., IN AN AMOUNT NOT TO EXCEED \$35,800, FOR THE DESTRUCTION OF 14 GROUNDWATER MONITORING WELLS – (Agreement No. 3087).**
2. **Adopt Resolution No. 8269 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE FOUR ACCESS AGREEMENTS FOR THE MONITORING WELLS DESTRUCTION PROJECT – (Agreement No. 3088).**

8. **TERMINATION OF LEASE AGREEMENT AND TRANSFER OF OWNERSHIP OF A METAL BUILDING**

BY THE KIWANIS CLUB OF OROVILLE FOR PROPERTY LOCATED AT 2363 S. 5TH AVENUE – staff report

The Council will receive an update on the termination of an existing Lease Agreement and the transfer of a metal building between the City of Oroville and the Kiwanis Club of Oroville for the property located at 2363 South 5th Avenue (APN: 035-400-022). **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Council Action Requested: **None.**

9. EXTENSION OF EXISTING LEASE AGREEMENT REQUEST BY THE KIWANIS CLUB OF OROVILLE – staff report

The Council may consider a request from the Kiwanis Club of Oroville for a two-year extension of an existing Lease Agreement for the storage of items in the Municipal Auditorium basement located at 1200 Myers Street (APN: 012-032-033-000). **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Council Action Requested: **Adopt Resolution No. 8270 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXTEND AN EXISTING LEASE AGREEMENT WITH THE KIWANIS CLUB OF OROVILLE TO UTILIZE A SMALL ENCLOSED SECTION OF THE MUNICIPAL AUDITORIUM BASEMENT LOCATED AT 1200 MYERS STREET (APN: 012-032-033-000) FOR AN ADDITIONAL TWO YEARS - (Agreement No. 1603-2).**

10. SELECTION OF BANK OF THE WEST AS THE PRIMARY BANK FOR THE CITY OF OROVILLE – staff report

The Council may consider the selection of Bank of the West as the primary bank for the City of Oroville, as recommended by the City Treasurer and staff. **(Karolyn Fairbanks, City Treasurer and Glenn Lazof, Interim Director of Finance)**

Council Action Requested: **Adopt Resolution No. 8271 – A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE SELECTION OF BANK OF THE WEST AS THE PRIMARY BANK FOR THE CITY OF OROVILLE.**

11. TIME EXTENSION OF INTERIM NEGOTIATION PERIOD OF THE MASTER LEASE AGREEMENT FOR THE OPERATION, MAINTENANCE AND MANAGEMENT OF THE OROVILLE STATE THEATRE – staff report

The Council will receive a report and may provide direction to City staff regarding the need for a time to complete negotiations with the State Theatre Arts Guild, Inc. (STAGE) to take over the operation, maintenance and management of the Oroville State Theatre. **(Donald Rust, Director of Community Services)**

Council Action Requested: **Direct staff to continue to negotiate the final Master Lease Agreement with STAGE for the operation, maintenance and management of the Oroville State Theatre.**

12. AGREEMENT WITH MUNISERVICES, LLC FOR TAX AUDIT AND RELATED SERVICES – staff report

The Council may consider an Agreement with MuniServices, LLC for sales, use and tax audit services. **(Randy Murphy, City Administrator)**

Council Action Requested: **Adopt Resolution No. 8272 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH MUNISERVICES FOR THE EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS –**

(Agreement No. 3089).

13. REIMBURSEMENT PROGRAM WITH PACIFIC GAS AND ELECTRIC COMPANY RELATING TO VEGETATION REMOVAL AND NATURAL GAS PIPELINE SAFETY – staff report

The Council may consider a Reimbursement Program with Pacific Gas and Electric Company for the removal of trees that are within City-owned/franchise property directly above or impacting natural gas pipelines within the City of Oroville. **(Donald Rust, Director of Community Development)**

Council Action Requested: **Approve the City's participation in the Reimbursement Program with Pacific Gas and Electric Company for the removal of trees that are within city-owned/franchise property directly above or impacting natural gas pipelines within the City of Oroville.**

PUBLIC HEARINGS - None

REGULAR BUSINESS

14. DIRECTION REQUEST FOR THE INITIATION OF PROCEEDINGS FOR THE ANNEXATION OF SOUTH OROVILLE AND OTHER UNINCORPORATED AREAS – staff report

The Council may consider formally resolving the City's intention to pursue the annexation of South Oroville and other unincorporated County properties by directing staff to bring back resolutions for the initiation of application by the City of Oroville for the annexation proposals outlined in the October 7, 2014 staff report. **(Donald Rust, Director of Community Services)**

Council Action Requested:

- 1. Adopt Resolution No. 8273 – A RESOLUTION OF INTENT OF THE OROVILLE CITY COUNCIL DIRECTING STAFF TO BRING BACK A RESOLUTION OF AUTHORIZATION FOR THE INITIATION OF APPLICATION BY THE CITY OF OROVILLE REQUESTING THE BUTTE COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE ANNEXATION OF SOUTH OROVILLE “AREA – A”.**
- 2. Adopt Resolution No. 8274 – A RESOLUTION OF INTENT OF THE OROVILLE CITY COUNCIL DIRECTING STAFF TO BRING BACK A RESOLUTION OF AUTHORIZATION FOR THE INITIATION OF APPLICATION BY THE CITY OF OROVILLE REQUESTING THE BUTTE COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE ANNEXATION OF SOUTH OROVILLE “AREA – B”.**
- 3. Adopt Resolution No. 8275 – A RESOLUTION OF INTENT OF THE OROVILLE CITY COUNCIL DIRECTING STAFF TO BRING BACK A RESOLUTION OF AUTHORIZATION FOR THE INITIATION OF APPLICATION BY THE CITY OF OROVILLE REQUESTING THE BUTTE COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE ANNEXATION OF THE PACIFIC HEIGHTS AREA.**
- 4. Adopt Resolution No. 8276 – A RESOLUTION OF INTENT OF THE OROVILLE CITY COUNCIL DIRECTING STAFF TO BRING BACK A RESOLUTION OF AUTHORIZATION FOR THE INITIATION OF APPLICATION BY THE CITY OF OROVILLE REQUESTING THE BUTTE COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE ANNEXATION OF THE GARDEN DRIVE AREA.**
- 5. Adopt Resolution No. 8277 – A RESOLUTION OF INTENT OF THE OROVILLE CITY COUNCIL**

DIRECTING STAFF TO BRING BACK A RESOLUTION OF AUTHORIZATION FOR THE INITIATION OF APPLICATION BY THE CITY OF OROVILLE REQUESTING THE BUTTE COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE ANNEXATION OF EL MEDIO FIRE PROTECTION DISTRICT AREA.

15. REVISIONS TO BUDGET POLICY NO. 16 - CITY OF OROVILLE BUDGET AND PURCHASING POLICY – staff report

The Council may consider revisions to Budget Policy No.16 - City of Oroville Budget and Purchasing Policy. **(Glenn Lazof, Interim Director of Finance)**

Council Action Requested: **Approve the revisions to Budget Policy No.16 - City of Oroville Budget and Purchasing Policy, as indicated in the October 7, 2014 staff report.**

16. REQUEST FOR PROPOSALS – NEW ACCOUNTING SOFTWARE – staff report

The Council may provide direction to staff regarding a Request for Proposals for the purchase of new accounting software. **(Glenn Lazof, Interim Director of Finance)**

Council Action Requested: **Direct staff to begin preparations to issue a Request for Proposals seeking a new accounting system to meet the needs of the City.**

17. PURCHASE OF COMPUTER WORKSTATIONS AND OFFICE 365 – staff report

The Council may consider the purchase of new workstations along with monitors. The Council may also consider subscription service to Microsoft Office 365 for hosted email, email retention, email legal hold, and Microsoft Office licensing. **(Randy Murphy, City Administrator and Tyson Pardee, IT Manager)**

Council Action Requested:

- 1. Authorize the purchase of new workstation and monitors from Dell, utilizing the Western States Contracting Alliance bid, in an amount not to exceed \$23,000; and**
- 2. Authorize the purchase of Microsoft Office 365 services; and**
- 3. Approve Supplemental Appropriation 2014/14-1007-XX.**

18. REVISIONS TO THE FIRE DEPARTMENT POLICY MANUAL – staff report

The Council may consider revisions to the Oroville Fire Department Policy Manual. **(Bill La Grone, Director of Public Safety)**

Council Action Requested: **Adopt Resolution No. 8278 – A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE REVISIONS TO THE PROPOSED FIRE DEPARTMENT POLICY MANUAL AND ADOPTING THE POLICY MANUAL AS THE OFFICIAL OROVILLE FIRE DEPARTMENT POLICY MANUAL.**

SUCCESSOR AGENCY – None

MAYOR/ COUNCIL REPORTS

COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS (A verbal report may be given regarding any

committee meetings attended.)

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

- Finance Department – activity report

CORRESPONDENCE

- Department of Alcoholic Beverage Control, received September 17, 2014
- Artists of River Town, received September 19, 2014
- Oroville Area Chamber of Commerce, received September 24, 2014
- League of California Cities, received September 22, 2014
- Oroville Downtown Business Association, received October 2, 2014

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

This is the time the Mayor will invite anyone in the audience wishing to address the Council on a matter not listed on the agenda to step to the podium, state your name for the record and make your presentation. **Presentations are limited to 3 minutes.** Under Government Code Section 54954.2, The Council is prohibited from taking action except for a brief response by the Council or staff to a statement or question relating to a non-agenda item.

CLOSED SESSION

The Council will hold a Closed Session on the following:

1. Pursuant to Government Code section 54957.6, the Council will meet with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville City Employees' Association, Oroville Police Officers' Association, and Oroville Fire Fighters' Association.
2. Pursuant to Government Code Section 54957(b), the Council will meet with Labor Negotiators 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.
3. Pursuant to Government Code Section 54956.8, the Council will meet with Real Property Negotiators, City Administrator and City Attorney, regarding the property identified as 2066 Bird Street, Oroville.
4. Pursuant to Government Code section 54956.9(a), the Council will meet with the City Administrator and City Attorney relating to existing litigation: Americanwest Bank v. Oroville Economic and Community Development Corp., et al., Butte County Superior Court, Case No. 161808.
5. Pursuant to Government Code section 54956.9(a), the Council will meet with the City Administrator, City Attorney and Counsel relating to existing litigation: WGS Dental, et al., v. City of Oroville, et al., Butte County Superior Court, Case No. 152036, Third District Court of Appeals, Case No. C 077181.
6. Pursuant to Government Code section 54956.9(b), the Council will meet with the City Administrator and the City Attorney regarding potential litigation – two cases.

ADJOURNMENT

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on Tuesday, October 21, 2014 at 5:00 p.m.

Accommodating Those Individuals with Special Needs – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the City Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.