

**CITY COUNCIL MEETING MINUTES
MAY 16, 2017 – 5:30 P.M.**

The agenda for the May 16, 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 on Thursday, May 11, 2017, at 12:13 p.m.

The May 16, 2017 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 5:35 p.m.

ROLL CALL

Present: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier

Absent: None

Staff Present:

Donald Rust, Assistant City Administrator
Bill LaGrone, Director of Public Safety
Scott E. Huber, City Attorney
Amy Bergstrand, Management Analyst III
Gary Layman, Chief Building Official

Ruth Wright, Director of Finance
Karolyn Fairbanks, Treasurer
Jamie Hayes, Assistant City Clerk
Liz Ehrenstrom, Human Resource Manager
Dawn Nevers, Assistant Planner

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Dahlmeier.

PROCLAMATION / PRESENTATION

Jason Schwenkler, California State University, Chico, gave a presentation relating to the Northeast California Connect Broadband Consortium.

Bud Tracy made comments relating to the lack of broadband throughout the community.

Micheal Daw and Mike Frye, Firefighters Burn Institute, presented Marnie Gedney, Oroville Fire Department Local 2404, with a plaque honoring their exemplary efforts in collecting donations, in the amount of \$8,848 (2017) for the Burn Institute through their annual Boot Drive event. *(Firefighters Burn Institute is a non-profit organization that operates a local burn treatment facility and provides recovery programs for burn survivors, fire and burn prevention through public education, funds education for burn team professionals, firefighters and burn survivors, and supports burn treatment and rehabilitation research.)*

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

August Lincoln – Items No. 6, 8, 15 and 16
Sal Coniglio – Item No. 9
Bobby O’ Reilly – Item No. 15 and 17

Tasha Levinson – Items No. 8, 12 and 17
Bud Tracy – Item No. 11
Teri Tata – Item No. 17

CONSENT CALENDAR

A motion was made by Vice Mayor Goodson, seconded by Council Member Berry, to approve the following Consent Calendar, with exception to Items No. 4 and 6:

- 1. APPROVAL OF THE MAY 2, 2017 REGULAR MEETING OF THE OROVILLE CITY COUNCIL** – minutes attached

Community Development Department

- 2. DONATION OF VARIOUS ITEMS TO THE PIONEER MUSEUM** – staff report

The Council considered acknowledging the receipt of various items donated to the Pioneer Museum as a part of the official collection, and the remaining items to be accepted as part of the interpretive education collection. **(Dawn Nevers, Assistant Planner)**

Council Action Requested: **Acknowledge receipt of various items donated to the Pioneer Museum as a part of the official collection, and the remaining items to be accepted as part of the interpretive education collection, as indicated in the May 16, 2017 staff report.**

Business Assistance & Housing Development Department

- 3. 2016 HOME RENTAL NEW CONSTRUCTION PROJECT** – staff report

The Council considered accepting the 2016 Home Rental New Construction Project Grant, in the amount of \$4,600,000; and may also consider, establishing the budget for project activities.

The Council may consider approving a budget transfer in the amount of \$75,000 from the Housing Program Fund to assist with costs of general administration. **(Amy Bergstrand, Management Analyst III)**

Council Action Requested:

- 1. Accept the 2016 HOME Rental New Construction Project Grant Agreement No. 16-HOME-10991.**
 - 2. Approve budget as indicated in the May 16, 2017 staff report.**
- 4. THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW)**

5. **NATIONAL ENVIRONMENTAL POLICY ACT PREPARATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME RELATING TO THE GRAND AVENUE SIDEWALK PROJECT** – staff report

The Council received information regarding the utilization of R.L. Hastings and Associates' expertise to assist in the preparation of the National Environmental Policy Act (NEPA) for the Community Development Block Grant (CDBG) Program Income Sidewalk Project located at Grand Avenue between Tuscany Drive and Table Mountain Boulevard, in the amount of \$1,500. **(Amy Bergstrand, Management Analyst III)**

Council Action Requested: **None. Informational only.**

Administration Department

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

7. **RESOLUTION IN SUPPORT FOR THE NATIONAL PARK SYSTEM** – staff report

The Council considered a Resolution in support of the National Park System. **(Jamie Hayes, Assistant City Clerk and Donald Rust, Acting City Administrator)**

Council Action Requested: **Adopt Resolution No. 8603– A RESOLUTION OF THE OROVILLE CITY COUNCIL IN SUPPORT FOR THE NATIONAL PARK SYSTEM.**

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. **PROFESSIONAL SERVICES AGREEMENT WITH WAYNE NEALT CONSTRUCTION, INC.** – staff report

The Council considered a Professional Services Agreement with Wayne Nealt Construction, Inc. to perform owner-occupied rehabilitation contractor liaison services for the City of Oroville Housing Rehabilitation Program in the amount of \$80.00 per hour, as needed. **(Amy Bergstrand, Management Analyst III)**

This item was removed from the Consent Calendar at the request of Vice Mayor Goodson, for comments and questions.

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

Adopt Resolution No. 8602 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL

SERVICES AGREEMENT WITH WAYNE NEALT CONSTRUCTION, INC, IN THE AMOUNT OF \$80.00 PER HOUR, TO PERFORM OWNER-OCCUPIED REHABILITATION CONTRACTOR LIAISON SERVICES FOR THE CITY OF OROVILLE HOUSING REHABILITATION PROGRAM, AS NEEDED – (Agreement No. 3218).

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. EMPLOYMENT AGREEMENT WITH RUTH WRIGHT – staff report (*Continued from May 2, 2017*)

The Council considered an Employment Agreement with Ruth Wright, to serve as the City's Director of Finance. (**Scott. E. Huber, City Attorney**)

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

August Lincoln spoke in opposition to the Employment Agreement with Ruth Wright.

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

Adopt Resolution No. 8601 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND RUTH WRIGHT – (Agreement No. 3093-2).

The motion was passed by the following vote:

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

PUBLIC HEARINGS - None

REGULAR BUSINESS

Community Development Department

8. REIMBURSEMENT AGREEMENT WITH WAL-MART REAL ESTATE BUSINESS TRUST FOR THE CONSTRUCTION OF ADDITIONAL OFFSITE IMPROVEMENTS – staff report

The Council considered a Reimbursement Agreement with Wal-Mart Real Estate Business Trust for the construction of additional offsite improvements. **(Donald Rust, Director of Community Development)**

August Lincoln posed questions relating to the additional offsite improvements provided by Wal-Mart.

Tasha Levinson made comments relating to the Reimbursement Agreement with Wal-Mart Real Estate Business Trust.

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

1. **Include additional language in the Reimbursement Agreement with Wal-Mart Real Estate Business Trust to include a maximum cap of \$20,000, for additional offsite improvements.**
2. **Adopt Resolution No. 8604 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A REIMBURSEMENT AGREEMENT WITH WAL-MART REAL ESTATE BUSINESS TRUST FOR THE CONSTRUCTION OF ADDITIONAL OFFSITE IMPROVEMENTS – (Agreement No. 3219).**

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

Business Assistance & Housing Development Department

9. **SUBMITTAL OF NEW PROOF OF DESIGNATION LETTER TO CALRECYCLE – staff report (*Continued from May 2, 2017*)**

The Council may consider authorizing the Mayor to sign a new Proof of Designation letter, Form 184, for the California Department of Resources Recycling and Recovery for electronic waste collected by Recology under their Waste Collection and Disposal Franchise Agreement. **(Rick Farley, Enterprise Zone & Business Assistance Coordinator)**

Sal Coniglio, Executive Director of Recology, spoke to the Council in regards to services provided and costs associated with those services, to the community of Oroville for 2016/2017.

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

Authorize the Mayor to sign a new Proof of Designation letter, Form 184, for the California Department of Resources Recycling and Recovery for electronic waste collected by Recology under their Waste Collection and Disposal Franchise

Agreement.

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

Administration Department

10. APPLICATIONS FOR FEDERAL AND STATE ASSISTANCE THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY – staff report

The Council acknowledged the submission of applications to the Federal Emergency Management Agency (FEMA) and California Operations of Emergency Services (Cal-OES) for federal and state assistance relating to the Oroville Dam Spillway incident and winter storms. In addition, the Council also considered authorizing the Acting City Administrator to execute the remaining applications and forms to FEMA and Cal-OES relating to the Oroville Dam Spillway incident and winter storms. **(Donald Rust, Acting City Administrator)**

A motion was made by Council Member Draper, seconded by Vice Mayor Goodson, to:

- 1. Acknowledge the submission of applications to the Federal Emergency Management Agency and California Operations of Emergency Services (Cal-OES) for federal and state assistance relating to the Oroville Dam Spillway incident and winter storms.**
- 2. Authorize the Acting City Administrator to execute the remaining applications and forms to FEMA and Cal-OES relating to the Oroville Dam Spillway incident and winter storms.**

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

11. OROVILLE AIRPORT GROUND LEASE AGREEMENT WITH NLC CA, INC. DBA: NORTHWEST LINEMAN COLLEGE- FACILITIES EXPANSION – staff report

The Council considered an Airport Ground Lease Agreement with NLC CA, Inc. dba: Northwest Lineman College, for an expansion of their existing facilities. **(Donald Rust, Acting City Administrator)**

Bud Tracy made comments relating to the expansion and current operations of the Northwest Lineman College. In addition, Mr. Tracy announced that the College would be hosting a Grand Opening event, which will be open to the public, on June 1, 2017, in

observation of their 70th anniversary.

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

Adopt Resolution No. 8605 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AIRPORT GROUND LEASE AGREEMENT WITH NLC CA, INC. DBA: NORTHWEST LINEMAN COLLEGE, FOR AN EXPANSION OF THEIR FACILITIES – (Agreement No. 3220).

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

12. POTENTIAL NEW LOCATION FOR SALMON SCULPTURES – staff report (*Continued from January 17, 2017*)

The Council considered a potential new location for the State Highway 70 and Montgomery Street Metal Salmon Sculptures. **(Bob Marciniak, Program Specialist and Donald Rust, Acting City Administrator)**

Tasha Levinson made comments relating to the use and enhancements at the Municipal Auditorium.

Following discussion, the Council directed staff to place the Salmon Sculptures at the Municipal Auditorium as indicated in the May 16, 2017 staff report. In addition, the Council directed staff to return to a future meeting of the Oroville City Council with information relating to the installation/repair of the neon lights on the Municipal Auditorium building.

13. APPOINTMENTS TO THE OROVILLE ARTS COMMISSION – staff report

The Council considered appointing a qualified applicant to the City of Oroville Arts Commission for a four-year term, ending June 30, 2021. In addition, the Council also considered the reappointment of Sarah Britton to the Oroville Arts Commission for an additional four-year term, ending June 30, 2021. **(Jamie Hayes, Assistant City Clerk)**

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

- 1. Appoint Heidi LaGrone to serve on the City of Oroville’s Arts Commission for a four-year term, ending June 30, 2021.**
- 2. Reappoint Sarah Britton to serve on the City of Oroville’s Arts Commission for a four-year term, ending June 30, 2021.**

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

14. EMERGENCY OPERATIONS CENTER TRAINING – staff report

The Council may consider participating in Emergency Operations Center training, hosted by California Water Service Company, on June 22, 2017, in conjunction with other regional agencies. **(Donald Rust, Action City Administrator)**

The Council acknowledged the invitation to participate in Emergency Operations Center training, hosted by California Water Service Company, on June 22, 2017, in conjunction with other regional agencies.

15. LETTER TO PRESIDENT DONALD J. TRUMP REGARDING THE OROVILLE DAM SPILLWAY INCIDENT – staff report

The Council considered sending a letter to President Donald J. Trump and other federal and state representatives regarding the Oroville Dam Spillway incident. **(Donald Rust, Acting City Administrator)**

August Nelson and Bobby O'Reilly made comments to the Council.

Following discussion and amendments to the letter to President Donald J. Trump and other state and federal representatives, a motion was made by Council Member Berry, seconded by Vice Mayor Goodson to:

Authorize staff to send a letter to President Donald J. Trump and other state and federal representatives regarding the Oroville Dam Spillway incident.

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

16. LETTER OF SUPPORT REGARDING THE ESTABLISHMENT OF A BUTTE COUNTY FIRE PROTECTION DISTRICT – staff report

The Council considered a letter of support regarding the establishment of a Butte County Fire Protection District to provide fire protection services for the unincorporated areas of Butte County, and potential the City of Oroville. **(Donald Rust, Acting City Administrator)**

August Nelson spoke in opposition to he establishment of a Butte County Fire Protection District to provide fire protection services for the unincorporated areas of Butte County, and potential the City of Oroville.

A motion was made by Vice Mayor Goodson, seconded by Council Member Thomson, to:

1. **Authorize the Mayor to sign a letter of support regarding the proposed establishment of a Butte County Fire Protection District.**
2. **Authorize the contribution of \$4,000 from the Community Development & Public Works and Public Safety departmental budgets to participate in the Butte Local Agency Formation Commission's procedures.**

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

17. RESCINDING OF CITY OF OROVILLE RESOLUTION NO. 6741 PREVIOUSLY APPROVED ON JULY 18, 2006 – staff report

The Council considered potentially rescinding Resolution No. 6741 regarding the Standard Agreement with the California Department of Water Resources and any amendments related to the re-licensing of Oroville Project 2100 (Lake Oroville). If approved, the rescission will be effective going forward and will not nullify prior actions that have been taken. **(Bob Marciniak, SPF Program Specialist and Donald Rust, Acting City Administrator)**

Tasha Levinson, Bobby O'Reilly and Teri Tata all made comments relating to the Standard Agreement with the California Department of Water Resources.

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

Adopt Resolution No. 8606 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE RESCINDING OF CITY OF OROVILLE RESOLUTION NO 6741 PREVIOUSLY APPROVED ON JULY 18, 2006.

The motion was passed by the following vote:

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

18. MONTHLY FINANCIAL REPORT AND REPORT OF INVESTMENTS FOR APRIL 2017 – report attached

The Council received and acknowledged receipt of the April 2017 Monthly Financial Report and Report of Investments. **(Ruth Wright, Director of Finance)**

COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS

Mayor Dahlmeier reported her attendance to the YMCA Awards Luncheon and presented Amy Bergstrand, City of Oroville Management Analyst III, with a plaque recognizing the City of Oroville with a Power of Partnership Award in recognition of the City's participation with the YMCA's free summer day camp program which serves more than 600 low-income and underserved children in the Oroville Community.

Council Member Draper reported her attendance to the Butte County Continuum of Care Council meeting.

Mayor Goodson gave a brief report on the 2017 Feather Fiesta Days Parade and thanked Oroville Ford for their donation of parade vehicles.

Mayor Dahlmeier reported her attendance to the Department of Water Resources Town Hall meeting, held on May 15, 2017, in Sacramento.

Council Member Del Rosario reported her attendance to a neighborhood watch meeting at which safety concerns relating to Hewitt Park were discussed.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

Donald Rust, Director of Community Development, reported that the tire-derived product, which was abated by the Council on October 18, 2016, would be removed from City property and utilized by an outside agency. In addition, Mr. Rust confirmed the May 22, 2017 City Council special meeting would be conducted at the State Theatre.

CORRESPONDENCE - None

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

August Lincoln made comments relating to the trees planted along Feather River Boulevard.

Teri Tata made comments in regards to safety concerns related to transients in Riverbend Park and falling diseased trees.

CLOSED SESSION

The Council held a Closed Session on the following:

1. Pursuant to Government Code section 54957.6, the Council met 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 and employment related to the following position: Director of Finance.

3. Pursuant to Government Code section 54956.9(d)(4), the Council met with Acting City Administrator and City Attorney regarding potential initiation of litigation – one case (related to the Oroville Dam Spillway incident).
4. Pursuant to Government Code section 54956.8, the Council met with Real Property Negotiators, Acting City Administrator and City Attorney regarding the property identified as 1026 Safford Street, Oroville, CA.

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 10:30 p.m. A special meeting of the Oroville City Council will be held at the State Theatre, 1489 Myers Street, Oroville, on Monday, May 22, 2017, at 5:30 p.m.

Donald Rust, Acting City Clerk

Janet Goodson, Vice Mayor