

**OROVILLE CITY COUNCIL MEETING MINUTES
APRIL 15, 2008 – 7:00 P.M.**

The agenda for the April 15, 2008 adjourned regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall on Thursday, April 10, 2008 at 1:18 p.m.

The April 15, 2008 adjourned regular meeting of the Oroville City Council was called to order by Mayor Jernigan at 7:00 p.m.

ROLL CALL

Present: Council Members Berry, Corkin, Hatley, Howard, Prouty, Vice Mayor Johansson,
Mayor Jernigan
Absent: None

Staff Present:

Sharon Atteberry, City Administrator	Diane MacMillan, Finance Director
Dwight Moore, City Attorney	Kirk Trostle, Chief of Police
Nathan Trauernicht, Interim Fire Chief	Karolyn Fairbanks, City Treasurer
Eric Teitelman, Community Development/Public Works Director	Charles Miller, Director of Parks and Trees
Pat Clark, Business Assistance/Housing Development Director	Sharon Mize, Administrative Assistant

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ian Ricker, Donovan Gentles and Alexandra Beckstrand, members of the Oroville 4-H.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS - None

PROCLAMATIONS / PRESENTATIONS

A Proclamation recognizing April 16, 2008 as “National Start Walking Day” was presented to Jessica Chezam, Executive Director of the American Heart Association-Butte County by Vice Mayor Johansson.

CONSENT CALENDAR

A motion was made by Council Member Hatley, seconded by Council Member Berry, to approve the following Consent Calendar with the exception of item no. 3:

- 1. APPROVAL OF THE MINUTES OF THE APRIL 1, 2008 7:00 P.M. REGULAR MEETING OF THE OROVILLE CITY COUNCIL** - minutes attached.

2. PURCHASE OF ANTIQUE STYLE DRINKING FOUNTAIN – staff report

The Council considered awarding an open market purchase agreement to Most Dependable Fountains, Inc., utilizing donated funds, for the purchase of an antique style drinking fountain to be located in historic downtown Oroville. **(Charles Miller, Director of Parks and Trees)**

Council Action Requested:

- 1. Authorize the purchase of an antique style drinking fountain from Most Dependable Fountains, Inc., using an open market purchase agreement, in the amount of \$2,736.38.**
- 2. Authorize supplemental appropriation no. 2007/08-0408-43 as indicated in the April 15, 2008 staff report.**

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

4. PURCHASE OF REPLACEMENT EMERGENCY WARNING EQUIPMENT FOR COMMAND VEHICLE – staff report

The Council considered authorizing the expenditure of funds to purchase replacement emergency warning equipment for an Oroville Fire Department command vehicle. **(Nathan Trauernicht, Interim Fire Chief)**

Council Action Requested: **Authorize the purchase of replacement emergency warning equipment for the Oroville Fire Departments command vehicle from Wattco, using an open market purchase agreement, in the amount of \$2,468.30.**

5. ACCEPTANCE OF A SUPPLEMENTAL BENEFITS FUND GRANT FOR WATER RESCUE EQUIPMENT – staff report

The Council considered accepting a SBF grant and creation of a budget for the expenditure of the SBF grant funds to the Oroville Fire Department in 2007 for water rescue equipment. **(Nathan Trauernicht, Interim Fire Chief)**

Council Action Requested:

- 1. Accept the SBF grant in the amount of \$4,740 and authorize the expenditure of these funds to purchase water rescue equipment.**
- 2. Authorize supplemental appropriation no. 2007/08-0408-42 as indicated in the April 15, 2008 staff report.**

6. AGREEMENT WITH PG&E TO PROVIDE NEW ELECTRICAL SERVICE FOR THE STATE THEATER SUPPORTING THE CONSTRUCTION OF THE NEW HEATING AND A/C SYSTEM UPGRADES – staff report

The Council considered authorizing a standard agreement with PG & E in the amount of \$23,794.20 for construction of new electrical power service to support the State Theater

heating and A/C system upgrades. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Adopt Resolution No. 7119 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH PG&E FOR NEW ELECTRICAL SERVICE FOR THE STATE THEATER HEATING AND A/C SYSTEM UPGRADE CONSTRUCTION PROJECT – (Agreement No. 1816).**

7. MEMORANDUM OF UNDERSTANDING WITH MOORETOWN RANCHERIA AND THE BUREAU OF INDIAN AFFAIRS – staff report

The Council considered the approval of a memorandum of understanding with Mooretown Rancheria and the Bureau of Indian Affairs. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Adopt Resolution No. 7120 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH MOORETOWN RANCHERIA AND THE BUREAU OF INDIAN AFFAIRS TO ADD CERTAIN CITY ROADS TO THE BUREAU OF INDIAN AFFAIRS ROAD LIST FOR POSSIBLE FUTURE FEDERAL FUNDING – (Agreement No. 1817).**

8. INITIATE FORECLOSURE PROCEEDINGS RELATING TO THE SECURITY INTEREST IN PROPERTY LOCATED AT 770 ROBINSON STREET – staff report

The Council considered initiating foreclosure proceedings relating to the City's security interest against the property located at 770 Robinson Street, Oroville. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Adopt Resolution No. 7121 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO INITIATE AND COMPLETE FORECLOSURE PROCEEDINGS ON REAL PROPERTY LOCATED AT 770 ROBINSON STREET, OROVILLE (APN 012-121-009).**

9. AGREEMENT WITH ROSENOW SPEVACEK GROUP, INC. FOR THE ECONOMIC DEVELOPMENT PLAN AND IMPLEMENTATION STUDY – staff report

The Council considered a professional service agreement with Rosenow Spevacek Group, Inc. for consulting services for the Economic Development Plan and Implementation Study. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Adopt Resolution No. 7122 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH ROSENOW SPEVACEK GROUP, INC. TO PREPARE THE ECONOMIC DEVELOPMENT PLAN AND IMPLEMENTATION STUDY – (Agreement No. 1818).**

10. AGREEMENT WITH CRAIG P. SOBRERO FOR LOAN ADMINISTRATION AND

UNDERWRITING SERVICES – staff report

The Council considered approving an agreement with Craig P. Sobrero to provide services for loan administration and underwriting services for the City's Business and Technical Assistance Program and waive errors and omissions insurance requirements. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Adopt Resolution No. 7123 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH CRAIG P. SOBRERO TO PROVIDE LOAN ADMINISTRATION AND UNDERWRITING SERVICES FOR THE CITY OF OROVILLE – (Agreement No. 1819).**

11. USDA RURAL DEVELOPMENT RURAL BUSINESS ENTERPRISE GRANT FOR FISCAL YEAR 2008 – staff report

The Council considered authorizing the Business Assistance and Housing Development staff to prepare and submit a final application for the fiscal year 2008 Rural Business Enterprise Grant requesting funds to provide business/technical assistance services to small and emerging private business enterprises. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Adopt Resolution No. 7124 - A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING AN APPLICATION, MATCH COMMITMENT, AND CONTRACT EXECUTION FOR FUNDING FROM THE RURAL BUSINESS ENTERPRISE GRANT FOR FISCAL YEAR 2008 AND AUTHORIZING AN DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS, AGREEMENTS AND ANY AMENDMENTS THERETO WITH THE STATE OF CALIFORNIA FOR THE PURPOSE OF THIS GRANT.**

12. AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES WITH TRI-COUNTY ECONOMIC DEVELOPMENT CORPORATION – staff report

The Council considered an amendment to the professional service agreement with Tri-County Economic Development Corporation for administration of the USDA Rural Development Rural Business Enterprise Grant loan and Business Technical Assistance program to increase the contract amount by \$10,000. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Adopt Resolution No. 7125 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES WITH TRI-COUNTY ECONOMIC DEVELOPMENT CORPORATION FOR THE PURPOSE OF PROVIDING CONSULTING SERVICES NECESSARY FOR THE SUCCESSFUL IMPLEMENTATION OF THE USDA RURAL DEVELOPMENT RURAL BUSINESS ENTERPRISE GRANT LOAN AND BUSINESS TECHNICAL ASSISTANCE PROGRAM – (Agreement No. 1736-1).**

13. LOCAL CASH MATCH FOR ANNUAL EDA PLANNING GRANT – staff report

The Council considered providing \$3,000 to Tri-County Economic Development Corporation to match Economic Development Administrative Planning grant funds received by Tri-County Economic Development Corporation. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested:

1. **Adopt Resolution No. 7126 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH TRI-COUNTY ECONOMIC DEVELOPMENT CORPORATION FOR ECONOMIC PLANNING AND COORDINATION ACTIVITIES – (Agreement No. 1348-7).**
2. **Approve a \$3,000 payment of the annual cash match to Tri-County Economic Development Corporation.**

The motion to approve the above Consent Calendar with the exception of item no. 3 passed by the following vote:

Ayes: Council Members Berry, Corkin, Hatley, Howard, Prouty, Vice Mayor Johansson, Mayor Jernigan
Noes: None
Abstain: None
Absent: None

ITEM(S) REMOVED FROM THE CONSENT CALENDAR

3. DIRECT ASSESSMENTS FOR CODE VIOLATIONS OF THE PROPERTY LOCATED AT 76 AND 85 RANCHO VISTA DRIVE – staff report

The Council considered levying code violation assessments including penalties and specifying the legal authority therefore and authorizing and directing the Mayor to execute the lien and Proposition 218 Certification of the tax bill levy for fiscal year 2008/09 for the properties located at 76 and 85 Rancho Vista Drive, Oroville. **(Sharon Atteberry, City Administrator and David Goyer, Community Code Enforcement Supervisor)**

This item was removed from the Consent Calendar at the request of Council Member Berry for questions which were answered by staff.

James Warren, owner of the property located at 76 and 85 Rancho Vista Drive, spoke to the Council regarding this item. Mr. Warren stated that the broken windows, holes in the walls and roof were caused by former tenants that have since been evicted. Mr. Warren stated that these undesirable former tenants also burned down the building where the garbage is collected and stored until it is picked up by NorCal Solid Waste. Mr. Warren requested that Mayor Jernigan and Police Chief Trostle schedule a meeting with him at the property.

After discussion, a motion was made by Council Member Hatley, seconded by Council Member Howard, to:

Adopt Resolution No. 7118 - A RESOLUTION OF THE OROVILLE CITY COUNCIL TO

ADOPT DIRECT ASSESSMENTS FOR CODE VIOLATIONS INCLUDING PENALTIES THERETO OF THE PROPERTY LOCATED AT 76 AND 85 RANCHO VISTA DRIVE, OROVILLE SPECIFYING THE LEGAL AUTHORITY THEREFORE AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE LIEN AND PROPOSITION 218 CERTIFICATION OF THE TAX BILL LEVY FOR FISCAL YEAR 2008/09.

The motion was passed by the following vote:

Ayes: Council Members Berry, Corkin, Hatley, Howard, Prouty, Vice Mayor
Johansson, Mayor Jernigan
Noes: None
Abstain: None
Absent: None

PUBLIC HEARINGS

14. ISSUANCE OF CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY REVENUE BONDS FOR THE BENEFIT OF PACIFIC COAST PRODUCERS – staff report

The Council conducted a public hearing regarding the issuance of revenue bonds by the California Enterprise Development Authority revenue bonds for the benefit of Pacific Coast Producers and/or related or successor entity, for an amount not to exceed \$10,000,000. **(Pat Clark, Director of Business Assistance and Housing Development)**

This item was continued from the April 1, 2008 Council meeting.

Mayor Jernigan opened the Public Hearing.

Paula Conners, Executive Director of the California Enterprise Development Authority, spoke to the Council regarding this item. Ms. Conners explained that the California Enterprise Development Authority is a Joint Powers Authority. Ms. Conners also explained that the City would not be liable for the \$10,000,000, Pacific Coast Producers would be the responsible party.

Council Member Hatley asked several questions regarding the project that were answered by staff and Ms. Conners.

Hearing no other comments or questions from the public, the Public Hearing was closed.

A motion was made by Vice Mayor Johansson, seconded by Council Member Howard, to:

- 1. Adopt Resolution No. 7117 – A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE ISSUANCE BY CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY OF NOT-TO-EXCEED \$10,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE AUTHORITY'S REVENUE OBLIGATIONS FOR THE BENEFIT OF PACIFIC COAST PRODUCERS FOR THE PURPOSE OF FINANCING THE COST OF ACQUISITION, CONSTRUCTION, REHABILITATION, EQUIPPING AND FURNISHING OF A CERTAIN MANUFACTURING AND DISTRIBUTION FACILITY, PROVIDING THE TERMS AND CONDITIONS FOR**

SUCH OBLIGATIONS AND OTHER MATTERS RELATING THERETO HEREIN SPECIFIED.

The motion was passed by the following vote:

Ayes: Council Members Berry, Corkin, Hatley, Howard, Prouty, Vice Mayor
Johansson, Mayor Jernigan
Noes: None
Abstain: None
Absent: None

REGULAR BUSINESS

15. MONTHLY FINANCIAL REPORT FOR MARCH 2008 AND MONTHLY SUMMARY OF INVESTMENTS FOR MARCH 2008.

The Council received a copy of the Monthly Financial Report for March 2008 and the Monthly Summary of Investments for March 2008. **(Diane MacMillan, Director of Finance)**

The Council acknowledged receipt of the March 2008 Monthly Financial Report and the March 2008 Monthly Summary of Investments.

MAYOR/ COUNCIL REPORTS

COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS

Supplemental Benefit Fund Steering Committee – SBF

Council Member Corkin reported that the SBF Steering Committee selected Sue Corkin as Chairperson and Vene Thompson as Vice Chairperson again for this year. The SBF Steering Committee authorized the reimbursement of \$5,000 to the YMCA for their SBF Small Project Award and also authorized the reimbursement of \$10,514.15 to the City of Oroville for expenses associated with the management of the SBF.

Oroville Area Recreation Committee – ORAC

Vice Mayor Johansson reported that ORAC meets on a quarterly basis and to date, no meeting has been held in this quarter.

Chamber of Commerce

Council Member Howard reported that the Chamber of Commerce will again support the “Movies in the Park”.

STAGE

Council Member Howard reported that the STAGE Group is presenting the "Music Man" on April 25– 27, 2008 at the State Theatre and encouraged the Council to attend.

Municipal Auditorium

Council Member Hatley reported that he had attended a birthday party at the Municipal Auditorium the previous Saturday and was very upset about the condition of the building. Council Member Hatley reported that some friends had rented the Municipal Auditorium for the birthday party and the building was not clean and it was hot inside. The attendant on duty did not know how to turn on the air conditioning and no one came to turn it on. Council Member Hatley requested that staff check the building on a regular basis.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

1. State Theater 80th Birthday Celebration.

Council Member Hatley reported that the State Theatre's 80th birthday party was very enjoyable.

Charles Miller, Director of Parks and Trees, reported that more than 400 people attended the State Theatre's 80th birthday party and some were dressed in period clothing.

2. Surveillance cameras (continued from the April 1, 2008 Council meeting)

Charles Miller, Director of Parks and Trees, gave a brief PowerPoint presentation on the surveillance cameras set up in some of the City's parks.

3. Code Enforcement – activities report.

4. Community Development and Public Works – activities report.

5. Business Assistance and Housing Development – activities report.

6. Wyandotte Avenue and Lincoln Boulevard 4-Way Stop – progress report

Eric Teitelman, Director of Community Development and Public Works, gave a progress report on the installation of the 4-Way Stops at the intersection of Wyandotte Avenue and Lincoln Blvd. Mr. Teitelman reported that the contract has been awarded and the construction will start soon.

7. City's Sewer Master Plan – update.

Eric Teitelman, Director of Community Development and Public Works, reported that the Sewer Master Plan is 75% completed and the Overflow Management Plan is 50% completed. Mr. Teitelman reported that the Thermalito Irrigation District East Interceptor Study was completed on March 25, 2008.

8. Trash Receptacles at Transit Bus Stop.

Eric Teitelman, Director of Community Development and Public Works, reported that a

trash receptacle has been placed at the bus stop at Spencer and Mitchell Avenues. Butte County Association of Governments (BCAG) has been contacted regarding the needed maintenance of the bus shelters. BCAG has drafted a Request for Proposals for a new bus transfer center on Spencer Avenue.

9. Roundabout

The bid opening for the roundabout that will be constructed at the intersection of Montgomery Street and Washington Avenue will be on May 2, 2008. Construction should begin on July 1, 2008 and the expected completion is October 31, 2008.

10. Proposed Benefit Assessment District for Olive Highway.

Eric Teitelman, Director of Community Development and Public Works, reported that a proposed assessment district along Olive Hwy. from Oroville Hospital to Foothill Blvd. is planned. Rolls, Anderson and Rolls will prepare the construction cost estimate.

11. Request for Arts Commission – progress report.

Sharon Atteberry, City Administrator, reported that she has met with Freda Flint and that Ms. Flint is preparing the draft language to establish an Arts Commission.

CORRESPONDENCE - None

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

John Anderson wanted to know how long would it take for the 4-Way Stop to be installed at Lincoln Blvd. and Wyandotte Avenue.

Eric Teitelman, Director of Community Development and Public Works, responded that it will take approximately 60 to 90 days.

CLOSED SESSION

1. Pursuant to Government Code section 54956.9(a), the Council held a closed session with the City Attorney, Dwight L. Moore, to discuss litigation for Feather River Recreation and Park District v. City of Oroville et al., Butte County Superior Court case numbers 142794; 142795; 142796.
2. Pursuant to Government Code Section 54957 Council held a performance evaluation for Charlie Miller, Director of Parks & Trees, Eric Teitelman, Director of Community Development & Public Works, Pat Clark, Director of Business Assistance and Housing Development, Diane MacMillan, Director of Finance, Kirk Trostle, Chief of Police and Nathan Trauernicht, Interim Fire Chief.

The Council reconvened from Closed Session and Vice Mayor Johansson announced that no

action was taken in Closed Session and direction was given to staff.

ADJOURNMENT

The meeting was adjourned at 9:15 p.m. to a regular meeting of the Oroville City Council to be held on Tuesday, May 6, 2008 at 7:00 p.m.

Sharon L. Atteberry, City Clerk

James Johansson, Vice Mayor