

**OROVILLE CITY COUNCIL MEETING MINUTES
MAY 20, 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, May 15, 2008 at 3:23 p.m.

The May 20, 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
Les Bowers, 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 Keerith Singh, Gurjus Singh and Ahdeesh Singh, members of the Oroville 4-H.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

Gerald Martinez – Item No. 9	Bill Pinkston – Item No. 9
Andrew Morrissey – Item No. 9	Kathy Brazil – Item No. 9
Patricia Noel – Item No. 9	

PROCLAMATIONS / PRESENTATIONS - None

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 items no. 1 and 5:

- 1. THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW).**
- 2. PURCHASE OF RAILING FOR THE GAZEBO IN SANK PARK – staff report**

The Council considered awarding an open market purchase agreement to IMS Custom Sheet Metal for the purchase and installation of railing for the gazebo in Sank Park. **(Charles Miller, Director of Parks and Trees)**

Council Action Requested:

1. **Adopt Resolution No. 7142 – A RESOLUTION OF THE OROVILLE CITY COUNCIL MAKING CERTAIN FINDINGS THAT THE USE OF REDEVELOPMENT AGENCY FUNDS FOR THE PURCHASE AND INSTALLATION OF RAILING FOR THE GAZEBO IN SANK PARK, LOCATED AT 1067 MONTGOMERY STREET, OROVILLE, IS OF BENEFIT TO THE OROVILLE REDEVELOPMENT AGENCY PROJECT AREA NO. 1.**

1. **Authorize the purchase and installation of railing for the gazebo in Sank Park from IMS Custom Sheet Metal, using an open market purchase agreement, in the amount of \$4,900.**

3. **GRANT SUB-RECIPIENT AGREEMENT WITH THE PRIVATE INDUSTRY COUNCIL –** staff report

The Council considered a grant sub-recipient agreement for services to be provided by the Private Industry Council for the Youth Entrepreneurship and Skills Training Program. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Adopt Resolution No. 7143 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SUB-RECIPIENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND THE PRIVATE INDUSTRY COUNCIL FOR \$212,725 – (Agreement No. 1827).**

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

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

Council Action Requested: **Authorize the requested modifications to the Oroville Police Officer Housing Assistance Program Guidelines.**

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

6. **AMENDMENT TO THE AGREEMENT WITH MIKE'S HEATING & AIR, INC. FOR THE STATE THEATER HEATING AND A/C SYSTEM UPGRADE –** staff report

The Council considered amending the agreement with Mike's Heating & Air, Inc. for additional funding, in the amount of \$29,295, for the State Theater Heating and A/C System Upgrade Construction Project. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested:

1. **Adopt Resolution No. 7145 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH MIKE'S HEATING & AIR, INC. FOR THE STATE THEATER HEATING AND A/C SYSTEM UPGRADE CONSTRUCTION PROJECT– (Agreement No. 1779-1).**
 3. **Authorize a contingency in the amount of \$15,000 for additional change orders, if necessary.**
7. **BID REJECTION FOR THE OROVILLE STATE THEATER ASBESTOS ABATEMENT PROJECT – staff report**

The Council considered rejecting the one bid received for the Oroville State Theater Asbestos Abatement Project that was opened on May 9, 2008. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested:

1. **Reject the bid received from WCE, Inc. on May 9, 2008 relating to the Oroville State Theater Asbestos Abatement Project.**
 2. **Authorize staff to re-advertise and solicit new bids for the Oroville State Theater Asbestos Abatement Project.**
8. **LANDSCAPE MAINTENANCE AGREEMENT WITH CALTRANS FOR NEW LANDSCAPING AND OTHER IMPROVEMENTS WITHIN THE HIGHWAY 162 RIGHT-OF-WAY – staff report**

The Council considered a Landscape Maintenance Agreement with Caltrans for new privately funded improvements to be constructed within the Highway 162 right-of-way. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Adopt Resolution No. 7146 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A LANDSCAPE MAINTENANCE AGREEMENT WITH CALTRANS FOR LANDSCAPING AND OTHER INFRASTRUCTURE IMPROVEMENTS ALONG THE HIGHWAY 162 RIGHT-OF-WAY – (Agreement No. 1829).**

The motion to approve the above Consent Calendar with the exception of items no. 1 and 5 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

- 1. APPROVAL OF THE MINUTES OF THE MAY 6, 2008 7:00 P.M. REGULAR MEETING, THE MAY 8, 2008 6:00 P.M. SPECIAL MEETING AND THE MAY 8, 2008 6:30 P.M. SPECIAL ADJOURNED MEETING OF THE CITY COUNCIL** - minutes attached.

This item was removed from the Consent Calendar at the request of Council Member Prouty. Council Member Prouty requested that the audio and video tapes of the Council meetings be referenced in the minutes.

Dwight Moore, City Attorney, explained that the minutes reflect the action that was taken at a meeting and if the audio and video tapes were made an official part of the record, those items would need to be retained forever. Following discussion, it was decided that the minutes, without the reference to the audio and video tapes, would suffice.

Hearing no further comments or concerns, a motion was made by Council Member Prouty, seconded by Vice Mayor Johansson, to approve the minutes of the May 6, 2008 7:00 p.m. regular meeting, the May 8, 2008 6:00 p.m. special meeting and the May 8, 6:30 p.m. special adjourned meeting of the City Council.

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

- 5. AWARD OF BID FOR THE AIR CONDITIONING SYSTEMS FOR THE CHINESE TEMPLE AND POLICE/FIRE FACILITY** – staff report

The Council considered awarding a bid to Climate Masters Heating & Air Conditioning, in the amount of \$33,015 for the air conditioning systems for the Chinese Temple and Police/Fire Facility Construction Project. **(Eric Teitelman, Director of Community Development and Public Works)**

This item was removed from the Consent Calendar in error, therefore, no discussion was necessary.

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

- 1. Adopt Resolution No. 7144 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH CLIMATE MASTERS HEATING & AIR CONDITIONING FOR THE AIR CONDITIONING SYSTEMS FOR THE CHINESE TEMPLE AND POLICE/FIRE FACILITY CONSTRUCTION PROJECT – (Agreement No. 1828).**
- 2. Authorize a 10% contingency in the amount of \$3,301 for change orders if necessary.**

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 - None

REGULAR BUSINESS

9. APPEAL OF NELSON 56 SUBDIVISION TENTATIVE SUBDIVISION MAP 05-11 – staff report

The Council considered an appeal filed by the Feather River Recreation and Parks District on April 21, 2008 of the Planning Commission's approval of the Nelson 56 Tentative Subdivision Map application to subdivide 57.26 acres into 197 lots for single family residential use. **(Craig Sanders, Planning Manager)**

Eric Teitelman, Director of Community Development and Public Works, explained that the Planning Commission held a Public Hearing on April 14, 2008 and approved the tentative subdivision map for Nelson 56.

Individuals that expressed opposition to the Nelson 56 Subdivision at this meeting were:

Bill Pinkston	Gerald Martinez
Kathy Brazil	Patricia Noel
Andrew Morrissey	

At 7:42 p.m., Andrew Morrissey, Attorney for Feather River Recreation and Park District (FRRPD), submitted a very large number of documents regarding the Nelson 56 Subdivision and FRRPD's appeal into the record. Mr. Morrissey stated that this subdivision will have significant impacts on FRRPD's facilities.

Dwight Moore, City Attorney, questioned Mr. Morrissey as to how the impacts to FRRPD's facilities were quantified.

Mr. Morrissey responded by stating that after Mr. Moore had an opportunity to review the documents submitted, please call him if there were any questions.

Mr. Moore stated that submitting documents at the last minute makes it impossible for the Council to take action on this item without an opportunity to review the documents.

Council Member Prouty questioned why Council should delay making a decision at this meeting because these additional documents have not been reviewed.

Dwight Moore, City Attorney, recommended that if this item is continued to the next meeting,

the hearing should be closed to further comment and submittal of any more documents.

A motion was made by Vice Mayor Johansson, seconded by Council Member Prouty, to continue this item to the next meeting and not allow any additional oral comments or written documents.

The motion was passed by the following vote:

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

This item was continued to the June 3, 2008 Council meeting, therefore, no action was taken on the following:

Council Action Requested: **Staff recommends that the Council make a motion of intent to deny the appeal filed by Feather River Recreation and Parks District and uphold the Oroville Planning Commission's action and direct staff to prepare a resolution making findings thereto.**

10. ASSESSMENT DISTRICT ANNEXATIONS FOR ACACIA ESTATES SUBDIVISION – staff report

The Council considered initiating proceedings to annex the Acacia Estates Subdivision into the City's existing Landscaping and Lighting Maintenance Assessment District and Benefit Assessment District for the maintenance of street lights and storm water infrastructure within the Subdivision. **(Eric Teitelman, Director of Community Development and Public Works)**

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

1. **Adopt Resolution No. 7147 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF TERRITORY INTO THE CITY OF OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT AND THE LEVY OF ANNUAL ASSESSMENTS THEREIN FOR SAID ANNEXATION AND ORDERING THE PREPARATION OF AN ASSESSMENT ENGINEER'S REPORT FOR ANNEXATION NO. 9, ZONE 10 - (ACACIA ESTATES SUBDIVISION).**
2. **Adopt Resolution No. 7148 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF TERRITORY INTO THE CITY OF OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS THEREIN AND ORDERING THE PREPARATION OF AN ASSESSMENT ENGINEER'S REPORT FOR ANNEXATION NO. 10, ZONE 19 – (ACACIA ESTATES SUBDIVISION).**

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

11. ZONING AMENDMENT FOR ORO BAY ASSOCIATES, LLC AND ZONING AMENDMENT FOR LINKSIDE III – staff report

The Council considered the second reading and adoption of an ordinance which adds a “Specific Plan” zoning designation to the Code of the City of Oroville and creating a specific plan rezoning to the Oro Bay property and rezoning the Linkside III property to single family residential. **(Craig Sanders, Planning Manager)**

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

Approve the second reading by title only, and adopt, Ordinance No. 1751 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF OROVILLE ADDING A “SPECIFIC PLAN” ZONING DESIGNATION, PREZONING 421 ACRES LOCATED AT THE SOUTHEAST CORNER OF STATE ROUTE 162 AND WILBUR ROAD FROM AR-5 AND AR-10 TO “SPECIFIC PLAN” AND ADOPTING THE ORO BAY SPECIFIC PLAN AS ZONING AND DEVELOPMENT REGULATIONS FOR THE ORO BAY SPECIFIC PLAN AREA; AND PREZONING 73 ACRES LOCATED 1,526 FEET SOUTH OF STATE ROUTE 162 AND IMMEDIATELY SOUTH AND WEST OF THE CURRENT CITY LIMITS, FROM AR-5 AND AR-10 TO R-1 (SINGLE FAMILY RESIDENTIAL).

The motion was passed by the following vote:

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

12. MONTHLY FINANCIAL REPORT FOR APRIL 2008 AND MONTHLY SUMMARY OF INVESTMENTS FOR APRIL 2008.

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

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

MAYOR/ COUNCIL REPORTS

COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS

Butte County Association of Governments – BCAG

Mayor Jernigan reported that the BCAG meeting is scheduled for May 22, 2008 and requested that this be continued to the June 3, 2008 meeting.

Downtown Business Association – DBA

Council Member Howard reported that the DBA meeting is scheduled for May 21, 2008 and requested that this be continued to the June 3, 2008 meeting.

Supplemental Benefit Fund Steering Committee – SBF

Council Member Corkin reported that the SBF Steering Committee rated, ranked and voted on the large SBF projects. The SBF Steering Committee awarded \$1,020,000 to the Riverbend North Park Project and awarded \$30,000 to Table Mountain Golf Course Irrigation System.

Feather Fiesta Days Parade

Mayor Jernigan reported that the Feather Fiesta Days Parade was a wonderful event. This was the largest crowd ever to come and watch the parade.

Chico Veterans Memorial Project Ribbon Cutting

Mayor Jernigan reported that he attended the ribbon cutting ceremony for the Chico Veterans Memorial on May 17, 2008. The ribbon cutting was well attended by veterans and the general public.

Talent Show for Adrian Hills Memorial

Mayor Jernigan reported that on May 17, 2008, he was a judge for the Adrian Hills Talent Show at the State Theatre. Mayor Jernigan reported that the event was a lot of fun and that there are many talented individuals in the community.

Goal Setting Dinner for Oroville Economic Development Corporation – OEDCO

Council Member Prouty reported that he attended a goal setting dinner for OEDCO. OEDCO is pro-growth. There was discussion on OEDCO taking an active political role in the community by attending other agencies meetings such as LAFCo, TID and SC-OR to support growth in the community.

Council Member Howard asked if it would be possible for the City to have representation at LAFCo.

Mayor Jernigan requested that Sharon Atteberry, City Administrator, research the possibility since the projected growth for Oroville is 140%.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

1. Mechanic Shop Summary – activity report
2. Oroville Police Department – activity report
3. Code Enforcement Department – activity report
4. Community Development and Public Works – activity report
5. Hammon Park, Hewitt Park and Chan Building Dedication

Charles Miller, Director of Parks and Trees, gave a PowerPoint presentation on the progress of Hewitt Park Phase II, upgrades made to Rotary and Hammon Parks, the dedication of the Fong Lee Building at the Chinese Temple, improvements to the downtown area, repairs to the Lott Home, the historic concrete at 5th Avenue and Bird Street and the installation of sidewalks around the perimeter of Bolt's Antique Tool Museum.

6. City web site - update

Sharon Atteberry, City Administrator, gave a brief overview of the progress of the City's new website and stated that more information would be presented in the future.

CORRESPONDENCE - None

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

CLOSED SESSION

1. Pursuant to Government Code section 54956.8, the Council met with real property negotiators Sharon L. Atteberry, City Administrator, and Pat Clark, Director of Business Assistance and Housing Development, concerning authorization to sell City residential property located at 194 Canyon Highlands Drive, Oroville, on the open market.
2. Pursuant to Government Code section 54956.8, the City Council met with real property negotiators, Sharon L. Atteberry, City Administrator and Dwight L. Moore, City Attorney, concerning authorization for the proposed sale of approximately 24.63 acres of City-owned property located on 5th Avenue, Oroville.
3. Pursuant to Government Code section 54956.9(a), the City Council held a closed session with the City Attorney, Dwight L. Moore, relating to the following existing litigation:
 - Feather River Recreation and Parks District v. City of Oroville et al., Butte County Superior Court case numbers 142794; 142795; 142796.
 - Roberson v. City of Oroville arbitration.
 - Heuton v. City of Oroville arbitration.

The Council reconvened from Closed Session and took action on the following:

A motion was made by Council Member Prouty, seconded by Council Member Prouty, to:

1. **Adopt Resolution No. 7149 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH LIEBERT, CASSIDY AND WHITMORE RELATING TO PERSONNEL MATTERS – (Agreement No. 1476-16).**
2. **Adopt Resolution No. 7150 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH STOEL RIVES RELATING TO LAND USE MATTERS – (Agreement No. 1788-1).**
3. **Adopt Resolution No. 7151 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH PETERS, RUSH, HABIB AND MCKENNA – (Agreement No. 1575-6).**

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

ADJOURNMENT

The meeting was adjourned at 10:00 p.m. to a regular meeting of the Oroville City Council to be held on Tuesday, June 3, 2008 at 7:00 p.m.

Sharon L. Atteberry, City Clerk

Steve Jernigan, Mayor