

**CITY COUNCIL MEETING MINUTES  
APRIL 21, 2015 – 5:00 P.M.**

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The agenda for the April 21, 2015 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](http://www.cityoforoville.org) on Friday, April 17, 2015, at 3:33 p.m.

The April 21, 2015 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 5:04 p.m.

**ROLL CALL**

Present: Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Mayor Dahlmeier  
Absent: Vice Mayor Wilcox (excused)

**Staff Present:**

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Donald Rust, Director of Community Development  
Bill La Grone, Director of Public Safety  
Rick Farley, RDA Coordinator  
Allen Byers, Assistant Police Chief  
Tyson Pardee, IT Manager  
Gary Layman, Chief Building Official  
Liz Ehrenstrom, Human Resource Analyst II

Scott Huber, City Attorney  
Jamie Hayes, Assistant City Clerk  
Ruth Wright, Director of Finance  
Karolyn Fairbanks, Treasurer  
Dean Hill, Assistant Fire Chief  
Rick Walls, Interim City Engineer  
Bob Marciniak, Program Specialist

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**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Pack 29 Tiger Den.

**PROCLAMATION / PRESENTATION**

Mayor Dahlmeier presented a Certificate of Appreciation to John-Ross Franklin Floyd for earning the rank of Eagle Scout.

Mayor Dahlmeier presented a Certificate of Appreciation to Cissy Smith recognizing her as a Champion for Change for her participation in the Southside Oroville Community Garden.

Mayor Dahlmeier presented Gary Hollen with a Proclamation in recognition of Lee Walker Hollen.

Chief La Grone presented a badge and Mayor Dahlmeier administered an Oath of Office to Police Officer Joshua Meadors.

Mark Northcross, NHA Advisors, gave a presentation relating to Bond Refunding.

## **RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS**

Tasha Levinson – Item No. 18  
Susan Sims – Item No. 21

Allen Young – Item No. 21

## **CONSENT CALENDAR**

A motion was made by Council Member Pittman, seconded by Council Member Berry, to approve the following Consent Calendar, with exception to Item No. 2, 4 and 11:

1. **APPROVAL OF THE MINUTES OF THE MARCH 31, 2015 AND APRIL 6, 2015 SPECIAL MEETINGS AND APRIL 7, 2015 REGULAR MEETING OF THE OROVILLE CITY COUNCIL** – minutes attached
2. **THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW)**
3. **AMENDMENT TO THE SUPPLEMENTAL BENEFITS FUND IMPLEMENTATION AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES** – staff report

The Council considered an Amendment to the Supplemental Benefits Fund Implementation Agreement between the City of Oroville and the State of California Department of Water Resources, extending the term through July 20, 2016. **(Donald Rust, Director of Community Development and Bob Marciniak, Program Specialist)**

Council Action Requested: **Adopt Resolution No. 8347 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE SUPPLEMENTAL BENEFITS FUND IMPLEMENTATION AGREEMENT BETWEEN THE CITY OF OROVILLE AND THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES, EXTENDING THE TERM THROUGH JULY 20, 2016 – (Agreement No. 1688-6).**

4. **THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW)**
5. **SUNGARD PUBLIC SECTOR USERS' GROUP ASSOCIATION CONFERENCE** – staff report

The Council considered approval of the expenditure for City related business travel for the IT Manager to attend the Sungard Public Sector Users' Group Association (SUGA) Conference on May 17 – 21, 2015 in Atlanta, GA. **(Ruth Wright, Director of Finance)**

Council Action Requested: **Approve the expenditure for City related business travel for the IT Manager to attend the Sungard Users' Group Association Conference on May 17 – 21, 2015 in Atlanta, GA.**

6. **BAD DEBT AND COLLECTION POLICY** – staff report

The Council considered a Bad Debt and Collection Policy for the City of Oroville. **(Ruth Wright, Director of Finance)**

Council Action Requested: **Adopt Resolution No. 8349 – A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING A BAD DEBT AND COLLECTION POLICY.**

**7. GENERAL FUND BUDGET ADJUSTMENT AND TRANSFER – staff report**

The Council considered a General Fund Budget adjustment and transfer for the City Administrator's budget. **(Ruth Wright, Director of Finance)**

Council Action Requested: **Approve the General Fund Budget adjustment and transfer for the City Administrator's budget as indicated in the April 21, 2015 staff report.**

**8. MAILING OF PROP 218 INCREASES FOR SEWERAGE COMMISSION – OROVILLE REGION – staff report**

The Council considered the mailing of Prop 218 notices to Oroville sewer customers regarding sewer treatment rate increases planned by the Sewerage Commission – Oroville Region. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

Council Action Requested: **Authorize staff to prepare and issue a Purchase Order to the Work Training Center, in the amount of \$2,528.67 for the mailing of 3,886 Prop 218 rate increase notices to Oroville sewer customers.**

**9. PIONEER MUSEUM RAMPS GRADING PROJECT – staff report**

The Council considered a Permit to Enter and Construct with Right-of-Entry with Butte County for a small ramps grading project to be completed by the County on both City and County property behind the Pioneer Museum. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

Council Action Requested: **Adopt Resolution No. 8350 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PERMIT TO ENTER AND CONSTRUCT WITH RIGHT-OF-ENTRY WITH BUTTE COUNTY FOR THE PIONEER MUSEUM RAMPS CONSTRUCTION PROJECT – (Agreement No. 3119).**

**10. PURCHASE OF MICROSOFT OFFICE 365 – staff report**

The Council considered the purchase of Microsoft Office 365, from the sole source provider, SADA Systems, a Microsoft Partner, in the amount of \$10,610.76, for hosted email, email retention, email legal hold, and Microsoft Office licensing, and an additional \$5,000 for IT services relating to this purchase. **(Donald Rust, Director of Community Development and Tyson Pardee, IT Manager)**

Council Action Requested:

- 1. Authorize the purchase of Microsoft Office 365, from the sole source provider, SADA Systems, a Microsoft Partner, in the amount of \$10,610.76, for hosted email, email retention, email legal hold, and Microsoft Office licensing.**
- 2. Authorize the expenditure of \$5,000 from the sole source provider, SADA Systems, a Microsoft Partner, for IT services relating to the purchase of**

**Microsoft Office 365.**

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

**12. 2015 U.S. CONFERENCE OF MAYORS – SAN FRANCISCO, CA – staff report**

The Council received a report regarding the status of the U.S. Conference of Mayors, to be held in San Francisco, and Mayor Dahlmeier's attendance of the 2015 event. **(Donald Rust, Director of Community Development)**

Council Action Requested: **None.**

**13. MEMORANDUM OF UNDERSTANDING WITH OROVILLE UNION HIGH SCHOOL DISTRICT – staff report**

The Council considered a Memorandum of Understanding with the Oroville Union High School District for a full-time School Resource Officer. **(Bill La Grone, Director of Public Safety)**

Council Action Requested: **Adopt Resolution No. 8351 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE OROVILLE UNION HIGH SCHOOL DISTRICT FOR A FULL-TIME SCHOOL RESOURCE OFFICER FOR THE 2015/2016 SCHOOL YEAR – (Agreement No. 1932-6).**

**14. ASSET FORFEITURE REVENUE SHARING – staff report**

The Council received information regarding the sharing of assets seized in cooperation with the Butte County Interagency Narcotics Task Force and the Gridley/Biggs Police Department. **(Bill LA Grone, Director of Public Safety)**

Council Action Requested: **None.**

**15. PURCHASE OF FORENSIC CELL PHONE EXAMINER EQUIPMENT – staff report**

The Council considered the purchase of Forensic Cell Phone Examiner Equipment, from the sole source provider, Cellebrite, in the amount of \$14,054. **(Bill La Grone, Director of Public Safety)**

Council Action Requested: **Authorize the purchase of Forensic Cell Phone Examiner Equipment, from the sole source provider, Cellebrite, in the amount of \$14,054.**

**16. AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION – CALFIRE – staff report**

The Council considered an Agreement with Cal Fire for mutual aid participation in the Butte Unit Strategic Fire Plan. **(Bill La Grone, Director of Public Safety)**

Council Action Requested: **Adopt Resolution No. 8352 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH CAL FIRE FOR PARTICIPATION IN THE BUTTE UNIT STRATEGIC FIRE PLAN – (Agreement No. 3120).**

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Mayor  
Dahlmeier  
Noes: None  
Abstain: None  
Absent: Vice Mayor Wilcox

## **ITEMS REMOVED FROM THE CONSENT CALENDAR**

### **2. AMENDMENT TO AGREEMENT WITH FEATHER RIVER RECREATION AND PARK DISTRICT – staff report**

The Council considered an Amendment to the Agreement with Feather River Recreation and Park District relating to the Supplemental Benefits Fund grant for irrigation water well at the Nelson Sports Complex. **(Donald Rust, Director of Community Development and Bob Marciniak, Program Specialist)**

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

A motion was made by Council Member Hatley, seconded by Council Member Pittman, to:

**Adopt Resolution No. 8346 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF OROVILLE, AS FUND ADMINISTRATOR OF THE SUPPLEMENTAL BENEFITS FUND, AND FEATHER RIVER RECREATION AND PARK DISTRICT, EXTENDING THE TERM OF THE AGREEMENT TO JULY 1, 2015 – (Agreement No. 3058-2).**

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Mayor  
Dahlmeier  
Noes: None  
Abstain: None  
Absent: Vice Mayor Wilcox

### **4. COMMERCIAL LEASE AGREEMENT WITH SATEH SAM HASROUN FOR THE RENTAL OF OFFICE SPACE AT 1461 MYERS STREET – staff report**

The Council considered entering into a Commercial Lease Agreement with Sateh Sam Hasroun, publisher of The Digger Shopper and News, for rental of a commercial unit at the Historic State Theatre, 1461 Myers Street, Suite 2. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

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

Following discussion, this item was continued to the May 5, 2015 regular meeting of the Oroville City Council for further consideration therefore; no action was taken on the following:

**Adopt Resolution No. 8348 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A COMMERCIAL LEASE AGREEMENT WITH SATEH SAM HASROUN FOR OFFICE SPACE LOCATED AT 1461 MYERS STREET, SUITE 2 – (Agreement No. 3118).**

**11. OPENING OF ESCROW FOR TABLE MOUNTAIN BOULEVARD ROUNDABOUT PROJECT – staff report**

The Council considered the opening of escrow with Fidelity National Title for the purchase of real property at Assessor's Parcel No. 031-052-027 relating to the Table Mountain Boulevard Roundabout Project. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

At the request of Donald Rust, Director of Community Development, this item was tabled until the May 5, 2015 regular meeting of the Oroville City Council therefore; no action was taken on the following:

**Authorize the payment of \$19,825 to Fidelity National Title to fund the escrow for the purchase of Right-of-Way from Star Highlands of Oroville (APN 031-052-027), relating to the Table Mountain Boulevard Roundabout Project.**

**PUBLIC HEARINGS**

**17. AMENDMENTS TO SECTIONS 20-1 AND 20-11 OF THE OROVILLE MUNICIPAL CODE – SEWER COLLECTION – staff report**

The Council held a public hearing and considered amending Sections 20-1 and 20-11 of the Oroville Municipal Code relating to the Sanitary Sewer Collection System. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

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 Berry, seconded by Council Member Pittman, to:

**Waive the first reading and introduce by title only, Ordinance No. 1808 - AN ORDINANCE OF THE OROVILLE CITY COUNCIL AMENDING SECTIONS 20-1 AND 20-11 OF THE CODE OF THE CITY OF OROVILLE RELATING TO THE SANITARY SEWER COLLECTION SYSTEM.**

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Mayor Dahlmeier  
Noes: None  
Abstain: None  
Absent: Vice Mayor Wilcox

**18. DEVELOPMENT IMPACT FEES – staff report**

The Council held a public hearing and considered adopting Development Impact Fees as specified in the Development Impact Fee Report, completed by Willdan Financial Services. **(Donald Rust, Director of Community Development and Glenn Lazof, Finance Project Manager)**

Mayor Dahlmeier opened the public hearing.

Tasha Levinson spoke in support of the Development Impact Fees specified in the Development Impact Fee Report, completed by Willdan Financial Services.

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

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

**Adopt Resolution No. 8353 – A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING DEVELOPMENT IMPACT FEES AS SPECIFIED IN THE DEVELOPMENT IMPACT FEE REPORT.**

The motion was passed by the following vote:

Ayes:	Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Mayor Dahlmeier
Noes:	None
Abstain:	None
Absent:	Vice Mayor Wilcox

**REGULAR BUSINESS**

**19. FACILITY AND PARK FEE WAIVER POLICY – staff report**

The Council considered giving staff direction on the existing Facility and Park Fee Waiver Policy. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Following discussion, the Council directed staff to amend the existing Facility and Park Fee Waiver Policy to require non-profit applicants to apply for a 50% fee waiver 60 days prior to events. In addition, the Council directed staff to eliminate the appeals option.

**20. FEE WAIVER REQUEST FOR USE OF THE LOTT HOME/SANK PARK BY THE AMAPOLA CHAPTER – ORDER OF THE EASTERN STAR – staff report**

The Council considered a fee waiver request for use of the Lott Home/Sank Park by the Amapola Chapter – Order of the Eastern Star for their annual BBQ fundraiser and family day. **(Donald Rust, Director of Community Development and Luis Topete, Associate**

**Planner)**

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

**Approve a 50% fee waiver, in the amount of \$125, for use of the Lott Home/Sank Park by the Amapola Chapter – Order of the Eastern Star for their annual BBQ fundraiser and family day.**

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Mayor Dahlmeier  
Noes: None  
Abstain: None  
Absent: Vice Mayor Wilcox

**21. TREE REMOVAL MORATORIUM – staff report**

The Council considered giving staff direction regarding a potential tree removal moratorium. **(Donald Rust, Director of Community Development)**

Allen Young spoke to the Council relating concerns over the removal of trees.

Susan Sims spoke in support of the management of the Parks and Trees Department.

Following discussion, the Council directed staff to cease development of a tree moratorium for the City of Oroville.

**22. SUPPLEMENTAL APPROPRIATION FOR CITY HOUSING ECONOMIC DEVELOPMENT REVOLVING LOAN FUND – staff report**

The Council considered a supplemental appropriation to increase the previously approved budget for the City Housing Economic Development Revolving Loan Fund. **(Rick Farley, Enterprise Zone and Business Assistance Coordinator)**

A motion was made by Council Member Pittman, seconded by Council Member Simpson, to:

**Approve Supplemental Appropriation No. 2014/15-0421-06, as indicated in the April 21, 2015 staff report.**

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Mayor Dahlmeier  
Noes: None  
Abstain: None  
Absent: Vice Mayor Wilcox

**23. MONTHLY SUMMARY OF INVESTMENTS AND MONTHLY FINANCIAL REPORTS FOR MARCH 2015 – reports attached**

The Council received and acknowledged the Monthly Summary of Investments and the Monthly Financial Reports for March 2015. **(Ruth Wright, Director of Finance)**

**SUCCESSOR AGENCY**

**24. PROFESSIONAL SERVICES AGREEMENT WITH ROSENOW SPEVACEK GROUP, INC. – staff report**

The Commission considered a Professional Services Agreement with Rosenow Spevacek Group, Inc. (“RSG”), in the amount of \$5,500, annually, for five years, to provide Continuing Disclosure and Dissemination Agent Services as required by the Continuing Disclosure Certificate for the Successor Agency’s Tax Allocation Refunding Bonds Series 2015A and Series 2015B. **(Rick Farley, RDA Coordinator)**

A motion was made by Commissioner Pittman, seconded by Commissioner Berry, to:

**Adopt Resolution No. 15-08 - A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER OROVILLE REDEVELOPMENT AGENCY APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH ROSENOW SPEVACEK GROUP, INC, IN THE AMOUNT OF \$5,500, ANNUALLY, FOR FIVE YEARS, FOR CONTINUING DISCLOSURE AND DISSEMINATION AGENT SERVICES AS REQUIRED BY THE CONTINUING DISCLOSURE CERTIFICATE FOR THE SUCCESSOR AGENCY’S TAX ALLOCATION REFUNDING BONDS SERIES 2015A AND SERIES 2015B – (Agreement No. 15-01).**

The motion was passed by the following vote:

Ayes: Commissioners Berry, Del Rosario, Hatley, Pittman, Simpson, Chairperson  
Dahlmeier  
Noes: None  
Abstain: None  
Absent: Vice Chairperson Wilcox

**25. TRANSFER OF LAND AT 2044 MONTGOMERY STREET – staff report**

The Commission considered the transfer of a triangular portion of land at 2044 Montgomery Street to the adjacent property owner at 2040 Montgomery Street through a lot line adjustment. **(Rick Farley, RDA Coordinator)**

A motion was made by Commissioner Simpson, seconded by Commissioner Hatley, to:

**Adopt Resolution No. 15-09 – A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER OROVILLE REDEVELOPMENT AGENCY AUTHORIZING THE TRANSFER OF A TRIANGULAR PORTION OF LAND AT 2044 MONTGOMERY STREET TO THE ADJACENT PROPERTY OWNER AT 2040 MONTGOMERY STREET THROUGH A LOT LINE ADJUSTMENT WITH FAIR COMPENSATION.**

The motion was passed by the following vote:

Ayes: Commissioners Berry, Del Rosario, Hatley, Pittman, Simpson, Chairperson  
Dahlmeier  
Noes: None

Abstain: None  
Absent: Vice Chairperson Wilcox

### **MAYOR/ COUNCIL REPORTS**

Council Member Pittman reported his attendance to the State Water Control Board meeting, held at the Elk's Lodge in Chico, CA.

### **CITY ADMINISTRATOR/ ADMINISTRATION REPORTS**

- Public Safety Department – activity report

Donald Rust, Director of Community Development, spoke to the Council regarding the sponsorship of a Flag Day event, and maintenance concerns relating to the Ishi monument on Oro Quincy Highway.

Cheri Bunker advised that the Native Sons of the Golden West would be partnering with the City to maintain the Ishi monument.

Mr. Rust also reported that the State Department of Housing and Community Development would be providing the Council with a presentation during the May 11, 2015 special meeting at the Table Mountain Golf Club.

### **CORRESPONDENCE**

- Butte County Air Quality Management District, received April 9, 2015
- Table Mountain Golf Club, received April 10, 2015
- Minasian, Meith, Soares, Sexton and Cooper, LLP, received on April 20, 2015

### **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(b), the Council met with Labor Negotiators and City Attorney to consider the appointment, and/or employment of a public employee related to the following position: City Administrator.
2. Pursuant to Government Code Section 54957(b), the Council met with Labor Negotiators and City Attorney to consider the evaluation of performance related to the following position: Director of Community Development.
3. Pursuant to Government Code Section 54957(b), the Council met with Labor Negotiators and City Attorney to consider the evaluation of performance related to the following position: Public Safety Director.

4. 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 – Sworn and Non-Sworn, Oroville Firefighters' Association, and Oroville Management and Confidential Association.
5. Pursuant to Government Code section 54956.9(a), the Council met with the Acting 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.
6. Pursuant to Government Code section 54956.95, the Council met with the Acting City Administrator and City Attorney relating to Worker's Compensation Claim No. NCWA-556295.
7. Pursuant to Government Code section 54956.9(a), the Council met with the City Administrator, Director of Community Development, Chief of Police, and the City Attorney relating to existing litigation: Pacific Gas and Electric Company v. Save Oroville Trees, et al., Butte County Superior Court, Case No. 163598, and consolidated actions.
8. Pursuant to Government Code section 54956.9(d), the Council met with the Acting City Administrator and the City Attorney regarding potential litigation – two cases.

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

### **ADJOURNMENT**

The meeting was adjourned at 8:09 p.m. A regular meeting of the Oroville City Council will be held on Tuesday, May 5, 2015, at 5:00 p.m.

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Donald Rust, Acting City Clerk

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Thil Wilcox, Vice Mayor