

**CITY COUNCIL MEETING MINUTES
OCTOBER 7, 2014 – 5:00 P.M.**

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

The agenda for the October 7, 2014 regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall and on the City of Oroville's website located at www.cityoforoville.org on Friday, October 3, 2014, at 3:38 p.m.

The October 7, 2014 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 5:06 p.m.

ROLL CALL

Present: Council Members Andoe, Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox,
Mayor Dahlmeier
Absent: None

Staff Present:

Randy Murphy, City Administrator
Bill LaGrone, Director of Public Safety
Donald Rust, Director of Community Development
Glenn Lazof, Interim Director of Finance
Gary Layman, Chief Building Official
Rick Walls, Interim City Engineer

Scott Huber, City Attorney
Karolyn Fairbanks, City Treasurer
Jamie Hayes, Assistant City Clerk
Luis Topete, Associate Planner
Allen Byers, Asst. Police Chief
David Hilson, Battalion Chief

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Dahlmeier.

PROCLAMATION / PRESENTATION

Bill LaGrone, Director of Public Safety, and Mayor Dahlmeier, presented a new badge and conducted the Oath of Office for Police Officer Perry Walters.

Mayor Dahlmeier presented Beau Hawthorne with a New Business Acknowledgement and Welcome to Oroville for Blueberry Twist.

Mayor Dahlmeier presented Tracy Reynolds, KIXE-TV Vice President and Jim Prouty, KIXE-TV Treasurer, with a Proclamation in recognition of KIXE-TV for 50 Years of Broadcasting.

Mayor Dahlmeier presented Cindy Hawthorne, Amanda Harris and Meagan Maloney with a Proclamation recognizing October 2014 as Domestic Violence Awareness Month.

Mayor Dahlmeier read a Proclamation in recognition of the Oroville Rescue Mission for 50 Years of serving the community of Oroville.

Aaron Andrus, President of A & M Vapes, gave a Presentation relating to Vaporizing/E-Cigarettes.

Mayor Dahlmeier called special attention to the month of October serving as Breast Cancer Awareness Month and Bully Prevention Month.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

Joe Wilson – Item No. 13
Stephanie Tousley – Item No. 14
David Goodson – Item No. 14
Allen Young – Item No. 14

Jared Cooley – Item No. 14
Celia Hirschman – Item No. 14
Bill Bynum – Item No. 14

CONSENT CALENDAR

A motion was made by Council Member Pittman, seconded by Council Member Berry, to approve the following Consent Calendar, with the exception of Item No. 13:

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 considered 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 considered 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 considered 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 considered 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 considered 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 considered a Construction Contract with Cascade Drilling, L.P., in the amount of \$35,800, for the destruction of groundwater monitoring wells. The Council also considered 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 received 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 considered 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 considered 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 received a report and provided 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 considered 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. THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW)

The motion to approve the above Consent Calendar was passed by the following vote, with exception to Item No. 13:

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

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

The Council considered 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)**

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

PG&E Representative, Joe Wilson, answered questions relating to the removal of trees within the City limits.

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

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.

The motion was passed by the following vote:

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

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 considered 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)**

Jared Cooley expressed concerns over public safety issues.

Stephanie Tousley, Celia Hirschman, David Goodson, Bill Bynum and Allen Young spoke in support of the City annexing South Oroville and other unincorporated County properties.

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

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.**

The motion was passed by the following vote:

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

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)**

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

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

The motion was passed by the following vote:

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

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

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

The Council directed 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 considered the purchase of new workstations along with monitors. The Council also considered 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)**

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

- 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 2014/15-1007-01.**

The motion was passed by the following vote:

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

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

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

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

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.

The motion was passed by the following vote:

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

MAYOR/ COUNCIL REPORTS

Council Member Berry commended the City Police and Public Works staff for remedying an open electrical box located at Bedrock Park.

Council Member Pittman reported his attendance to the State Parks and Recreation promotional event held at the Oroville clay pits located off of Larkin Road.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

- Finance Department – activity report

Bill La Grone, Director of Public Safety, reported that the Police Department was currently hiring for multiple positions.

Don Rust, Director of Community Development, commended Park Maintenance Technician Amanda Wilkey, for her outstanding work efforts relating to the Breast Cancer Walk held at Bedrock Park.

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

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

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 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 met 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 met 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 met with the City Administrator and City Attorney relating to existing litigation: Americanwest Bank v. Oroville

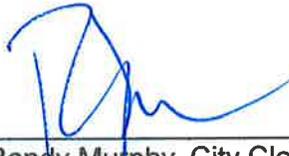
Economic and Community Development Corp., et al., Butte County Superior Court, Case No. 161808.

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

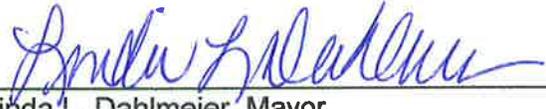
Mayor Dahlmeier announced that no actions had been taken in Closed Session and direction had been given to staff.

ADJOURNMENT

The meeting was adjourned at 8:45 p.m. A regular meeting of the Oroville City Council will be held on Tuesday, October 21, 2014, at 5:00 p.m.



Randy Murphy, City Clerk



Linda L. Dahlmeier, Mayor