

**CITY COUNCIL MEETING MINUTES
NOVEMBER 17, 2015 – 5:00 P.M.**

The agenda for the November 17, 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 Thursday, November 12, 2015, at 3:26 p.m.

The November 17, 2015 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 5:00 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
Bill LaGrone, Director of Public Safety
Jamie Hayes, Assistant City Clerk
Rick Walls, Interim City Engineer
Amy Bergstrand, Management Analyst III
Rick Farley, RDA Coordinator
Chris Nicodemus, Police Lieutenant

Ruth Wright, Director of Finance
Sean DeBurgh, Acting City Attorney
Karolyn Fairbanks, Treasurer
Allen Byers, Assistant Police Chief
Gary Layman, Chief Building Official
Dean Hill, Assistant Fire Chief
Tyson Pardee, IT Manager

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Steven Berryman.

PROCLAMATION / PRESENTATION

Mayor Dahlmeier presented Ed Morrow and family with a New Business Certificate and Welcome to Oroville for Morrow Heating & Air.

Mayor Dahlmeier presented Jesse Gilmore with a New Business Certificate and Welcome to Oroville for Gilmore Computer Services, LLC.

Vickie Newlin, Butte County Water & Resource Conservation, gave a presentation relating to the 2014 Groundwater Sustainability Act. Following the presentation, the Mayor appointed Council Members Pittman and Del Rosario and City staff members Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer, to serve on the Butte County Assessment Committee relating to the Groundwater Sustainability Act, on December 11, 2015.

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

CONSENT CALENDAR

A motion was made by Council Member Hatley, seconded by Council Member Simpson, to approve the following Consent Calendar, with exception to item No. 3 and 7:

1. **APPROVAL OF THE MINUTES OF NOVEMBER 3, 2015 REGULAR MEETING OF THE OROVILLE CITY COUNCIL** – minutes attached

Finance Department:

2. **MONTHLY FINANCIAL REPORT AND REPORT OF INVESTMENTS FOR OCTOBER 2015** – report attached

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

Council Action Requested: **Acknowledge receipt of the October 2015 Monthly Financial Report and Report of Investments.**

Community Development Department:

3. **THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW)**
4. **AGREEMENT TO RIGHT-OF-ENTRY/POSSESSION WITH THE BUTTE COUNTY OFFICE OF EDUCATION** – staff report

The Council considered an Agreement to Right-of-Entry/Possession with the Butte County Office of Education for the installation of existing and proposed fiber optic communication lines in the downtown area. **(Rick Walls, Interim City Engineer and Donald Rust, Director of Community Development)**

Council Action Requested: **Adopt Resolution No. 8444 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT TO RIGHT-OF-ENTRY/POSSESSION WITH THE BUTTE COUNTY OFFICE OF EDUCATION FOR THE INSTALLATION OF COMMUNICATION LINES AT THREE LOCATIONS IN THE DOWNTOWN AREA – (Agreement No. 3157).**

Administration Department:

5. **DECLARATION AND DISPOSAL/DONATION OF SURPLUS PROPERTY** – staff report

The Council considered the declaration and disposal/donation of items listed on the Surplus property List. **(Tyson Pardee, IT Manager and Donald Rust, Director of Community Development)**

Council Action Requested: **Declare the items listed in the November 17, 2015 staff report as surplus and authorize that the items be added to the Surplus Property List and donated or disposed of.**

6. PURCHASE OF HP DESIGNJET 2500T FORMAT PLOTTER AND SCANNER – staff report

The Council considered the purchase of a large format digital scanner/copier/printer integrated unit from the lowest responsible bidder, California Surveying & Drafting Supply, Inc. in the amount of \$7,782.13. **(Tyson Pardee, IT Manager and Donald Rust, Director of Community Development)**

Council Action Requested: **Authorize the purchase of a HP DESIGNJET 2500T Format Plotter and Scanner, from California Surveying & Drafting Supply, Inc., in the amount of \$7,782.13.**

7. 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

Community Development Department:

3. NATIVE SONS OF THE GOLDEN WEST REQUEST TO USE PIONEER MUSEUM – staff report

The Council considered a request by the Native Sons of the Golden West, Argonaut Parlor No. 8 to hold a plaque dedication ceremony on January 24, 2016, for the Native Sons of the Golden West Charter that is currently housed in the Pioneer Museum. **(Donald Rust, Director of Community Development)**

This item was removed from the Consent Calendar by Vice Mayor Wilcox in order to express concerns.

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

- 1. Approve the request by the Native Sons of the Golden West, Argonaut Parlor No. 8 to hold a plaque dedication ceremony on January 24, 2016, for the Native Sons of the Golden West Charter that is currently housed in the Pioneer Museum; and**

2. **Accept the offer by the Native Sons of the Golden West, Argonaut Parlor No. 8 to assist with the annual cleaning of the Pioneer Museum and its artifacts on December 15, 2015 – February 1, 2016.**

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

Administration Department:

7. **ATTENDANCE TO LASERFICHE EMPOWER CONFERENCE – staff report**

The Council considered authorizing the IT Manager to attend the 2016 Laserfiche Empower Conference, to be held in Long Beach on January 11-14, 2016. **(Tyson Pardee, IT Manager and Donald Rust, Director of Community Development)**

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 Simpson, to:

Authorize the IT Manager to attend the 2016 Laserfiche Empower Conference, to be held in Long Beach on January 11-14, 2016.

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

REGULAR BUSINESS

Successor Agency:

**The following Item was considered simultaneously with Item No. 16.*

- *8. **PURCHASE AND SALE AGREEMENTS OF FORMER OROVILLE REDEVELOPMENT AGENCY PROPERTIES – staff report**

The Council considered recommending approval of Sale and Purchase Agreements relating to two (2) former Oroville Redevelopment Agency (RDA) properties, identified as Olive

Highway Property No. 1 (APN 013-260-055) and Olive Highway Property No. 2 (APN 013-260-056), to the Oversight Board (OB) for the Successor Agency of the City of Oroville, pursuant to the Long Range Property Management Plan (LRPMP), which was approved by the Oversight Board and the State Department of Finance (DOF). **(Rick Farley, RDA Coordinator and Donald Rust, Director of Community Development)**

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

Adopt Resolution No. 15-15 - A RESOLUTION OF THE OROVILLE SUCCESSOR AGENCY OF THE FORMER OROVILLE REDEVELOPMENT AGENCY OF THE CITY OF OROVILLE AUTHORIZING AND DIRECTING THE CHAIRPERSON OR VICE CHAIRPERSON TO SIGN A RESOLUTION RECOMMENDING TO THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE CITY OF OROVILLE THAT THE TWO (2) PROPERTIES: OLIVE HIGHWAY NO. 1 (APN 013-260-055) AND OLIVE HIGHWAY NO. 2 (APN 013-260-056), BE SOLD FOR THE APPRAISED VALUE.

The motion was passed by the following vote:

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

Business Assistance and Housing Development Department:

16. CITY PURCHASE OF TWO FORMER REDEVELOPMENT AGENCY PROPERTIES – staff report

The Council considered the purchase of two (2) former Oroville Redevelopment Agency properties, identified as: Olive Highway Property No. 1 (APN 013-260-055) and Olive Highway Property No. 2 (APN 12-260-056), for their appraised values as per the Successor Agency Long Range Property Management Plan. **(Rick Farley, RDA Coordinator and Donald Rust, Director of Community Development)**

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

Adopt Resolution No. 8446 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR OR VICE MAYOR TO EXECUTE A PURCHASE AGREEMENT AND ESCROW DOCUMENTS WITH THE SUCCESSOR AGENCY TO THE FORMER OROVILLE REDEVELOPMENT AGENCY FOR THE PURCHASE OF TWO FORMER REDEVELOPMENT AGENCY PROPERTIES DESCRIBED AS OLIVE HIGHWAY NO. 1 (APN 013-260-055) AND OLIVE HIGHWAY NO. 2 (APN 012-260-056), IN THE AMOUNT OF \$45,000.

The motion was passed by the following vote:

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

Successor Agency:

****The following Item was considered simultaneously with Item No. 17.***

***9. POTENTIAL SALE OF SUCCESSOR AGENCY HOUSING ASSET PROPERTIES – staff report**

The Successor Agency considered options for the distribution and/or potential sale of nine (9) residential former Redevelopment Agency (RDA) Housing asset properties.

Additionally, the Commission considered the approval of approximately \$4,450 to complete appraisals of five (5) commercial properties and one (1) residential property associated with a possible land trade transaction. **(Amy Bergstrand, Management Analyst III and Donald Rust, Director of Community Development)**

Following discussion the Commission directed staff to sell nine (9) residential former Redevelopment Agency (RDA) Housing asset properties and approved approximately \$4,450 to complete appraisals of five (5) commercial properties and one (1) residential property associated with a possible land trade transaction.

Business Assistance and Housing Development Department:

17. POTENTIAL SALE OF CITY HOUSING ASSET PROPERTIES – staff report

The Council considered the potential sale of three (3) City-owned housing asset properties identified as: 247 Canyon Highlands Drive, 2485 Nevada Street and 730 Bird Street, Oroville. **(Amy Bergstrand, Management Analyst III and Donald Rust, Director of Community Development)**

Following discussion the Council directed staff to sell three (3) City-owned housing asset properties identified as: 247 Canyon Highlands Drive, 2485 Nevada Street and 730 Bird Street, Oroville.

Public Safety Department:

****The following Item was considered simultaneously with Item No. 11.***

10. UN-FREEZING POLICE OFFICER POSITION – staff report *(Continued from November 3, 2015)

The Council considered un-freezing a Police Officer position and authorizing staff to fill the position. **(Bill LaGrone, Director of Public Safety)**

Following discussion, the Council directed staff to return with this item at a future City

Council meeting for further consideration therefore; no action was taken on the following:

1. **Authorize staff to recruit and hire a Police Officer position; and**
2. **Approve Supplemental Appropriation No. 2015/2016-1117-XX.**

11. FIRE INSPECTOR POSITION – staff report (*Continued from November 3, 2015*)

The Council considered the implementation of a Fire Inspector position for the Fire Department to complete State Fire Marshal required annual fire inspections, and annual Weed abatement inspections. **(Bill LaGrone, Director of Public Safety)**

Following discussion, the Council directed staff to return to a future meeting of the Oroville City Council for further consideration therefore; no action was taken on the following:

1. **Authorize staff to recruit and hire a Fire Inspector position; and**
2. **Approve Supplemental Appropriation No. 2015/2016-1117-XX.**

Community Development Department:

12. ZONING CLEARANCE/OCCUPANCY PERMIT APPLICATION FOR 2558 S. 5TH AVENUE, SUITE D – TOWING SERVICE – staff report

The Council considered providing staff with direction regarding a zoning clearance/occupancy permit application for a towing service at 2558 S. 5th Avenue, Suite D, Oroville. **(Luis Topete, Associate Planner and Donald Rust, Director of Community Development)**

Following discussion, the Council directed staff to return to a future meeting of the Oroville City Council with a General Plan Amendment relating to 2558 S. 5th Avenue, Oroville.

13. EQUIPMENT PURCHASES FOR SEWER DIVISION – staff report

The Council considered approving budgeted equipment purchases for the Sewer Division. **(Rick Walls, Interim City Engineer and Donald Rust, Director of Community Development)**

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

Authorize the purchase of sewer operations equipment as indicated in the November 17, 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

14. GOFF RESIDENCE DRAINAGE PROJECT – staff report

The Council considered providing direction to staff in regards to the Goff Residence Drainage Project located at 2917 and 2923 Yard Street. **(Gary Layman, Chief Building Inspector and Donald Rust, Director of Community Development)**

Following discussion, the Council directed staff to complete the necessary drainage improvements relating to the Goff Residence Drainage Project located at 2917 and 2923 Yard Street.

Business Assistance and Housing Development Department:

15. REVISED USDA RURAL DEVELOPMENT COMMUNITY FACILITIES GRANT FOR FIRE FIGHTING PERSONAL PROTECTIVE EQUIPMENT FOR FISCAL YEAR 2015/2016 – staff report

The Council considered the revised submittal of a USDA Rural Development Community Facilities Grant Application and resolution for Fiscal year 2015/2016 for the purchase of Personal protective Equipment for the City of Oroville Fire Department. **(Amy Bergstrand, Management Analyst III and Bill LaGrone, Director of Public Safety)**

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

1. **Adopt Resolution No. 8445 – A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING AN APPLICATION, MATCH COMMITMENT OF \$44,811, AND CONTRACT EXECUTION FOR FUNDING IN THE AMOUNT OF \$24,129, FROM THE USDA RURAL BUSINESS COMMUNITY FACILITIES GRANT FOR FIREFIGHTING PERSONAL PROTECTIVE EQUIPMENT FOR FISCAL YEAR 2015/2016 AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS, AGREEMENTS AND ANY AMENDMENTS THERETO WITH THE STATE OF CALIFORNIA FOR THE PURPOSE OF THIS GRANT; and**
2. **Approve the necessary budget adjustments relating to the purchase of Personal protective Equipment for the City of Oroville Fire Department.**

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

Administration Department:

18. REGULATION OF CULTIVATION, PROCESSING, DISTRIBUTION AND DELIVERY OF MEDICAL MARIJUANA – staff report

The Council considered an amendment to the Oroville Municipal Code related to the regulation of cultivation, processing, distribution and delivery of medical marijuana in the City of Oroville. **(Scott Huber, City Attorney)**

Following discussion, the Council directed staff to return to a future meeting of the Oroville City Council with proposed ordinance language relating to the ban of distribution, cultivation, processing and delivery of medical marijuana in the City of Oroville. In addition, Mayor Dahlmeier appointed Council Member Pittman to serve on the Medical Cannabis Ad hoc Committee.

MAYOR/ COUNCIL REPORTS

Council Member Pittman gave brief reports on the following:

- Chamber of Commerce Board of Directors meeting
- Rethinking Development Finance: Financing Development in a Post- Redevelopment World Seminar
- State Parks Visitor Appreciation Day at the Clay Pit State Vehicle Recreation Area
- Supplemental Benefits Fund Oroville Feather River Consolidated Master Plan Ad hoc meeting
- Meeting with Congressman Doug LaMalfa relating to Land and Water Conservation Act funding for the Brad Freeman Trail

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

Activity Reports:

- Public Safety Department

Discussion:

Donald Rust, Director of Community Development, reported on the following:

- Award of \$750 scholarship from the Northern California City Clerks Association
- Jamboree Affordable Housing Corporation – Field Trip to West Sacramento with Council Members Berry, Del Rosario and Pittman
- Industrial Area 2 Clean-Up Project sponsored by the City of Oroville, Recology, Roplast and Oroville Rescue Mission
- Oroville State Theatre Sewage Spill
- Project Updates – Panda Express, Starbucks and Super Walmart

CORRESPONDENCE

- Eddie Vela, California State University, Chico, received November 2, 2015
- Comcast, received November 2, 2015
- California Water Service Company, received November 4, 2015
- Butte Countywide Homeless Continuum of Care, received November 9, 2015

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

Gary Layman, Oroville Exchange Club President, gave a brief report on the Oroville Veteran's Day Parade and thanked the Council members that had attended the event.

Preston Dickinson, AT&T External Affairs Consultant, addressed the Council relating to available services.

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 54957(b), the Council met with Acting City Administrator, Personnel Officer, and City Attorney to consider the evaluation of performance related to the following position: Director of Public Safety.
3. Pursuant to Government Code Section 54957(b), the Council met with Acting City Administrator, Personnel Officer, and City Attorney to consider the evaluation of performance related to the following position: Director of Planning and Community Development
4. Pursuant to Government Code Section 54957(b), the Council met with Acting City Administrator, Personnel Officer, and City Attorney to consider the evaluation of performance related to the following position: Director of Finance
5. Pursuant to Government Code Section 54957(b), the Council met with Acting City Administrator, Personnel Officer, and City Attorney to consider the evaluation of performance related to the following position: Assistant Chief of Police
6. Pursuant to Government Code Section 54957(b), the Council met with Acting City Administrator, Personnel Officer, and City Attorney to consider the evaluation of performance related to the following position: Deputy Fire Chief
7. Pursuant to Government Code section 54956.9(a), the Council met with the Acting City Administrator, and the City Attorney relating to existing litigation: Norman O. Cable v. City of Oroville, et al., Butte County Superior Court, Case No. 164706.
8. 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 7:48 p.m. A regular meeting of the Oroville City Council will be held on Tuesday, December 1, 2015, at 5:00 p.m.

Donald Rust, Acting City Clerk

Linda L. Dahlmeier, Mayor