

**CITY COUNCIL MEETING MINUTES  
MARCH 7, 2017 – 5:30 P.M.**

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The agenda for the March 7, 2017, 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, March 3, 2017, at 10:45 a.m.

The March 7, 2017 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 5:33 p.m.

**ROLL CALL**

Present: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier  
Absent: None

**Staff Present:**

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Donald Rust, Director of Community Development	Ruth Wright, Director of Finance
Bill LaGrone, Director of Public Safety	Karolyn Fairbanks, Treasurer
Scott E. Huber, City Attorney	Dawn Nevers, Assistant Planner
Amy Bergstrand, Management Analyst III	Wade Atteberry, Public Works Supervisor

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**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Dahlmeier.

**PROCLAMATION / PRESENTATION**

Mayor Dahlmeier conducted Oaths of Office for newly appointed Volunteers in Police Services Representatives Tracy Parkinson, Rustin Fox and Joseph R. Fitzer.

Bill LaGrone, Director of Public Safety, presented a Special Recognition of Services award to Dean Hill, Jr.

Mayor Dahlmeier presented Wade Atteberry, Public Works Supervisor, and Dawn Nevers, Assistant Planner, with a Proclamation recognizing Arbor Day in the City of Oroville.

Mayor Dahlmeier presented Anne Michels with a Proclamation recognizing California State Old Time Fiddler's Week.

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

Al Zib – Items No. 8, 9, 11, & 16  
Kent Fowler – Item No. 16

Susan Sims – Items No. 11 & 16  
Diane Brown – Item No. 16

## **CONSENT CALENDAR**

A motion was made by Council Member Hatley, seconded by Vice Mayor Goodson, to approve the following Consent Calendar, with exception to Items No. 4 and 5:

1. **APPROVAL OF THE MINUTES OF THE FEBRUARY 21, 2017 REGULAR MEETING OF THE OROVILLE CITY COUNCIL** – minutes attached

### **Finance Department**

2. **MONTHLY FINANCIAL REPORT AND REPORT OF INVESTMENTS FOR JANUARY 2017** – report attached

The Council received a copy of the January 2017 Monthly Financial Report and Report of Investments. **(Ruth Wright, Director of Finance)**

Council Action Requested: **Acknowledge receipt of the January 2017 Monthly Financial Report and Report of Investments.**

3. **STAFF VACANCY IN THE FINANCE DEPARTMENT** – staff report

The Council received information regarding the filling of a budgeted staff vacancy in the Finance Department. **(Ruth Wright, Director of Finance)**

Council Action Requested: **Informational only.**

### **Community Development Department**

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

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

6. **DISPOSAL OF SURPLUS VEHICLES AND EQUIPMENT** – staff report

The Council considered declaring decommissioned vehicles and equipment as surplus for their disposal through auction and/or trade-in value. **(Donald Rust, Director of Community Development)**

Council Action Requested:

1. **Declare the vehicles and equipment identified in the March 7, 2017 staff report as surplus and authorize the items to be auctioned off.**
2. **Utilize the \$5,000 trade-in value of the City's old brush chipper towards the purchase of a new brush chipper.**

### **Business Assistance & Housing Development Department**

7. **FORECLOSURE OF CITY PROPERTY LOCATED AT 3085 FLORENCE AVENUE** – staff report

The Council considered initiating foreclosure proceedings related to the City of Oroville's security interest in the Deed of Trust against the property located at 3085 Florence Avenue, Oroville. **(Amy Bergstrand, Management Analyst III and Donald Rust, Director of Community Development)**

Council Action Requested: **Adopt Resolution No. 8587 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS AND ANY AMENDMENTS THERETO NECESSARY TO INITIATE AND COMPLETE FORECLOSURE PROCEEDINGS ON REAL PROPERTY LOCATED AT 3085 FLORENCE AVENUE, OROVILLE (APN 013-225-023).**

The motion to approve the Consent Calendar was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier  
Noes: None  
Abstain: None  
Absent: None

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

4. **PURCHASE OF A NEW AIR COMPRESSOR** – staff report

The Council received information regarding a new air compressor that was purchased from Bobcat of Chico, in the amount of \$24,658.35, for the City's Sewer Division. **(Donald Rust, Director of Community Development)**

This item was removed from the Consent Calendar at the request of Council Member Hatley for comments.

This item was for informational purposes only.

5. **PURCHASE OF NEW BRUSH CHIPPER** – staff report

The Council considered the purchase of a new brush chipper, utilizing funds from the Park Development Impact Fees Fund, in the amount of \$30,918.78, from RDO Equipment Company. **(Donald Rust, Director of Community Development)**

This item was removed from the Consent Calendar at the request of Council Member Hatley for comments.

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

1. **Authorize staff to utilize the piggyback process through the National Joint Powers Alliance regarding the request purchase of the new Vermeer BC1000XL model.**

2. **Approve the purchase of a new brush chipper, utilizing funds from the Park Development Impact Fees Fund, in the amount of \$30,918.78, from RDO Equipment Company.**

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier  
Noes: None  
Abstain: None  
Absent: None

## **PUBLIC HEARINGS**

### **Business Assistance & Housing Development**

8. **ISSUANCE OF TAX EXEMPT BONDS FOR THE SIERRA HEIGHTS SENIOR APARTMENTS** – staff report

The Council conducted a public hearing relating to the issuance of tax-exempt bonds for the senior housing project, Sierra Heights Senior Apartments, and a resolution approving the issuance of bonds. **(Amy Bergstrand, Management Analyst III and Donald Rust, Director of Community Development)**

James Hamill, Managing Director, California Statewide Communities Development Authority, provided information pertaining the issuance of the tax-exempt bonds.

Mayor Dahlmeier opened the Public Hearing for comments and questions from the public.

Al Zib, resident, spoke in opposition of the bonds to be issued for the Sierra Heights Senior Apartments Project.

Hearing no further comments or questions, Mayor Dahlmeier closed the Public Hearing.

Following discussion, a motion was made by Vice Mayor Goodson, seconded by Council Member Draper, to:

**Adopt Resolution No. 8588 - A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE ISSUANCE OF BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY, NOT TO EXCEED \$15,000,000, FOR THE BENEFIT OF WILLOW PARTNERS, TO PROVIDE FINANCING FOR THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A 52-UNIT SENIOR MULTIFAMILY RENTAL HOUSING PROJECT, GENERALLY KNOWN AS SIERRA HEIGHTS APARTMENTS.**

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier  
Noes: None  
Abstain: None  
Absent: None

## Community Development Department

### 9. **OROVILLE SUSTAINABLE CODE UPDATES – staff report (1<sup>st</sup> Reading)**

The Council conducted a public hearing to review and consider adopting the Oroville Sustainable Code updates and certification of the Final Supplemental Environmental Impact Report. **(Donald Rust, Director of Community Development)**

Mayor Dahlmeier opened the Public Hearing for comments and questions from the public.

Al Zib, resident, spoke in opposition of the Sustainable Code updates.

Hearing no further comments or questions, Mayor Dahlmeier closed the Public Hearing.

Following discussion, a motion was made by Council Member Draper, seconded by Vice Mayor Goodson, to:

**Waive the first reading, and introduce by title only, Ordinance No. 1819 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE ADOPTING ALL PROPOSED NEW AND AMENDED DOCUMENTS, COLLECTIVELY KNOWN AS “OROVILLE SUSTAINABLE CODE UPDATES,” CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE AMENDED FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING THE AMENDED MITIGATION MONITORING AND REPORTING PROGRAM.**

The motion was passed by the following vote:

Ayes:	Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes:	None
Abstain:	None
Absent:	None

## REGULAR BUSINESS

### Public Safety Department

### 10. **FORMATION OF AD-HOC COMMITTEES TO REVIEW THE SPILLWAY INCIDENT – staff report**

The Council established ad-hoc committees to review the City’s response to the Oroville Dam Spillway incident and provided recommended actions to improve response and to improve public awareness during emergency situations. **(Bill LaGrone, Director of Public Safety)**

Following discussion, Mayor Dahlmeier made the following appointments:

- 1. Appoint Mayor Dahlmeier, Vice Mayor Goodson, and Council Member Draper to serve on the Administrative Ad-hoc committee.**

2. **Appoint Council Member Berry, Council Member Hatley, and Council Member Thomson to serve on the Operational Ad-hoc committee.**
3. **Appoint Mayor Dahlmeier, Council Member Del Rosario, and Council Member Thomson to serve on the Request for Proposals Ad-hoc committee.**

**Community Development Department**

**11. TREE REMOVALS AT 1550 ROBINSON STREET – staff report (*Continued from February 7, 2017*)**

The Council considered the removal of two (2) Chinese Pistache trees, located at 1550 Robinson Street, and the planting of suitable replacements. **(Wade Atteberry, Public Works Supervisor and Donald Rust, Director of Community Development)**

Susan Sims, Certified Master Arborist, spoke in support of the of the removal of the two Chinese Pistache trees.

Al Zib, resident, spoke in opposition of the proposed removal of the two Chinese Pistache trees.

Following discussion, a motion was made by Council Member Thomson, seconded by Vice Mayor Goodson, to:

**Authorize the removal of two Chinese Pistache trees, located at 1550 Robinson Street, and the planting of suitable replacements.**

The motion was passed by the following vote:

Ayes:	Council Members Berry, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes:	Council Members Del Rosario, Draper, Hatley
Abstain:	None
Absent:	None

**12. TREE REMOVAL REQUEST BY BUSINESS OWNERS AT 1440 MYERS STREET – staff report**

The Council considered the removal of three (3) Grecian Laurel trees, located at 1440 Myers Street, and the planting of suitable replacements. **(Donald Rust, Director of Community Development)**

Following discussion, a motion was made by Council Member Draper, seconded by Vice Mayor Goodson, to:

**Deny the removal of three (3) Grecian Laurel trees, located at 1440 Myers Street, and the planting of suitable replacements.**

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier  
Noes: None  
Abstain: None  
Absent: None

**13. GROUND LEASE AGREEMENT WITH MODERN BUILDING INC. FOR THE EXPANSION OF GRAPHIC PACKAGING INTERNATIONAL – staff report**

The Council considered Ground Lease Agreement with Modern Building Inc. for the phased construction of 350,000 square feet of new building space for the expansion of Graphic Packaging International (GPI) which will require 13.6 acres of airport property to be leased for a non-aeronautical use. **(Donald Rust, Director of Community Development)**

The Council directed staff to reconsider this item at a future meeting of the Oroville City Council, therefore; no action was taken on the following:

**Adopt Resolution No. 8589 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A GROUND LEASE AGREEMENT WITH MODERN BUILDING, INC. FOR USE OF AIRPORT PROPERTY FOR A NON-AERNAUTICAL USE RELATED TO THE EXPANSION OF GRAPHIC PACKAGING INTERNATIONAL - (Agreement No. 3211).**

**14. PROFESSIONAL SERVICES AGREEMENT WITH BENNETT ENGINEERING – staff report**

The Council considered a Professional Services Agreement with Bennett Engineering, in the amount of \$120,000, annually, for the next five years, for professional engineering services. **(Donald Rust, Acting City Administrator)**

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

- 1. Authorize staff to piggyback on the Request for Proposals process recently undertaken by the cities of Biggs and Gridley for professional engineering services.**
- 2. Adopt Resolution No. 8590 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BENNETT ENGINEERING, IN THE AMOUNT OF \$120,000, ANNUALLY, FOR FIVE YEARS, FOR PROFESSIONAL ENGINEERING SERVICES – (Agreement No. 3212).**

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier  
Noes: None  
Abstain: None  
Absent: None

**15. PROFESSIONAL SERVICES AGREEMENT WITH GHIRARDELLI ASSOCIATES, INC. –**  
staff report

The Council considered an Amendment to the Professional Services Agreement with Ghirardelli Associates, Inc., in an amount not to exceed \$100,000, to provide qualified professional civil engineering services for the City's Engineering Division. **(Donald Rust, Director of Community Development)**

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

**Adopt Resolution No. 8591 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH GHIRARDELLI ASSOCIATES, INC., IN AN AMOUNT NOT TO EXCEED \$100,000, TO PROVIDE QUALIFIED PROFESSIONAL CIVIL ENGINEERING SERVICES FOR THE CITY'S ENGINEERING DIVISION – (Agreement No. 3191-2).**

The motion was passed by the following vote:

Ayes: Council Members Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier  
Noes: Council Members Berry  
Abstain: None  
Absent: None

**16. AMENDMENTS TO SECTIONS OF THE OROVILLE MUNICIPAL CODE RELATING TO TREE PRESERVATION AND UPDATE OF THE TREE REMOVAL PERMIT APPLICATION –** staff report *(Continued from September 6, 2016)*

The Council reviewed the proposed updates to sections of the Oroville Municipal Code relating to tree preservation and the tree removal permit application. **(Dawn Nevers, Assistant Planner and Donald Rust, Director of Community Development)**

Susan Sims, Certified Master Arborist, spoke in support of the proposed Municipal Code updates.

Kent Fowler, resident, spoke in support of the proposed Municipal Code updates.

Al Zib, resident, spoke in opposition of the of the proposed Municipal Code updates.

Diane Brown, resident, spoke in support of the proposed Municipal Code Updates.

Following discussion, the Council directed staff to review and adjust the proposed ordinance relating to trees within City right of way and to remove restrictions on private property owners, then return to a future meeting of the Oroville City Council for further consideration.

**17. SPONSORSHIP OF THE OROVILLE CHAMBER OF COMMERCE AND OROVILLE ECONOMIC ALLIANCE ANNUAL DINNER –** staff report



The Council considered a Silver sponsorship of the Oroville Chamber of Commerce and Oroville Economic Alliances' Leading the Way, 2017 annual dinner event. **(Donald Rust, Acting City Administrator)**

Following discussion, a motion was made by Vice Mayor Goodson, seconded by Council Member Thomson, to:

**Approve a \$1,000.00 sponsorship to the Oroville Chamber of Commerce and Oroville Economic Alliances' Leading the Way, 2017 annual dinner event using funding available in the Economic Enhancement Fund.**

The motion was passed by the following vote:

Ayes:	Council Members Draper, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes:	Council Members Berry, Del Rosario, Hatley
Abstain:	None
Absent:	None

### **COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS**

Council Member Del Rosario reported on the Spillway presentation delivered by Don Rust, Acting City Administrator and Bill LaGrone, Director of Public Safety, at the League of California Cities meeting, held on Friday, March 3, 2017, which was attended by Council Members Del Rosario, Draper and Vice Mayor Goodson.

### **CITY ADMINISTRATOR/ ADMINISTRATION REPORTS** - None

### **CORRESPONDENCE**

- Donald Remley, Ed.D. on behalf of ACSA Region 2 Retired Leaders & Managers Charter
- Brad White, Feather River Properties, opposing the updates to the Tree ordinances (Item No. 16).

### **HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS**

Thil Chan-Wilcox requested to purchase an antique Chinese drum from a local thrift store using the Chinese Temple & Museum Complex donated funds.

Annette Yvonne D'Brotherton provided a handout to the Council requesting the incorporation of low voltage frequency in the emergency evacuation process.

Evan Burt, City Intern, gave a presentation on the California Cultural Districts 2017 Pilot Program and application.

### **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: 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.
3. Pursuant to Government Code section 54956.9(a), the Council met with the Acting City Administrator, and the City Attorney relating to existing litigation: Coryell v. City of Oroville, et al., United States District Court, Eastern District of California, Case No. 15-cv-00476.
4. Pursuant to Government Code section 54956.9(d)(2), the Council met with the Acting City Administrator and City Attorney regarding potential exposure to litigation – one case.
5. Pursuant to Government Code section 54956.9(d)(4), the Council met with the Acting City Administrator and City Attorney regarding potential initiation of litigation – two cases.

Following discussion, a motion was made by Council Member Thomson, seconded by Vice Mayor Goodson, to:

Pursuant to Government Code 54954.2, authorize the Council to add an item to the agenda as Item No. 6 – Closed Session.

The motion was passed by the following vote:

Ayes:	Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes:	None
Abstain:	None
Absent:	None

6. Pursuant to Government Code section 54956.8, the Council will meet with real property negotiators, Acting City Administrator and City Attorney, regarding the property identified as Assessor's Parcel No. 030-260-069 totaling 13.65 acres, located in Oroville, California.

Mayor Dahlmeier announced that Closed Session Items No. 2, 3, & 4 were not discussed during Closed Session, however; Items No. 1, 5, & 6 were discussed, and direction was given and no action taken.

## **ADJOURNMENT**

The meeting was adjourned at 9:33 p.m. A special meeting of the Oroville City Council will be held on Tuesday, March 14, 2017, at 4:00 p.m.

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Donald Rust, Acting City Clerk

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Linda L. Dahlmeier, Mayor