

# **OROVILLE CITY COUNCIL**

Council Chambers 1735 Montgomery Street Regular Meeting

MARCH 15, 2011 CLOSED SESSION 6:30 P.M. OPEN SESSION 7:00 P.M.

## **CLOSED SESSION (6:30 P.M.)**

## **ROLL CALL**

Council Members Andoe, Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier

## **CONVENE TO CLOSED SESSION (ITEMS LISTED ON PAGE NO. 6)**

## **RECONVENE TO OPEN SESSION**

OPEN SESSION (7:00 P.M.)

### PLEDGE OF ALLEGIANCE

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

This is the time the Mayor will invite anyone in the audience wishing to address the Council on a matter that is on the agenda to state your name and the agenda item on which you wish to speak. When that item comes up on the agenda, you will be asked to step to the podium, repeat your name for the record, and make your presentation. **Presentations are limited to 3 minutes.** Under Government Code Section 54954.3 the time allotted for presentations may be limited.

## PROCLAMATION / PRESENTATION

A Proclamation recognizing Women in Law Enforcement during Women's History Month.

An Oath of Allegiance will be taken by Breck Wright, for the position of Police Officer.

## **CONSENT CALENDAR**

- 1. APPROVAL OF THE MINUTES OF THE MARCH 1, 2011 REGULAR MEETING OF THE OROVILLE CITY COUNCIL minutes attached.
- 2. NON-FORECLOSURE OF CITY OWNED PROPERTY LOCATED AT 1125 1<sup>ST</sup> STREET, OROVILLE staff report

The Council will consider the non-foreclosure of City interest on a property located at 1125 1<sup>st</sup> Street, Oroville, which is not financially feasible for the City to cure the underlying first mortgage default and payoff of the first mortgage loan. (Pat Clark, Director of Business Assistance and Housing Development)

Council Action Requested: Authorize the non-foreclosure of City interest on a property located at 1125 1<sup>st</sup> Street, Oroville – (APN 012-022-008).

3. AMENDMENT TO THE AGREEMENT WITH MUSSELMAN PICTURES – staff report

The Council will consider an Amendment to the Agreement with Musselman Pictures relating to the video recording of the Oroville City Council and Oroville Redevelopment Agency meetings. (G. Harold Duffey, City Administrator)

Council Action Requested: Adopt Resolution No. 7690 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH MUSSELMAN PICTURES FOR THE VIDEO RECORDING OF THE OROVILLE CITY COUNCIL AND OROVILLE REDEVELOPMENT AGENCY MEETINGS – (Agreement No. 1810-3).

4. MUSEUM PROMOTION – OROVILLE'S MUSEUM ROW EVENT – staff report

The Council will consider approving a Museum Row event for the City's museums and the State Theater on Saturday, June 25, 2011. **(G. Harold Duffey, City Administrator)** 

Council Action Requested: Approve staff to move forward with plans to have the City's museums and State Theater participate in the Museum Row event on June 25, 2011.

5. DENIAL OF GOVERNEMENT CLAIM AND APPROVAL OF SETTLEMENT AGREEMENT – staff report

The Council will consider denying the Government Claims filed by Steven Seidenglanz, Seidenglanz Family Trust, and S & S Property Investment Group, LP ("Claimants") against the City of Oroville on October 21, 2010, and entering into a Settlement Agreement with the parties. (Scott E. Huber, City Attorney)

Council Action Requested: Adopt Resolution No. 7691 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE VICE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH STEVEN SEIDENGLANZ, SEIDENGLANZ FAMILY TRUST, AND S & S PROPERTY INVESTMENT GROUP, LP – (Agreement No. 1993).

6. RESOLUTION IN SUPPORT OF THE ENTERPRISE ZONE PROGRAM – staff report

The Council will consider adopting a resolution recognizing the Enterprise Zone Program as a major state incentive to creating new jobs, growing existing businesses, and competing with other states to attract outside investments to California. (Pat Clark, Director of Business Assistance and Housing Development)

Council Action Requested: Adopt Resolution No. 7692 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZNG AND DIRECTING THE MAYOR TO EXECUTE A LETTER, ON BEHALF OF THE OROVILLE CITY COUNCIL, IN SUPPORT OF THE ENTERPRISE ZONE PROGRAM.

## 7. REQUEST FOR FUNDING PARTICIPATION IN THE 2011 SALMON FESTIVAL – staff report

The Council will consider a funding request in the amount of \$9,700, from the Oroville Area Chamber of Commerce, for the 2011 Annual Oroville Salmon Festival. (G. Harold Duffey, City Administrator)

Council Action Requested: Approve the funding request in the amount of \$9,700, from the Oroville Area Chamber of Commerce, for the 2011 Annual Oroville Salmon Festival.

## **PUBLIC HEARINGS**

8. AMENDMENT TO CHAPTER 25 OF THE OROVILLE CITY CODE RELATING TO TAXICABS – staff report

The Council will consider amendments to the City's Taxicab Ordinance, Chapter 25 of the Oroville City Code, to modify and/or clarify certain provisions related to the operation of taxicabs within the City of Oroville. (Bill La Grone, Chief of Police)

Council Action Requested: Waive the first reading and introduce by title only, Ordinance No. 1772 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE AMENDING CHAPTER 25 OF THE CODE OF THE CITY OF OROVILLE RELATING TO TAXICABS.

9. SUBMITTAL OF THE 2010/11 ECONOMIC DEVELOPMENT ENTERPRISE FUND APPLICATION – staff report

The Council will conduct a public hearing and consider submitting an application to the California State Department of Housing and Community Development to request funding from the 2010/11 Economic Development Enterprise Fund Component of the Community Development Block Grant Program. (Pat Clark, Director of Business Assistance and Housing Development)

Council Action Requested: Adopt Resolution No. 7693 - A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING AN APPLICATION AND CONTRACT EXECUTION FOR FUNDING FROM THE ECONOMIC DEVELOPMENT ENTERPRISE FUND ALLOCATION OF THE CALIFORNIA STATE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO WITH THE STATE OF CALIFORNIA FOR THE PURPOSE OF THIS GRANT.

10. ESTABLISHMENT OF A CITY OF OROVILLE HOUSING AUTHORITY – staff report

The Council will conduct a public hearing and consider establishing a City of Oroville Housing Authority, appointing members of the City Council as commissioners of the Housing Authority and designating the Mayor as the Chairperson of the Housing Authority in accordance with the California Housing Authority's Law. (Pat Clark, Director of Business Assistance and Housing Development)

Council Action Requested: Adopt Resolution No. 7694 – A RESOLUTION OF THE OROVILLE CITY COUNCIL DECLARING A NEED FOR A HOUSING AUTHORITY TO FUNCTION IN THE CITY OF OROVILLE, APPOINTING MEMBERS OF THE CITY COUNCIL AS COMMISSIONERS OF THE HOUSING AUTHORITY AND DESIGNATING THE MAYOR AS THE FIRST CHAIRPERSON OF THE HOUSING AUTHORITY IN ACCORDANCE WITH THE CALIFORNIA HOUSING AUTHORITY LAW.

11. EXTENSION OF URGENCY ZONING ORDINANCE RELATED TO CANNABIS DISPENSARIES WITHIN THE CITY OF OROVILLE – staff report

The Council will conduct a public hearing and consider an extension of the Urgency Zoning Ordinance related to cannabis dispensaries in the City of Oroville. (Scott E. Huber, City Attorney)

Council Action Requested: Waive the reading of this Urgency Ordinance, and adopt Ordinance No. 1771-1 – AN ORDINANCE OF THE OROVILLE CITY COUNCIL EXTENDING THE EFFECT OF SECTION 26-10.120 OF THE CODE OF THE CITY OF OROVILLE RELATING TO CANNABIS DISPENSARIES WITHIN THE CITY OF OROVILLE.

## **REGULAR BUSINESS**

12. FEE WAIVER FOR OROVILLE STATE THEATER – I WISH PROGRAM – staff report

The Council will consider approving a request to waive the Oroville State Theater Use Fee for the 'I Wish Program'. (Christopher Fridrich, Director of Parks and Trees)

Council Action Requested:

- 1. Approve the request to waive the Oroville State Theater Use Fee, in an amount up to \$3,175, for the 'I Wish Program'.
- 2. Provide direction to staff, if necessary.
- 13. FUNDING REQUEST FROM THE OROVILLE AREA CHAMBER OF COMMERCE FOR FUNDING FOR FEATHER FIESTA DAYS staff report

The Council will consider a funding request from the Oroville Area Chamber of Commerce, in the amount of \$2,500, for support of the annual Feather Fiesta Days to be held in May 2011. **(G. Harold Duffey, City Administrator)** 

Council Action Requested: Authorize the funding request from the Oroville Area Chamber of Commerce, in the amount of \$2,500, for support of the annual Feather Fiesta Days.

14. MODIFICATIONS TO THE OROVILLE POLICE OFFICER HOUSING ASSISTANCE PROGRAM GUIDELINES – staff report

The Council will consider authorizing modifications to the Oroville Police Officer Housing Assistance Program Guidelines. (Pat Clark, Director of Business Assistance and Housing Development)

Council Action Requested:

- 1. Authorize the modifications to the Oroville Police Officer Housing Assistance Program Guidelines, as indicated in the staff report dated March 15, 2011.
- 2. Direct staff to return to Council with modifications to the Oroville Police Officer Housing Assistance Program, to include Fire Fighters.
- 15. SUPPLEMENTAL BENEFITS FUND GRANT AGREEMENT WITH THE OROVILLE AREA CHAMBER OF COMMERCE staff report

The Council will consider a Supplemental Benefits Fund Grant Agreement with the Oroville Area Chamber of Commerce, in the amount of \$60,000, for economic development activities which is a grant funded reimbursement program, as previously approved by the SBF Steering Committee. (G. Harold Duffey, City Administrator and Bob Marciniak, SBF/RDA Project Coordinator)

Council Action Requested: Adopt Resolution No. 7695 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A GRANT AGREEMENT

BETWEEN THE CITY OF OROVILLE, AS THE SUPPLEMENTAL BENEFITS FUND ADMINISTRATOR, AND THE OROVILLE AREA CHAMBER OF COMMERCE FOR ECONOMIC DEVELOPMENT ACTIVITIES – (Agreement No. 1901-2).

### 16. FEE WAIVER REQUEST – staff report

The Council will consider a fee waiver request for a Development Review Board application at 1029 Safford Street, Oroville, in the Downtown Historic Overlay – (APN 012-071-001). (Donald Rust, Director of Planning and Development Services)

Council Action Requested:

- 1. Approve a fee waiver from the Development Review Board fees for the demolition and reconstruction of a garage at 1029 Safford Street, Oroville.
- 2. Direct staff to prepare a Zoning Code Amendment to create an exemption from the Development Review Board requirements.

# 17. EMERGENCY CONTRACT AWARD FOR THE MITCHELL AVENUE RAILROAD CROSSING PAVE BACK PROJECT – staff report

The Council will consider a resolution making findings and will consider the award of an Emergency Construction Contract to Duke Sherwood Construction, Inc., in the amount of \$18,014. (G. Harold Duffey, City Administrator and Rick Walls, Director of Public Works)

Council Action Requested:

- 1. Adopt Resolution No. 7696 A RESOLUTION OF THE OROVILLE CITY COUNCIL MAKING FINDINGS THAT THE MITCHELL AVENUE RAILROAD CROSSING REPLACEMENT PROJECT AND ASSOCIATED REPAIRS CONSTITUTE AN EMERGENCY REQUIRING THE EXECUTION OF AN EMERGENCY CONTRACT.
- 2. Adopt Resolution No. 7697 A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH DUKE SHERWOOD CONSTRUCTION, INC., IN THE AMOUNT OF \$18,014, FOR THE MITCHELL AVENUE RAILROAD CROSSING PAVE BACK PROJECT (Agreement No. 1994).

#### 18. AMENDMENT TO THE ACCESS AGREEMENT WITH PACIFIC GAS & ELECTRIC COMPANY – staff report

The Council will consider an Amendment to the Access Agreement with Pacific Gas & Electric Company to continue the environmental investigation at a PG&E manufactured gas plant site formerly located within the northeast corner of Montgomery Street and Huntoon Street (APN's 012-032-031, 012-032-032 and a portion of 012-032-033). (G. Harold Duffey, City Administrator and Rick Walls, Director of Public Works)

Council Action Requested: Adopt Resolution No. 7697 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE ACCESS AGREEMENT WITH PACIFIC GAS & ELECTRIC COMPANY FOR A SITE LOCATED WITHIN THE NORTHEAST CORNER OF MONTGOMERY STREET AND HUNTOON STREET (APN'S 012-032-031, 012-032-032 AND A PORTION OF 012-032-033) – (Agreement No. 1934-1).

### 19. APPROVAL OF A FUNDING AGREEMENT WITH NORTH OPHIR LAND, LLC – staff report

The Council will consider approving a Funding Agreement requested by North Ophir Land, LLC, to provide reimbursement costs associated with the City staff services for the development and preparation of a bond measure for the implementation of the Oroville Industrial Park Project (Phase I). (Don Rust, Director of

### **Planning and Development Services)**

Council Action Requested: Adopt Resolution No. 7698 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A FUNDING AGREEMENT WITH NORTH OPHIR LAND, LLC TO PROVIDE REIMBURSEMENT FOR COSTS ASSOCIATED WITH THE DEVELOPMENT AND PREPARATION OF A BOND MEASURE FOR THE IMPLEMENTATION OF THE OROVILLE INDUSTRIAL PARK PROJECT – (PHASE I) – (Agreement No. 1995).

# 20. REQUEST FOR QUALIFICATIONS FOR A CERTIFIED ART APPRAISER TO ASSESS THE VALUE OF ARTIFACTS AT THE CHINESE TEMPLE – staff report

The Council will consider approving the Request for Qualifications to solicit a certified Art Appraiser to assess the value of artifacts at the Chinese Temple. (Chris Fridrich, Director of Parks and Trees)

Council Action Requested: Approve the Request for Qualifications to solicit a certified Art Appraiser to assess the value of artifacts at the Chinese Temple.

## 21. BICYCLE TRANSPORTATION ACCOUNT GRANT APPLICATION – staff report

The Council will consider a request to adopt a resolution regarding a Grant Application to receive funding for the Bicycle Transportation Account for the construction of a Class II Bikeway on Oro Dam Boulevard and State Highway 162 from Highway 70 to Orange Avenue, Oroville. (Donald Rust, Director of Planning and Development Services and Mikah Salsi, Assistant Planner)

Council Action Requested: Adopt Resolution No. 7699 - A RESOLUTION OF THE OROVILLE CITY COUNCIL FOR THE COMMITMENT TO PROVIDE A 10% MATCH FUNDING OF THE TOTAL COST OF THE CONSTRUCTION OF A CLASS II BIKEWAY ON ORO DAM BOULEVARD AND STATE HIGHWAY 162 FROM HIGHWAY TO ORANGE AVENUE, OROVILLE, IN ASSOCIATION WITH THE CALIFORNIA STATE DEPARTMENT OF TRANSPORTATION – BICYCLE TRANSPORTATION ACCOUNT GRANT PROGRAM FOR FISCAL YEAR 2011/12.

# 22. AUTHORIZATION FOR SUBMITTAL OF GRANT APPLICATION COLLABORATIVE RESPONSE TO VIOLENCE PROJECT – staff report

The Council will consider the approval of a Memorandum of Understanding between the Oroville Police Department, the California State University, Chico, and Butte Community College to support the submittal of a Collaborative Response to Violence Project (CRVP) Grant. (*No funding for the City of Oroville is expected from this grant.*)(Bill La Grone, Chief of Police)

Council Action Requested: Adopt Resolution No. 7700 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE CALIFORNIA STATE UNIVERSITY, CHICO AND BUTTE COMMUNITY COLLEGE TO AUTHORIZE SUBMITTAL OF A COLLABORATIVE RESPONSE TO VIOLENCE PROJECT GRANT – (Agreement No. 1996).

# 23. AMENDMENT TO THE EMPLOYEMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND CHARLES D. HURLEY, FIRE CHIEF – staff report

The Council will consider an Amendment to the Employment Agreement between the City of Oroville and Charles D. Hurley, Fire Chief. (Liz Ehrenstrom, Human Resource Analyst II)

Council Action Requested: Adopt Resolution No. 7701 – 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 CHARLES D. HURLEY, FIRE CHIEF – (Agreement No. 1904-3).

#### 24. DONATION TO BOLT'S ANTIQUE TOOL MUSEUM – staff report

The Council will consider numerous donations to the Bolt's Antique Tool Museum from multiple donors. (Christopher Fridrich, Director of Parks and Trees)

Council Action Requested:

- 1. Accept the numerous donations for Bolt's Antique Tool Museum as indicated in the staff report dated March 15, 2011.
- 2. Adopt Resolution No. 7702 A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR OR THEIR DESIGNEE TO ACCEPT DONATIONS TO BOLT'S ANTIQUE TOOL MUSEUM.

### 25. FEE WAIVER FOR CITY OF OROVILLE PARKS – staff report

The Council will consider approving multiple requests received to waive Park Use Fees. (Christopher Fridrich, Director of Parks and Trees)

Council Action Requested:

- 1. Approve the requests to waive the Park Use Fees as indicated in the staff report, dated March 15, 2011; or
- 2. Approve the requests to waive the Park Use Fees for certain events.
- 3. Adopt Resolution No. 7703 A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR OR THEIR DESIGNEE TO WAIVE FEES FOR PARK USAGE.

# 26. UPDATE REGARDING THE PROPOSED AFFORDABLE SENIOR HOUSING PROJECT AT THE VEGA CENTER – 1511 ROBINSON STREET, OROVILLE – staff report

The Council will receive an update regarding Petaluma Ecumenical Properties' proposal to construct a 49-unit affordable, non-assisted, housing project for seniors at the Vega Center property located at 1511 Robinson Street, Oroville, within the Downtown Historic Overlay. (**Donald Rust, Director of Planning and Development Services**)

Council Action Requested: Receive and file the update regarding Petaluma Ecumenical Properties' proposed affordable Senior Housing Project at the Vega Center property located at 1511 Robinson Street, Oroville.

27. PROPOSED WORKSHOP SCHEDULE FOR VARIOUS PLANNING AND DEVELOPMENT SERVICES TOPICS TO OBTAIN GUIDANCE AND DIRECTION FROM THE CITY COUNCIL – staff report

The Council will consider a proposed Workshop Schedule for various planning and development services topics throughout the City of Oroville. (**Don Rust, Director of Planning and Development Services**)

Council Action Requested: Direct staff to prepare the appropriate materials and conduct a series of workshops for various planning and development services topics to obtain input, guidance, and direction from the Council.

28. MONTHLY SUMMARY OF INVESTMENTS AND MONTHLY FINANCIAL REPORTS FOR JANUARY 2011 – reports attached

The Council received a copy of the Monthly Summary of Investments and the Monthly Financial Report for January 2011. (**Diane MacMillan, Director of Finance**)

Council Action Requested: Acknowledge receipt of the January 2011 Monthly Summary of Investments and the January 2011 Monthly Financial Report.

## **MAYOR/ COUNCIL REPORTS**

**COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS** (A verbal report may be given regarding any committee meetings attended.)

**Arbor Day Ceremony** 

**Butte County Water Advisory Board** 

## CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

- Department of Business Assistance and Housing Development activity report
- Department of Public Works activity report
- Department of Planning and Development Services activity report
- Parks & Trees Department activity report
- Police Department activity report
- Fire Department activity report

### **CORRESPONDENCE** - None

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

This is the time the Mayor will invite anyone in the audience wishing to address the Council on a matter not listed on the agenda to step to the podium, state your name for the record and make your presentation. **Presentations are limited to 3 minutes**. Under Government Code Section 54954.2, <u>The Council is prohibited from taking action except for a brief response by the Council or staff to a statement or question relating to a non-agenda item.</u>

#### RECONVENE TO CLOSED SESSION (IF NECESSARY)

## **CLOSED SESSION**

The Council will hold a Closed Session on the following:

1. Pursuant to Government Code Section 54956.9(b), the Council will meet with City Attorney, Scott E. Huber, concerning potential litigation – one case.

## **ADJOURNMENT**

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on Tuesday, April 5, 2011 at 7:00 p.m.

Accommodating Those Individuals with Special Needs – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the City Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.