

**CITY COUNCIL MEETING MINUTES
SEPTEMBER 15, 2015 – 5:00 P.M.**

The agenda for the September 15, 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 on Friday, September 11, 2015, at 3:30 p.m.

The September 15, 2015 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 5:01 p.m.

ROLL CALL

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

Staff Present:

Donald Rust, Director of Community Development
Jamie Hayes, Assistant City Clerk
Rick Walls, Interim City Engineer
Ruth Wright, Director of Finance
III Bob Marciniak, SBF Program Specialist
Liz Ehrenstrom, Human Resource Manager
Rick Farley, RDA Coordinator

Bill LaGrone, Director of Public Safety
Karolyn Fairbanks, Treasurer
Dean Hill, Jr. Assistant Fire Chief
Amy Bergstrand, Management Analyst
Allen Byers, Assistant Police Chief
Tyson Pardee, IT Manager
Chris Nicodemus, Police Lieutenant

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Dahlmeier.

PROCLAMATION / PRESENTATION

Mayor Dahlmeier read a Proclamation recognizing September 13 – 19, 2015 as “National Assisted Living Week”.

Mayor Dahlmeier presented Katie Fox, Co-Founder of the Butte Diaper Bank, with a Proclamation recognizing September 28 – October 4, 2015 as “Diaper Need Awareness Week”.

Tanya Sundberg, PlaceWorks, Inc., and Claudia Stewart, Butte County, gave a Presentation relating to the Urban Greening Plan.

Chris DeVine and Jon Clark, Butte County Association of Governments, gave a Presentation relating to Butte Regional Conservation Plan.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

Allen Young – Item No. 15
Sarah Britton – Item No. 23

Chris Connell – Item No. 19
Mike Britton – Item No. 23

CONSENT CALENDAR

A motion was made by Vice Mayor Wilcox, seconded by Council Member Hatley, to approve the following Consent Calendar, with exception to Item No. 3, 10 and 12:

1. **APPROVAL OF THE MINUTES OF SEPTEMBER 1, 2015 REGULAR MEETING OF THE OROVILLE CITY COUNCIL** – minutes attached
2. **SUPPLEMENTAL BENEFITS FUND AGREEMENT WITH ENVIRONMENTAL SCIENCE ASSOCIATES** – staff report

The Council, serving as the Supplemental Benefits Fund Administrator, considered a Professional Services Agreement, in the amount of \$68,950, with Environmental Science Associates for the preparation of the Feather River Consolidated Master Plan. **(Donald Rust, Director of Community Development and Bob Marciniak, SBF Program Specialist)**

Council Action Requested: **Adopt Resolution No. 8426 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE, AS THE SUPPLEMENTAL BENEFITS FUND ADMINISTRATOR, AND ENVIRONMENTAL SCIENCE ASSOCIATES, IN THE AMOUNT OF \$68,950, FOR THE PREPARATION OF THE FEATHER RIVER CONSOLIDATED MASTER PLAN – (Agreement No. 3145).**

3. **THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW)**
4. **PURCHASE OF STORMWATER COMPLIANCE MATERIALS** – staff report

The Council considered the purchase of stormwater compliance materials from WGR Southwest, in the amount of \$2,825, for the City's Small MS4 Statewide General Permit. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

Council Action Requested: **Authorize the purchase of stormwater compliance materials from WGR Southwest, in the amount of \$2,825, for the City's Small MS4 Statewide General Permit.**

5. **STATE THEATRE BUILDING REPAIRS BY B & B PAINTING AND DRYWALL** – staff report

The Council received an update regarding B & B Painting and Drywall's repair work on the exterior of the State Theatre's commercial spaces. **(Donald Rust, Director of Community**

Development and Amy Bergstrand, Management Analyst III)

Council Action Requested: **None.**

6. ADOPTION OF STANDARDIZED FORMAT AND STYLE METHODOLOGY FOR THE OROVILLE CITY MUNICIPAL CODE – staff report

The Council considered a standard of formatting and stylistic methodology to be utilized in the codification of the Oroville City Municipal Code. **(Donald Rust, Director of Community Development; Jamie Hayes, Assistant City Clerk and Scott Huber, City Attorney)**

Council Action Requested: **Approve the standard for formatting and stylistic methodology to be utilized in the codification of the Oroville City Municipal Code, as indicated in the September 15, 2015 staff report.**

7. FORMATION OF A CITY GRANT WRITING TEAM – staff report

The Council considered the formation of a City grant writing team for the interdepartmental collaboration in the identification, evaluation, preparation, review and submittal of potential grant applications. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Council Action Requested: **Direct the City personnel, identified in the September 15, 2015 staff report, or his/her designee, to participate as members of a City grant writing team for the interdepartmental collaboration in the identification, evaluation, preparation, review and submittal of potential grant applications.**

8. PROPOSED ARTWORK ONTO PACIFIC GAS AND ELECTRIC COMPANY CABINET – staff report

The Council considered a proposed art project to decorate a PG&E cabinet located at 2280 6th Street, Oroville, with the re-production of a 2014 peace poster contest drawing and other complimentary designs. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Council Action Requested: **Approve the placement of the proposed art project to decorate a PG&E cabinet located at 2280 6th Street, Oroville, with the re-production of a 2014 peace poster contest drawing and other complimentary designs.**

9. CHICO CERTIFIED FARMERS MARKET – staff report

The Council received an update on the solution to the safety concerns expressed by the manager of the Chico Certified Farmers Market. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Council Action Requested: **None.**

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

11. FEE WAIVER REQUEST BY THE OROVILLE HMONG NEW YEAR FESTIVAL COMMITTEE – staff report

The Council considered a fee waiver request from the Oroville Hmong New Year Festival Committee, in the amount of \$6,415, for Police Services relating to the 2015 Oroville Hmong New Year Festival, to be held October 10 – 11, 2015 at the Nelson Avenue Sports Complex. **(Bill LaGrone, Director of Public Safety)**

Council Action Requested: **Waive 65% of the fees, in the amount of \$6,415, and have the applicant pay the remainder of the fees, in the amount of \$3,454, for the 2015 Oroville Hmong New Year Festival.**

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

The motion was passed by the following vote:

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

3. PURCHASE OF COST ALLOCATION SOFTWARE AND LICENSE AND SERVICE AGREEMENT WITH COSTTREE, LLC – staff report

The Council considered the purchase of cost allocation software, in the amount of \$4,000, and a License and Service Agreement with Costtree LLC. **(Ruth Wright, Director of Finance)**

This item was removed from the Consent Calendar at the request of staff so that additional information could be provided.

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

- 1. Approve the purchase of cost allocation software from Costtree LLC in the amount of \$4,000; and**
- 2. Adopt Resolution No. 8427 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORTIZING AND DIRECTING THE MAYOR TO EXECUTE A LICENSE AND SERVICE AGREEMENT WITH COSTTREE, LLC. RELATING TO COST ALLOCATION SOFTWARE – (Agreement No. 3146).**

The motion was passed by the following vote:

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

10. SURPLUS OF VARIOUS ITEMS OF PERSONAL PROTECTIVE EQUIPMENT – staff report

The Council considered the surplus of various items of Personal Protective Equipment that is no longer in service at the Fire Department. **(Bill LaGrone, Director of Public Safety)**

This item was removed from the Consent Calendar at the request of Council Member Hatley so that staff could provide additional information.

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

Authorize the surplus and transfer of various items of Personal Protective Equipment to the Butte College Fire Academy, to local humanitarian groups for the donation of this equipment to impoverished countries, or in any other manner compliant with law and in the judgement of the Fire Chief/Public Safety Director, as indicated in the September 15, 2015 staff report.

The motion was passed by the following vote:

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

12. JOB RELATED TRAINING FOR CITY STAFF – staff report

The Council received a report regarding the enrollment of two employees in job related training. **(Donald Rust, Director of Community Development and Amy Bergstrand, Management Analyst III)**

At the request of Council Member Hatley, this item was removed from the Consent Calendar, for additional comments.

Council Action Requested: **None.**

PUBLIC HEARINGS

11. STREAMLINE SOLAR PERMITTING

The Council will conduct a public hearing to review and consider adopting an ordinance amending the City of Oroville Municipal Code regarding the implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems per AB 2188. **(Donald Rust, Director of Community Development and Gary Layman, Chief Building Official)**

This item was continued to the October 6, 2015 City Council agenda therefore; no action was taken on the following:

Council Action Requested: **Waive the first reading and introduce by title only, Ordinance No. 1810 – AN ORDINANCE OF THE OROVILLE CITY COUNCIL AMENDING THE CITY OF OROVILLE MUNICIPAL CODE REGARDING THE IMPLEMENTATION OF CONSISTENT STATEWIDE STANDARDS TO ACHIEVE THE TIMELY AND COST-EFFECTIVE INSTALLATION OF SOLAR ENERGY SYSTEMS PER AB 2188.**

REGULAR BUSINESS

14. PURCHASE OF UPGRADE FOR LASERFICHE – staff report

The Council considered the purchase of an upgrade for Laserfiche, a document scanning retention program, from Ray Morgan Company, in the amount of \$25,965. **(Donald Rust, Director of Community Development and Tyson Pardee, IT Manager)**

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

Authorize the purchase of an upgrade for Laserfiche from Ray Morgan Company, in the amount of \$25,965.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier

Noes: None

Abstain: None

Absent: None

15. ZC 15-01: SIGN CODE AMENDMENT – REQUIREMENTS FOR THE DOWNTOWN HISTORIC OVERLAY AND HISTORIC PRESERVATION DISTRICTS – staff report (Continued from September 1, 2015)

The Council considered amending Section 26-19.105 of the Oroville Municipal Code relating to the City's sign regulations in the Downtown Historic Overlay/Historic Preservation District. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Allen Young made spoke in support of Ordinance No. 1809.

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

Waive the second reading and adopt by title only, Ordinance No. 1809– AN ORDINANCE OF THE OROVILLE CITY COUNCIL ADOPTING THE PROPOSED AMENDMENTS TO THE OROVILLE MUNICIPAL CODE SECTION 26-19.150 RELATING TO THE CITY’S SIGN REGULATIONS IN THE DOWNTOWN HISTORIC OVERLAY / HISTORIC PRESERVATION DISTRICT.

The motion was passed by the following vote:

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

16. 2014 COMMUNITY DEVELOPMENT BLOCK GRANT AND ESTABLISHMENT OF A BUDGET FOR PROGRAM AND PROJECT ACTIVITIES – staff report

The Council considered accepting the 2014 Community Development Block Grant Allocation, Agreement No. 14-CDBG-9893, in the amount of \$500,001, and approving a supplemental appropriation to establish the budget for related program activities. **(Donald Rust, Director of Community Development and Amy Bergstrand, Management Analyst III)**

A motion was made by Council Member Pittman, seconded by Vice Mayor Wilcox, to:

- 1. Accept the 2014 Community Development Block Grant Allocation, Agreement No. 14-CDBG-9893, in the amount of \$500,001; and**
- 2. Approve Supplemental Appropriation No. 2015/16-0915-00 as indicated in the fiscal impact of the staff report, dated September 15, 2015.**

The motion was passed by the following vote:

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

17. ACCEPTANCE OF TIRE-DERIVED GRANT FROM CALRECYCLE – staff report (Continued from August 18, 2015)

The Council considered accepting the 2014/2015 Tire Derived Product Grant from CalRecycle, in the amount of \$35,932. **(Donald Rust, Director of Community Development and Rick Farley, Interim Recycling Coordinator)**

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

Member Hatley, to:

Adopt Resolution No. 8406 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH CALRECYCLE, FOR GRANT FUNDS IN THE AMOUNT OF \$35,932, TO BE RECEIVED UNDER THE FISCAL YEAR 2014/2015 TIRE DERIVED PRODUCT GRANT PROGRAM.

The motion was passed by the following vote:

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

18. REGULATIONS REGARDING UNITED STATES FLAG USE ETIQUETTE – staff report

The Council considered directing staff to develop regulations regarding proper etiquette for use of the United States flag. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Following discussion, Council directed staff to return with a United States Flag Use Policy, to include all City flags at all City facilities.

19. COMPLETION OF THE URBAN FOREST MANAGEMENT PLAN, AMENDMENTS TO THE EXISTING TREE ORDINANCE AND NEW VEGETATION MANAGEMENT PLAN – staff report

The Council considered initiating the process to complete an Urban Forest Management Plan, amend the existing Tree Ordinance and other relevant City Municipal Code sections, complete a Vegetation Management Plan for the areas along the Feather River, and appoint an Ad hoc sub-committee to oversee, provide input, and help draft the documents and ordinance amendments. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Chris Connell spoke in regards to the composition of the Ad hoc sub-committee.

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

- 1. Direct staff to come back with a proposed work plan and budget for the completion of an Urban Forest Management Plan, amendments to the existing Tree Ordinance and other relevant City Municipal Code sections, and a new Vegetation Management Plan for the areas along the Feather River; and**
- 2. Appoint an Ad hoc sub-committee to oversee, provide input, and help draft the documents and ordinance amendments, consisting of:**
 - Two (2) Council Members;**

- **Two (2) Park Commissioners;**
- **Three (3) City of Oroville Residents;**
- **City Staff**

The motion was passed by the following vote:

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

20. 2015 MAYORS WATER SUMMIT – staff report

The Council considered allowing the Mayor and two staff members to attend the 2015 Mayors Water Summit scheduled for October 15 -16, 2015, in Los Angeles. **(Donald Rust, Director of Community Development)**

Following discussion, this item failed due to a lack of a motion therefore; no action was taken on the following:

Authorize staff to make arrangements for the Mayor and two staff members to attend the 2015 Mayors Water Summit scheduled for October 15 - 16, 2015, in Los Angeles.

21. REIMBURSEMENT OF EXPENDITURES PERTAINING TO U.S. CONFERENCE OF MAYORS - staff report

The Council considered an additional reimbursement to the Mayor for additional expenses pertaining to the U.S. Conference of Mayors which was held in San Francisco in June, 2015. **(Donald Rust, Director of Community Development)**

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

Approve a reimbursement, in the amount of \$1,644.48, to the Mayor for expenses pertaining to the U.S. Conference of Mayors.

The motion failed by the following vote:

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

22. ATTENDANCE TO 2015 ANNUAL CONFERENCES – staff report

The Council considered members of the Executive Management staff to attend the 2015 annual conference for the League of California Cities, American Planning Association – California Chapter, California Public Employee Labor Relation Association and the City

Clerk – New Law and Election Seminar. **(Donald Rust, Director of Community Development)**

Following discussion, a motion was made by Mayor Dahlmeier, seconded by Council Member Del Rosario, to:

Authorize staff to attend the 2015 annual conferences, as indicated in the September 15, 2015 staff report.

The motion was passed by the following vote:

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

23. PURCHASE AND SALE AGREEMENTS OF FORMER OROVILLE REDEVELOPMENT AGENCY PROPERTIES – staff report

The Council considered Sale and Purchase Agreements for two (2) former Oroville Redevelopment Agency properties, 750 Montgomery Street and 1330 Downer Street, Oroville, pursuant to the Long Range Property Management Plan, approved by the State Department of Finance. **(Donald Rust, Director of Community Development and Rick Farley, RDA Coordinator)**

Mike and Sarah Britton spoke in opposition to the current sale of 750 Montgomery Street, Oroville.

Following further discussion, the Council directed staff to deny the current sale 750 Montgomery Street and 1330 Downer Street, Oroville, remedy environmental issues relating to said properties, and to return to Council with an update on both properties.

24. MONTHLY FINANCIAL REPORT FOR JULY 2015 AND MONTHLY SUMMARY OF INVESTMENTS AND MONTHLY FINANCIAL REPORTS FOR AUGUST 2015 – reports attached

The Council received a copy of the Monthly Financial Report for July 2015 and the Monthly Summary of Investments and Monthly Financial Reports for August 2015. **(Ruth Wright, Director of Finance)**

The Council acknowledged receipt of the August 2015 Monthly Summary of Investments and July and August 2015 Monthly Financial Reports.

SUCCESSOR AGENCY

25. ADOPTION OF THE JANUARY THROUGH JUNE 2016 RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 15-16B) – staff report

The Successor Agency considered approving the Recognized Obligation Payment Schedule (ROPS 15-16B) for the January 1, 2016 through June 30, 2016 time period. **(Rick Farley, RDA Coordinator)**

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

Adopt Resolution No. 15-13 – A RESOLUTION OF THE SUCCESSOR AGENCY OF THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF OROVILLE ADOPTING THE JANUARY THROUGH JUNE, 2016 RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 15-16B) PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(M).

The motion was passed by the following vote:

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

MAYOR/ COUNCIL REPORTS

Council Member Berry gave a report relating to the U.S. Environmental Protection Agency Conference, held in Chicago, IL.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

- Finance Department – activity report

Bill LaGrone, Director of Public Safety gave a verbal report relating to current public safety events and incidents.

Donald Rust, Director of Community Development, gave an update regarding the Oroville State Theatre Roof Repair Project.

CORRESPONDENCE - None

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

Hellen Dennis made comments regarding the replanting of Sycamore trees in the City of Oroville to replace trees removed by Pacific Gas and Electric Company under the Community Pipeline Safety Initiative Program along Feather River Boulevard.

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 – Sworn and Non-Sworn, Oroville Firefighters' Association, and Oroville Management and Confidential Association.
2. Pursuant to Government Code section 54956.9(a), the Council met with the Acting City Administrator, and the City Attorney relating to existing litigation: Diane MacMillan v. City of Oroville, et al., Butte County Superior Court, Case No. 163806.
3. Pursuant to Government Code section 54956.9(d), the Council met with the Acting City Administrator and the City Attorney regarding potential litigation – Claims filed by Randolph P. Murphy.
4. Pursuant to Government Code section 54956.9(d), the Council met with the Acting City Administrator and the City Attorney regarding potential litigation – one case.

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 9:57 p.m. A regular meeting of the Oroville City Council will be held on Tuesday, October 6, 2015, at 5:00 p.m.

Donald Rust, Acting City Clerk

Linda L. Dahlmeier, Mayor