

**CITY COUNCIL MEETING MINUTES  
MARCH 15, 2016 – 5:00 P.M.**

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The agenda for the March 15, 2016, 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 Wednesday, March 9, 2015, at 10:45 a.m.

The March 15, 2016 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 5:03 p.m.

**ROLL CALL**

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

**Staff Present:**

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Donald Rust, Director of Community Development  
Jamie Hayes, Assistant City Clerk  
Allen Byers, Assistant Police Chief  
Rick Walls, Interim City Engineer  
Rick Farley, Business Assistance Coordinator  
Chris Nicodemus, Police Lieutenant

Bill LaGrone, Director of Public Safety  
Scott Huber, City Attorney  
Karolyn Fairbanks, City Treasurer  
Dawn Nevers, Assistant Planner  
Ruth Wright, Director of Finance  
Dean Hill, Assistant Fire Chief

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**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Dahlmeier.

**PROCLAMATION / PRESENTATION**

Following a musical medley played by Mary McCluskey and Rayburn McDonald, Mayor Dahlmeier presented a Proclamation to Ruth Oveland, Chairman of the State Board of the California State Old Time Fiddlers, recognizing the 50<sup>th</sup> Annual California State Old Time Fiddlers Open Fiddle and Picking Championships

Jamboree Housing representatives, Roger Kinoshita, Business Development Director, Welton Smith, Vice President, Housing Development and Victoria Ramirez, Senior Project Manager, gave a presentation relating to Opportunities for Affordable Housing.

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

William Black – Item No. 2

Tom Turk – Item No. 6

**CONSENT CALENDAR**

A motion was made by Council Member Pittman, seconded by Vice Mayor Wilcox, to approve the following Consent Calendar, with exception to item No. 2:

- 1. **APPROVAL OF THE MINUTES OF THE MARCH 1, 2016 REGULAR MEETING OF THE OROVILLE CITY COUNCIL** – minutes attached

**Community Development Department:**

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

**Business Assistance and Housing Development Department:**

- 3. **MODIFICATIONS TO THE AUTHORIZED SIGNATURES FOR CALHOME AGREEMENTS 11-CALHOME-8194 AND 12-CALHOME-8692** – staff report

The Council considered modifications to the authorized signatures for CalHome Agreements No. 11-CalHome-8194 and 12-Calhome-8692. **(Amy Bergstrand, Management Analyst III and Donald Rust, Director of Community Development)**

Council Action Requested:

- 1. **Adopt Resolution No. 8476 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE MODIFICATION OF RESOLUTION NO. 8227 AND THE AUTHORIZED SIGNATURES RELATING TO AGREEMENT NO. 11-CALHOME-8194; AND**
- 2. **Adopt Resolution No. 8477 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE MODIFICATION OF RESOLUTION NO. 8227 AND THE AUTHORIZED SIGNATURES RELATING TO AGREEMENT NO. 12-CALHOME-9240.**

- 4. **HOUSING SUCCESSOR AGENCY ANNUAL REPORT** – staff report

The Council received the Housing Element Annual Progress Report for 2015 and the Housing Successor Agency Annual Report for the Fiscal Year 2014-2015, and considered the submittal of the Housing Successor Agency Annual Report to the State Department of Housing and Community Development. **(Amy Bergstrand, Management Analyst III and Donald Rust, Director of Community Development)**

Council Action Requested: **Direct staff to submit the Housing Successor Agency Annual Report to the State Department of Housing and Community Development.**

The motion to approve the Consent Calendar 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:**

**2. UNITED STATES FLAG POLICY – staff report**

The Council considered a policy relating to the proper use and etiquette of the United States flag. **(Donald Rust, Director of Community Development)**

This item was removed from the Consent Calendar at the request of a public speaker, Bill Black, who had comments relating to the proposed United States Flag Policy.

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

**Adopt the United States Flag Policy for the City of Oroville, with additional language relating to parade etiquette.**

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

**PUBLIC HEARINGS** - None

**REGULAR BUSINESS**

**Finance Department:**

**5. INVESTMENT IN BROKERED CERTIFICATES OF DEPOSIT – staff report**

The Council may consider the investment of \$1,000,000 in Brokered Certificates of Deposit through Bank of the West, BNP Paribas. **(Karolyn J. Fairbanks, City Treasurer and Ruth Wright, Director of Finance)**

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

**Adopt Resolution No. 8478 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE CITY TREASURER TO INVEST \$1,000,000 IN FIVE \$200,000 CERTIFICATES OF DEPOSIT THROUGH THE BANK OF THE WEST WITH KAROLYN FAIRBANKS, CITY TREASURER; RUTH WRIGHT, FINANCE DIRECTOR; AND DONALD RUST, ACTING CITY ADMINISTRATOR, AS SIGNATORIES AND AUTHORIZE THE CITY TREASURER TO SIGN THE CERTIFICATE OF AUTHORIZATION AND CUSTODY AGREEMENT – (Agreement No. 3169).**

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

**Business Assistance and Housing Development Department:**

**6. INITIATION OF FORECLOSURE PROCEEDINGS ON PROPERTY LOCATED AT 2075 BALDWIN AVENUE – staff report**

The Council considered the use of Revolving Loan Funds, in the amount of \$16,600, to pay reasonable costs for initiating foreclosure proceedings, paying property taxes and bringing delinquent payments current on the senior lien holder loan, including six months in additional payments, for property located at 2075 Baldwin Avenue, Oroville. **(Rick Farley, Business Assistance Coordinator and Donald Rust, Director of Community Development)**

Tom Turk expressed concerns over the sale of property located at 2075 Baldwin Avenue, Oroville.

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

1. **Authorize the foreclosure and the use of approximately \$16,600 in City Revolving Loan Funds for foreclosure and other costs related to 2075 Baldwin Avenue, Oroville (APN 012-160-071), to secure the City's interest in its deed of trust on the property; and**
2. **Adopt Resolution No. 8479 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS AND ANY AMENDMENTS THERETO NECESSARY TO INITIATE AND COMPLETE FORECLOSURE PROCEEDINGS ON REAL PROPERTY LOCATED 2075 BALDWIN AVENUE, OROVILLE, CALIFORNIA.**

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

**Community Development Department:**

***\*Items No. 7, 8, 9 and 10 were consolidated.***

**\*7. REMOVAL OF SMALL TREES UNDER THE DRAFT URBAN FOREST MANAGEMENT PLAN – staff report**

The Council considered authorizing staff to use their discretion to remove small trees deemed inappropriate under the draft Urban Forest Management Plan. **(Wade Atteberry, Parks and Trees Supervisor and Donald Rust, Director of Community Development)**

Council Action Requested: **Authorize staff to remove trees small trees deemed inappropriate under the draft Urban Forest Management Plan, as indicated in the March 15, 2016 staff report.**

**\*8. TREE REMOVALS AT 1145 SAFFORD STREET – staff report**

The Council considered the removal of two (2) Raywood Ash trees at 1145 Safford Street, and the replanting of suitable replacement trees. **(Wade Atteberry, Parks and Trees Supervisor and Donald Rust, Director of Community Development)**

Council Action Requested: **Authorize the removal of two (2) Raywood Ash trees at 1145 Safford Street and the replanting of suitable replacement trees.**

**\*9. TREE REMOVALS ALONG GARDELLA AVENUE – staff report**

The Council considered the removal and replacement of dead and dying trees along Gardella Avenue. **(Wade Atteberry, Parks and Trees Supervisor and Donald Rust, Director of Community Development)**

Council Action Requested: **Authorize the removal of dead and dying trees along Gardella Avenue, and the replanting of suitable replacement trees.**

**\*10. TREE REMOVALS ALONG DOWNER STREET – staff report**

The Council considered the removal and replacement of two (2) Tallow trees along the east side of Downer Street, between Bird Street and Robinson Street. **(Wade Atteberry, Parks and Trees Supervisor and Donald Rust, Director of Community Development)**

Council Action Requested: **Authorize the removal of two (2) Tallow along the east side of Downer Street, between Bird Street and Robinson Street, and the replanting of suitable replacement trees.**

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

1. **Authorize staff to remove trees small trees deemed inappropriate under the draft Urban Forest Management Plan, as indicated in the March 15, 2016 staff report; and**
2. **Authorize the removal of two (2) Raywood Ash trees at 1145 Safford Street and the replanting of suitable replacement trees; and**
3. **Authorize the removal of dead and dying trees along Gardella Avenue, and the replanting of suitable replacement trees; and**
4. **Authorize the removal of two (2) Tallow trees along the east side of Downer**

**Street, between Bird Street and Robinson Street, and the replanting of suitable replacement trees.**

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

**11. DRAFT LETTER – NOTICE OF ENCROACHMENT VIOLATION – staff report**

The Council considered reviewing a letter notifying property owners of an encroachment violation of private landscaping onto public right-of-way, provide suggested changes, and authorize staff to send out encroachment letters on an on-going basis. **(Donald Rust, Director of Community Development)**

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

**Authorize staff to send out encroachment letters notifying property owners of an encroachment violation of private landscaping onto public right-of-way on an on-going basis.**

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. SUNGARD EDUCATION AND TRAINING EVENT – staff report**

The Council considered sending City staff to attend a SunGard software education and training event. **(Donald Rust, Director of Community Development)**

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

**Approve two City staff members to attend the Annual SunGard Users Group education and training event, to be held April 18 – 22, 2016, in Las Vegas, NV.**

The motion was passed by the following vote:

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

**Administration Department:**

13. **AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH DEAN HILL JR., DEPUTY FIRE CHIEF – staff report**

The Council considered Amendments to the Employment Agreement with Dean Hill Jr., Deputy Fire Chief. **(Bill LaGrone, Personnel Director)**

At the request of Bill LaGrone, Personnel Director, this item was continued to the April 19, 2016 regular meeting of the Oroville City Council, therefore; no action was taken on the following:

**Adopt Resolution No. 8474 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE VICE MAYOR TO EXECUTE AN AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND DEAN HILL JR. – (Agreement No. 3074-1).**

14. **AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM – AFFORDABLE FAMILY HOUSING DEVELOPMENT – staff report**

The Council considered various funding related actions for the assembling of a competitive grant application for the Affordable Housing and Sustainable Communities Program. **(Luis Topete, Associate Planner and Donald Rust, Director of Community Development)**

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

**Adopt Resolution No. 8480 – A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING VARIOUS FUNDING RELATED ACTIONS FOR AN AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM GRANT APPLICATION INCLUDING AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT FOR THE PROJECT SITE, WITHOUT DEFERRALS RELATING TO THE CITY’S DEVELOPER FEES – (Agreement No. 3170).**

The motion was passed by the following vote:

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

15. **SELECTION OF 2016 SAMUEL J. NORRIS AWARD FOR EXCELLENCE RECIPIENT – staff report**

The Council considered the selection of a recipient for the 2016 Samuel J. Norris Award for Excellence. **(Jamie Hayes, Assistant City Clerk and Donald Rust, Director of Community Development)**

The Council selected Dean J. Hill, Sr. as the recipient of the 2016 Samuel J. Norris Award for Excellence, which will be presented at an Oroville Chamber of Commerce event – to be determined.

### **MAYOR/ COUNCIL REPORTS**

Mayor Dahlmeier and Council Member Del Rosario reported their attendance to the International Council of Shopping Centers (ICSC) Conference in Monterey, California.

Council Member Pittman and Vice Mayor Wilcox reported their attendance to the Chamber of Commerce's Breakfast Mixer at the Northwest Lineman College.

Vice Mayor Wilcox reported her attendance to a meeting with the Developers of the Feather River Bluffs Subdivision.

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

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

- Restroom loitering issues at Rotary Park
- City Council Goals
- Commendation letter from resident Celia Hirshman regarding City employee Amanda Wilkey
- League of California Cities Action Alert relating to AB 1707 – California Public records Act Expansion
  - The Council authorized staff to draft a letter of opposition for the Mayor to execute
- City participation in Feather River Recreation and Park District's Annual Wildflower Festival

### **CORRESPONDENCE**

- Jordan Crossing Ministries & Hope Center, received March 1, 2016
- Oroville City Elementary School District, received March 8, 2016

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

Council Member Del Rosario reported that a South Oroville Clean-up Day would be held on Saturday, April 30, 2016.

### **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 Police Officers' Association – Sworn and Non-Sworn, Oroville Firefighters' Association, and the 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: Deputy Fire Chief.
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: Finance Director.
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: Public Safety Director.
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: Community Development Director.
6. Pursuant to Government Code section 54956.9(a), the Council met with Acting City Administrator and City Attorney relating to existing litigation: Norman O. Cable v. City of Oroville, et al., Butte County Superior Court, Case No. 164706; Third District Court of Appeals, Case No. C081084.
7. Pursuant to Government Code section 54956.9(a), the Council met with Acting City Administrator and City Attorney relating to existing litigation: Diane MacMillan v. City of Oroville, et al., Butte County Superior Court, Case No. 163806.
8. Pursuant to Government Code section 54956.9(a), the Council met with Acting City Administrator and City Attorney relating to existing litigation: Randolph Murphy v. City of Oroville, Butte County Small Claims Court Case No. DSC 09843.
9. Pursuant to Government Code section 54956.9(a), the Council met with Acting City Administrator and City Attorney relating to existing litigation: 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.
10. Pursuant to Government Code section 54956.95, the Council met with the Acting City Administrator, Personnel Officer and City Attorney relating to Worker's Compensation Claim No. NCWA-556623.
11. Pursuant to Government Code section 54956.95, the Council met with the Acting City Administrator, Personnel Officer and City Attorney relating to Worker's Compensation Claim No. NCWA-556254.
12. Pursuant to Government Code section 54956.95, the Council met with the Acting City Administrator and 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 8:56 p.m. A special meeting of the Oroville City Council will be held on Monday, March 21, 2016, at 10:00 a.m.

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Donald Rust, Acting City Clerk

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Linda L. Dahlmeier, Mayor