OROVILLE CITY COUNCIL

Council Chambers
1735 Montgomery Street
Regular Meeting

DECEMBER 20, 2011
CLOSED SESSION 5:00 P.M.
OPEN SESSION 6:00 P.M.
AGENDA

CLOSED SESSION (5:00 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. 8)

RECONVENE TO OPEN SESSION

OPEN SESSION (6:00 P.M.)

PLEDGE OF ALLEGIANCE

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

Persons may address the Council on items which are not listed on this agenda. Please complete a Public Participation Form and present it to the City Clerk prior to the start of the meeting. The Mayor will invite persons to speak in the order in which the Participation Forms are presented to the City Clerk. **Presentations are limited to three minutes per person.** The Brown Act, with certain exceptions, does not permit the City Council to discuss or take action on the issues which are not listed on the agenda.

PROCLAMATION / PRESENTATION

A Proclamation in recognition and appreciation of ***Kathy Neal's Creative Arts Centre***.

A ***New Business Acknowledgement*** and ***Welcome to Oroville*** for ***Specialty Merchandise Distributers***.

A ***New Business Acknowledgement*** and ***Welcome to Oroville*** for ***Christine Marie's***.

A ***New Business Acknowledgement*** and ***Welcome to Oroville*** for ***Wylie's Boutique, LLC***.

A ***New Business Acknowledgement*** and ***Welcome to Oroville*** for ***Advanced Muffler Service and Used Cars***.

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 or ask questions regarding the agenda item. Following your remarks, Council and/or staff may respond to your comments or questions. **Presentations are limited to three minutes per person.** Under Government Code Section 54954.3 the time allotted for presentations may be limited.

CONSENT CALENDAR

1. APPROVAL OF THE MINUTES OF THE DECEMBER 6, 2011 SPECIAL MEETING AND THE DECEMBER 6, 2011 REGULAR MEETING OF THE OROVILLE CITY COUNCIL - minutes attached.

2. FEE WAIVER REQUEST BY THE SUNRISE ROTARY CLUB – staff report

The Council will consider a fee waiver request by the Sunrise Rotary Club, to waive plan review and building permit issuance fees, in the amount of $222.86, for the construction of a disabled access ramp connecting the levy bike and walking trail to Arlin Rhine Memorial Drive near Rotary Park in Oroville. **(Donald Rust, Director of Planning and Development Services and Craig Griesbach, Building Official)**

Council Action Requested: **Approve the waiver request made by the Sunrise Rotary Club, to waive plan review and building permit issuance fees, in the amount of $222.86, for the construction of a disabled access ramp connecting the levee bike and walking trail to Arlin Rhine Memorial Drive near Rotary Park in Oroville.**

3. FEE WAIVER REQUEST BY KATHY NEAL'S CREATIVE ARTS CENTRE – staff report

The Council will consider a fee waiver request by Kathy Neal's Creative Arts Centre, in the amount of $1,200, for an event that was held at the State Theatre December 9th – 11th, 2011. **(G. Harold Duffey, City Administrator)**

Council Action Requested: **Approve the fee waiver request made by Kathy Neal Creative Arts Centre, to waive the State Theatre deposit and use fees, in the amount of $1,200, for an event held at the State Theatre on December 9th – 11th, 2011, or provide direction to staff.**

4. RE-APPOINTMENT TO THE OROVILLE MOSQUITO ABATEMENT DISTRICT BOARD OF DIRECTORS – staff report

The Council will consider the re-appointment of Chad Gunderson to the Board of Directors for the Oroville Mosquito Abatement District. **(G. Harold Duffey, City Administrator)**

Council Action Requested: **Re-appoint Chad Gunderson to serve on the Oroville Mosquito Abatement District Board of Directors for a two year term, which will expire on December 31, 2013.**

5. INVESTMENT POLICY ADOPTION FOR 2012 – staff report

The Council will consider adopting the Investment Policy for the City of Oroville for 2012. **(Karolyn Fairbanks, City Treasurer)**

Council Action Requested: **Adopt Resolution No. 7832 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE ADOPTION OF AN INVESTMENT POLICY FOR THE CITY OF OROVILLE FOR 2012.**

6. ENGINEERING FEE WAIVER MODIFICATION REQUEST BY R & H LEASING COMPANY, INC. – staff report

The Council will consider an engineering fee modification request by R & H Leasing Company, Inc., in the amount of $765.84, to merge two lots along Feather River Boulevard. **(Art da Rosa, Director of Public Works)**

Council Action Requested: **Approve the Engineering fee waiver modification request by R & H Leasing Company, Inc. in the amount of $765.84, to merge two lots along Feather River Boulevard.**

7. AMENDMENT TO THE CITY OF OROVILLE PERSONNEL RULES AND REGULATIONS SECTION 10.2 – VACATION – staff report

The Council will consider an Amendment to the City of Oroville Personnel Rules and Regulations, section 10.2 – Vacation, to allow employees to use their accrued vacation leave at six (6) months after the date of hire instead of at twelve (12) months currently allowed. **(G. Harold Duffey, City Administrator and Liz Ehrenstrom, Human Resource Analyst II)**

Council Action Requested: **Adopt Resolution No. 7833 – A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE AMENDMENT TO THE CITY OF OROVILLE PERSONNEL RULES AND REGULATIONS SECTION 10.2 – VACATION.**

8. REQUEST FOR BIDS FOR SELF COMTAINED BREATHING APPARATUS CYLINDERS WITH VALVE FOR THE OROVILLE FIRE DEPARTMENT – staff report

The Council will consider approving a Request for Bids for self contained breathing apparatus cylinders with valve for the Oroville Fire Department. **(Charles Hurley, Fire Chief)**

Council Action Requested: **Approve the Request for Bids and authorize staff to publish the Request for Bids on the City's website, be legally advertised, and mailed to interested parties.**

PUBLIC HEARINGS

9. AMENDMENT TO THE OROVILLE ZONING CODE TO SET MINIMUM STANDARDS FOR SOLAR ENERGY FACILITIES – staff report

The Council will conduct a public hearing to consider a Zoning Code Amendment setting the minimum standards within the City of Oroville for solar energy facilities. **(Donald Rust, Director of Planning and Development Services and Mikah Salsi, Assistant Planner)**

Council Action Requested: **Waive the first reading and introduce by title only**, **Ordinance No. 1784 – AN ORDINANCE OF THE OROVILLE CITY COUNCIL AMENDING THE OROVILLE ZONING CODE BY ADDING SECTION 26-16.180 REGARDING SOLAR ENERGY FACILITIES.**

10. FORMATION OF A MYERS STREET UNDERGROUND UTILITY DISTRICT – staff report

The Council will conduct a public hearing and consider the formation of an Underground Utility District on Myers Street between Oro Dam Boulevard and Wyandotte Avenue. **(Art da Rosa, Director of Public Works)**

Council Action Requested: **Adopt Resolution No. 7834 – A RESOLUTION OF THE OROVILLE CITY COUNCIL ESTABLISHING AN UNDERGROUND UTILITY DISTRICT ALONG MYERS STREET FROM APPROXIMATELY 100 FEET SOUTH OF ORO DAM BOULEVARD TO WYANDOTTE AVENUE, AND FINDING AND DETERMINIG THAT PUBLIC NECCESSITY, HEALTH, SAFETY, OR WELFARE REQUIRE REMOVAL OF POLES, OVERHEAD WIRES AND ASSOCIATED OVERHEAD STRUCTURES, AND ORDERING REMOVAL OF SAME.**

REGULAR BUSINESS

11. AUTOMATIC AID AGREEMENT BETWEEN CITY OF OROVILLE FIRE DEPARTMENT AND BUTTE COUNTY FIRE DEPARTMENT (CAL-FIRE) – staff report

The Council will consider an Automatic Aid Agreement between the City of Oroville Fire Department and Butte County Fire Department (Cal-Fire). **(Charles Hurley, Fire Chief)**

Council Action Requested: **Adopt Resolution No. 7835 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF OROVILLE FIRE DEPARTMENT AND BUTTE COUNTY FIRE DEPARTMENT (CAL-FIRE) – (Agreement No. 2037).**

12. AGREEMENT WITH JAMES F. SHEWBRIDGE DBA: NORTH VALLEY LAND SERVICES FOR APPRAISAL SERVICES – staff report

The Council will consider an Agreement with James F. Shewbridge dba: North Valley Land Services, for appraisal services relating to three City owned parcels located at 80 Rainey's Way, 2000 Challenger Avenue and 2015 Challenger Avenue, Oroville, for an amount not to exceed $8,500. **(Sam Driggers, Redevelopment and Economic Development Manager)**

Council Action Requested:

1. **Adopt Resolution No. 7836 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH NORTH VALLEY LAND SERVICES FOR APPRAISAL SERVICES RELATING TO THREE CITY OWNED PROPERTIES – (Agreement No. 2038).**

2. **Approve Supplemental Appropriation No. 2011/12-1211-30 as indicated in the Staff Report, dated December 20, 2011.**

13. BUDGET CARRYOVER OF GENERAL FUND/OTHER FUNDS/CAPITAL PROJECTS AND GRANTS FROM FISCAL YEAR 2010/11 TO FISCAL YEAR 2011/12 – staff report

The Council will consider approving Supplemental Appropriation No. 2011/12-1211-31 to carryover the balances of the General Fund/Other Funds/Capital Projects and Grants budget appropriations from fiscal year 2010/11 to fiscal year 2011/12. **(Diane MacMillan, Director of Finance and Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Approve Supplemental Appropriation No. 2011/12-1211-31 as indicated in**

the December 20, 2011 Staff Report.

14. ESTABLISHMENT OF A FOUNDATION FOR THE BENEFIT OF THE CITY'S MUSEUMS AND CULTURAL FACILITIES – staff report

The Council will consider the establishment of a foundation for the benefit of the City's museums and cultural facilities. **(G. Harold Duffey, City Administrator and Scott Huber, City Attorney)**

Council Action Requested: **Authorize the City Administrator to execute the necessary documentation for the establishment of the City of Oroville Museum and Cultural Facility Foundation and approve its bylaws.**

15. AGREEMENT WITH MICHELS PIPELINE CONSTRUCTION FOR THE 2011 SANITARY SEWER SLIP LINE PROJECT – staff report

The Council will consider an Agreement with the lowest responsible bidder, Michels Pipeline Construction, in the amount of $749,556 for the 2011 Sanitary Sewer Slip Line Project. **(Art da Rosa, Director of Public Works)**

Council Action Requested:

1. **Adopt Resolution No. 7837 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE LOWEST RESPONSIBLE BIDDER, MICHELS PIPELINE CONSTRUCTION, FOR THE 2011 SANITARY SEWER SLIP LINE PROJECT, IN THE AMOUNT OF $749,556 – (Agreement No. 2039).**

2. **Authorize a 5% contingency, not to exceed $37,478, for the 2011 Sanitary Sewer Slip Line Project.**

16. AGREEMENT WITH FOOTHILL FIRE PROTECTION, INC. FOR FIRE SPRINKLER SYSTEMS AT CITY HALL AND THE TABLE MOUNTAIN GOLF COURSE CLUBHOUSE – staff report

The Council will consider an Agreement with the lowest responsible bidder, Foothill Fire Protection, Inc., in the amount of $103,535, for the installation of fire sprinkler systems at City Hall and the Table Mountain Golf Course Clubhouse. **(Art da Rosa, Director of Public Works)**

Council Action Requested:

1. **Adopt Resolution No. 7838 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH FOOTHILL FIRE PROTECTION, INC. IN THE AMOUNT OF $103,535, FOR THE INSTALLATION OF FIRE SPRINKLER SYSTEMS AT CITY HALL AND THE TABLE MOUNTAIN GOLF COURSE CLUBHOUSE – (Agreement No. 2040).**

2. **Approve a 10% contingency not to exceed $10,354.**

3. **Approve Supplemental Appropriation No. 2011/12-1211-32 as indicted in this Staff Report, dated December 20, 2011.**

17. AGREEMENT WITH THE NORTHWEST SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS FOR ANIMAL CONTROL SERVICES AND BOARDING – staff report

The Council will consider an Agreement with the Northwest Society for the Prevention of Cruelty to Animals

(SPCA) for animal control services and boarding. **(Bill La Grone, Chief of Police and G. Harold Duffey, City Administrator)**

Council Action Requested:

1. **Adopt Resolution No. 7839 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE NORTHWEST SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS FOR ANIMAL CONTROL SERVICES AND BOARDING – (Agreement No. 2041).**

2. **Approve Supplemental Appropriation No. 2011/12-1211-33 as indicated in the Staff Report, dated December 20, 2011.**

18. PURCHASE OF SEWER PIPE PATCHES – staff report

The Council will consider the purchase of sewer pipe patches, in the amount of $48,799, from the sole source vendor, Groeniger & Company. **(Art da Rosa, Director of Public Works)**

Council Action Requested: **Authorize the purchase of sewer pipe patches, in the amount of $48,799, from the sole source vendor, Groeniger & Company.**

19. SIGN REPAIR AT THE MUNICIPAL AUDITORIUM – staff report

The Council will consider the replacement of the Municipal Auditorium sign. **(G. Harold Duffey, City Administrator)**

Council Action Requested: **Provide direction to staff regarding the replacement of the Municipal Auditorium sign.**

20. SOLID WASTE RATE INCREASE UPDATE – staff report

The Council will be updated on the automatic solid waste rate increase that will be occurring on January 1, 2012. **(G. Harold Duffey, City Administrator)**

Council Action Requested: **None.**

21. PURCHASE OF 1430 MYERS STREET – staff report

The Council will consider the purchase of 1430 Myers Street, Oroville, in the amount of $370,000. **(Sam Driggers, RDA and Economic Development Manager, Pat Clark, Director of Business Assistance and Housing Development and Donald Rust, Director of Planning and Development Services)**

Council Action Requested:

1. **Adopt Resolution No. 7840 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS AND AMENDMENTS THERETO NECESSARY FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 1430 MYERS STREET, OROVILLE, IN AN AMOUNT NOT TO EXCEED $370,000, AND AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO LEASE AGREEMENTS WITH CURRENT AND PROSPECTIVE TENANTS.**

2. **Approve Supplemental Appropriation #2011/12-1211-34 as indicated in the fiscal impact of this staff report dated 12/20/11.**

22. YOUTH BUILD BASKETBALL COURT CONSTRUCTION PROJECT IN CONJUNCTION WITH ALLIANCE WORKFORCE DEVELOPMENT (UPDATE) – staff report

The Council will receive a progress update regarding the Youth Build Basketball Court Construction Project. **(Brian Frenger, Code and Construction Compliance Specialist and Amy Bergstrand, Management Analyst II)**

Council Action Requested: **None.**

23. MONTHLY SUMMARY OF INVESTMENTS AND MONTHLY FINANCIAL REPORTS FOR SEPTEMBER AND OCTOBER 2011 – reports attached

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

Council Action Requested: **Acknowledge receipt of the September 2011 and October 2011 Monthly Summary of Investments and the September 2011 and October 2011 Monthly Financial Reports.**

MAYOR/ COUNCIL REPORTS

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

Municipal Auditorium Public Workshops

Butte County Association of Governments (BCAG)

Butte County Air Quality Management District

Chamber of Commerce

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

- Public Works Department – activity report
- Planning and Development Services Department – activity report
- Business Assistance and Housing Development Department – activity report
- Police Department – activity report
- Fire Department – activity report

CORRESPONDENCE

- Edward & Patti Connoy, dated December 6, 2011

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, 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.

CLOSED SESSION

The Council will hold a Closed Session on the following:

1. Pursuant to Government Code section 54956.95, the City will meet with Scott E. Huber, City Attorney, concerning a Workers' Compensation case – Claim No. 2009084547.

2. Pursuant to Government Code section 54957, the Council will meet with Labor Negotiator, G. Harold Duffey, to hold performance evaluations for Don Rust, Director of Planning and Development Services, and Bill LaGrone, Chief of Police.

3. Pursuant to Government Code section 54956.9(a), the Council will hold the following closed sessions relating to existing litigation:

    a. Friends of Oroville v. City of Oroville, Butte County Superior Court Case No. 152682

    b. Ziburtovicz v. City of Oroville, Butte County Superior Court Case No. 154714

    c. City of Oroville v. Jonothan Benefield et al; Butte County Superior Court Case No. 150477

4. Pursuant to Government Code section 54956.9(b), the Council will meet with City Attorney, Scott E. Huber, and City Administrator, G. Harold Duffey, regarding potential litigation - one case.

ADJOURNMENT

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on Tuesday, January 3, 2011 at 6:00 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.