

**CITY COUNCIL MEETING MINUTES
JULY 18, 2017 – 5:30 P.M.**

The agenda for the July 18, 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 Friday, July 14, 2017, at 2:05 p.m.

The July 18, 2017 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 5:30 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	Ruth Wright, Director of Finance
Bill LaGrone, Director of Public Safety	Karolyn Fairbanks, Treasurer
Scott E. Huber, City Attorney	Liz Ehrenstrom, Human Resource Manager
Rick Farley, EZ Zone & Business Coordinator	Dawn Nevers, Assistant Planner

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Dahlmeier.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

August Lincoln - Items No. 5, 9, & 10	Bud Tracy - Item No. 9
George Barber - Item No. 9	Sandy Linville - Item No. 9
Tosha Levinson - Item No. 9	John Archibald - Item No. 9
Michael Britton – Items No. 8 & 9	Jackie Glover - Item No. 9
Audrey Holt - Item No. 9	Celia Hirschman - Items No. 3, 9 & 12
Sarah Britton - Items No. 8 & 9	Sandy Linville - Item No. 9
Bill Spear - Items No. 9 & 12	Pastor Thompson - Item No. 3
Damon Robison – Items No.10 & 11	

CONSENT CALENDAR

A motion was made by Vice Mayor Goodson, seconded by Council Member Berry, to approve the following Consent Calendar:

- 1. APPROVAL OF THE JULY 11, 2017 REGULAR MEETING OF THE OROVILLE CITY COUNCIL** – minutes attached

Community Development Department

2. **AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SCS ENGINEERS FOR A REALLOCATION OF FUNDS BETWEEN TASKS AND ALLOCATION OF UNUSED GRANT FUNDS FROM THE U.S. EPA 2014 SITE-SPECIFIC BROWNFIELDS ASSESSMENT GRANT** – staff report

The Council considered an amendment to the Professional Services Agreement with SCS Engineers for the purpose of transferring funds between tasks and allocating unused grant funds. **(Donald Rust, Assistant City Administrator)**

Adopt Resolution No. 8625 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SCS ENGINEERS FOR A REALLOCATION OF FUNDS BETWEEN TASKS AND ALLOCATION OF UNUSED GRANT FUNDS FROM THE U.S. EPA 2014 SITE-SPECIFIC BROWNFIELDS ASSESSMENT GRANT – (Agreement No. 3102-3)

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

PROCLAMATION / PRESENTATION

Rick Farley, Oroville Airport Manager, gave a brief presentation relating to the 2017 Federal Aviation Airport Conference.

PUBLIC HEARINGS

Community Development Department

3. **BUNDLED ENERGY SOLUTIONS (BES) PROGRAM WITH ABM BUILDING SOLUTIONS, LLC** – staff report

The Council considered finalizing the contract with ABM Building Solutions, LLC, to participate in the Bundled Energy Solutions (BES) Program and enter into an Energy Solutions Project Agreement, Section 4217, as well as an Annual Energy Unit Savings Agreement. **(Dawn Nevers, Assistant Planner)**

Mayor Dahlmeier opened the Public Hearing.

John Archibald, Celia Hirschman, and Pastor Thompson commented on the ABM Building Solutions, LLC's BES Program.

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

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

1. **Adopt Resolution No. 8626 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A CONTRACT WITH ABM BUILDING SOLUTIONS, LLC, TO PARTICIPATE IN THE BUNDLED ENERGY SOLUTIONS PROGRAM AND ENTER INTO AN ENERGY SOLUTIONS PROJECT AGREEMENT, SECTION 4217, AS WELL AS AN ANNUAL ENERGY UNIT SAVINGS AGREEMENT IN THE AMOUNT OF \$3,203,338.24 (Energy Solutions Project Agreement & Annual Energy Unit Savings Agreement).**
2. **Correct a typo in the Energy Solutions Project Agreement, Exhibit A, Item No. 9 – “Both Owner and Contractor submit to the jurisdiction of the courts of Orange County, CA, to read, ”Butte” County, CA.**

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

REGULAR BUSINESS

Finance Department

**Items No. 4 and 5 were combined for voting reasons*

4. ***ANNUAL ASSESSMENTS FOR THE CITY’S CONSOLIDATED BENEFIT ASSESSMENT DISTRICT, ZONES 1-8– staff report**

The Council considered approving the Annual Assessment Report for the Oroville Consolidated Benefit Assessment District for Fiscal Year 2017/2018. **(Ruth Right, Director of Finance)**

Following discussion, a motion was made by Council Member Draper, seconded by Council Member Del Rosario, to approve Items No. 4 & 5:

1. **Adopt Resolution No. 8627 - A RESOLUTION OF THE CITY COUNCIL APPROVING THE ANNUAL ASSESSMENT REPORT AND FOR THE OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2017/2018; and**
2. **Authorize any necessary budget adjustments to the Annual Assessment Report.**

5. ***ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, ZONES 1-17 – staff report**

The Council considered initiating proceedings, preliminarily approving the Annual Assessment Report and declaring its intention to levy and collect assessments for the Oroville Consolidated Landscape and Lighting Maintenance Assessment District, Zones 1-17, for Fiscal Year 2017/2018. **(Ruth Right, Director of Finance)**

Council Members Berry, Hatley, and Thomson recused themselves from this item due to potential conflicts of interest.

August Lincoln spoke in opposition of the assessments.

1. **Adopt Resolution No. 8628 - A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2017/2018; and**
2. **Authorize any necessary budget adjustments to the Annual Assessment Report.**

The motion was passed by the following vote:

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

Business Assistance and Housing Development Department

6. **OROVILLE ECONOMIC ALLIANCE ANNUAL BBQ RECYCLING DEVELOPMENT ZONE BOOTH SPONSORSHIP – staff report**

The Council considerer sponsoring an Oroville Recycling Development Zone (RMDZ) booth at the Oroville Economic Alliance Annual BBQ, in the amount of \$500. *(Funding would be paid through the Cal Recycle Recycling Development Zone grant funds. There would be no impact to the City's General Fund)* **(Rick Farley, Enterprise Zone and Business Assistance Coordinator)**

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

Approve sponsoring an Oroville Recycling Development Zone booth at the Oroville Economic Alliance Annual BBQ, in the amount of \$500.

The motion was passed by the following vote:

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

Community Development Department

7. HIGHLAND APARTMENT PARKING LOT REPAIRS DUE TO TRAFFIC BYPASSING THROUGH DURING TABLE MOUNTAIN ROUNDABOUT CLOSURE– staff report

The Council considered approving City staff to perform repairs of the Highland Apartment Parking Lot due to impacts from the Table Mountain Roundabout Construction. **(Donald Rust, Assistant City Administrator)**

Following discussion, Council directed staff to return with options to perform the repairs to the Highland Apartment Parking Lot.

8. PROFESSIONAL SERVICES AGREEMENT WITH SCS ENGINEERS TO PROVIDE ENVIRONMENTAL CONSULTING SERVICES FOR THE PROPERTIES LOCATED AT 730 AND 750 MONTGOMERY STREET – staff report

The Council considered a proposal from SCS Engineers to provide Environmental Consulting Services for the properties located at 730 and 750 Montgomery Street. **(Donald Rust, Assistant City Administrator)**

Sarah & Michael Britton, owners of 730 Montgomery Street, expressed frustration pertaining to the length of the process to address the environmental issues at 730 & 750 Montgomery Street.

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

- 1. Adopt Resolution No. 8629 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH SCS ENGINEERS TO PROVIDE ENVIRONMENTAL CONSULTING SERVICES FOR THE PROPERTIES LOCATED AT 730 AND 750 MONTGOMERY STREET – (Agreement No. 3226).**
- 2. Authorize SCS Engineers to remove the contaminated barrels from the rear of 730 Montgomery Street, and provide documentation notifying Michael & Sarah Britton following the removal of the contaminated barrels.**

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

9. LANDOWNER RESPONSIBILITY AND LIABILITY FOR STREET TREES AND SIDEWALK SAFETY AND MAINTENANCE – staff report

The Council considered directing staff to draft an ordinance for either cost sharing or passing the full obligation for maintenance/repairs of parking strips and public landscaping (trees, shrubs, etc.), sidewalks, curbs and gutters onto adjacent property owners. **(Donald Rust, Assistant City Administrator)**

George Barber, August Lincoln, Bud Tracy, Tosha Levinson, John Archibald, Michael Britton, Jackie Glover, Audrey Holt, Celia Hirschman, Sarah Britton, Sandy Linville, and Billy Spear spoke in opposition to the proposed ordinance.

Following discussion, no direction was given.

10. AMERICAN PLANNING ASSOCIATION CALIFORNIA CONFERENCE AND LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE AND EXPO 2017 – staff report

The Council considered approving the attendance of City staff, elected and appointed officials to the American Planning Association California Conference and League of California Cities Annual Conference and Expo for 2017. **(Donald Rust, Assistant City Administrator)**

Damon Robison, Planning Commission Chairperson, spoke in support of the benefit of attending the American Planning Association California Conferences.

August Lincoln spoke in opposition of the proposed conference expenditures.

Council Members Del Rosario and Draper stated that they would be attending the 2017 League of California Cities Annual Conference and Expo, at their own expense.

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

Approve the registration expense of (4) Planning Commissioners to attend the 2017 American Planning Association California Conference.

The motion was passed by the following vote:

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

11. PLANNING COMMISSION REVIEW OF “ROADWAY” PROJECTS – staff report

The Council considered a request from the Planning Commission to be granted the authority to provide review and prioritization recommendations to the City Council regarding certain “roadway” improvement projects. **(Donald Rust, Assistant City Administrator)**

Damon Robison, Planning Commission Chairperson, made comments supporting the Planning Commission's request.

Following discussion, the Council directed staff to:

Carry out the request from the Planning Commission to be granted the authority to provide review and prioritization recommendations to the City Council regarding certain "roadway" improvement projects.

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

The Council discussed and considered applying for the 2016-2017 Affordable Housing and Sustainable Communities (AHSC) Program to develop a 70-unit affordable family housing project north of the Starbucks/Panda Express development in partnership with Jamboree Housing Corporation. **(Donald Rust, Assistant City Administrator)**

Mayor Dahlmeier recused herself from this item due to potential conflicts of interest.

Tom Tenorio and Bill Spear spoke in support of the proposed project.

Cheri Bunker and Eric Shankey spoke in opposition of the proposed project.

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

1. **Adopt Resolution No. 8630 - 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 VICE MAYOR TO EXECUTE AN OPTION AGREEMENT WITH VALLEY STAR PARTNERS, LLC FOR THE PURCHASE OF THE PROPERTY IDENTIFIED AS 2355 FEATHER RIVER BOULEVARD (APN: 035-030-099) - (Agreement No .3227).**
2. **Adopt Resolution No. 8631 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE VICE MAYOR TO EXECUTE AN EXCLUSIVE NEGOTIATION AGREEMENT WITH JAMBOREE HOUSING CORPORATION MUTUALLY AGREEING TO ENTER INTO NEGOTIATIONS CONCERNING THE PROPOSED HOUSING DEVELOPMENT PROJECT SHOULD THE AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM GRANT BE AWARDED (Agreement No. 3228)**

The motion was passed by the following vote:

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

Administration Department

13. AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH COTA COLE & HUBER, LLP – staff report

The Council considered an Amendment to the Legal Services Agreement with Cota Cole & Huber, LLP for City Attorney Services. **(Donald Rust, Assistant City Administrator)**

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

Adopt Resolution No. 8632 - A RESOLUTION OF THE CITY OF OROVILLE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH COTA COLE & HUBER, LLP FOR CITY ATTORNEY LEGAL SERVICES – (Agreement No. 2004-4).

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

COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS

Council Member Thomson reported that Riverbend Park is now open to the public for recreational use.

Council Member Draper reported her attendance to the DWR Community Meeting held July 17, 2017, at the Oroville Municipal Auditorium.

Vice Mayor Goodson reported her attendance to Clearlake Volunteers Bar-B-Que event held at Martin Luther King Jr. Park on Sunday, July 16, 2017.

Council Member Berry reported his attendance to the Veteran’s Memorial meeting with updates on the status of the Veteran’s Memorial Park.

Mayor Dahlmeier reported on the following:

- Attendance to the unveiling of the bronze statue at the Northwest Lineman College
- The release of the Department of Water Resources Magazine
- Worked the Explore Butte County Booth at the State Faire
- Gave a tour of the City Hall to the YMCA summer camp group children

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

Bill LaGrone, Director of Public Safety, announced the upcoming National Night Out event will be held on August 1, 2017.

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

- Provided a draft copy of the updates to the Federal Energy Regulatory Commission letter
- Reported that the stop signs located at 5th Avenue and Cal Oak road have been installed and the Nelson Avenue and 6th Street stop signs will be functional prior to the start of the school year.

CORRESPONDENCE

- AT&T – Notice of Price Increase
- Certificate of Appreciation, presented to the City of Oroville from Butte County Office of Education, Regional Occupational Program

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

August Lincoln commented on the status of the trees planted over the gas lines at the new Super Walmart location and received confirmation from Walmart and PG&E of their safe relocation.

Tosha Levinson provided a CalWater study update and provided a handout to the Council Members that serves as a 1-sheet “road map” of the SBF Settlement Agreement.

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(d)(4), the Council met with the Acting City Administrator and City Attorney regarding potential initiation of litigation – one case (related to Oroville Spillway Incident).
3. 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. OWCA-22392.
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.

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 10:38 p.m. A regular meeting of the Oroville City Council will be held on Tuesday, August, 15, 2017, at 4:00 p.m.

Donald Rust, Acting City Clerk

Linda L. Dahlmeier, Mayor