

**OROVILLE CITY COUNCIL MEETING MINUTES
MAY 6, 2008 – 7:00 P.M.**

The agenda for the May 6, 2008 regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall on Thursday, May 1, 2008, at 3:50 p.m.

The May 6, 2008 regular meeting of the Oroville City Council was called to order by Vice Mayor Johansson at 7:01 p.m.

ROLL CALL

Present: Council Members Berry, Corkin, Hatley, Howard, Prouty, Vice Mayor Johansson
Absent: Mayor Jernigan (Excused)

Staff Present:

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nathan Trauernicht, Interim Fire Chief.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

Ms. Benita – Item No. 11	Patricia Noel – Item No. 11
Shawn Gilbert – Item No. 11	John Scribner – Item No. 11
Dane Nelson – Item No. 11	Jim Moravek – Item No. 11
Weldon Larson – Item No. 11	Bob Byrd – Item No. 11
Andy Fleischer – Item No. 11	Ron Ward – Item No. 11

PROCLAMATIONS/ PRESENTATIONS

A Proclamation recognizing the week of May 11th – 17th as “National Police Week” was presented to Sergeant Bill LaGrone, President of the Oroville Police Officers Association, by Council Member Berry.

Council Member Corkin presented a Proclamation recognizing the Seventh Annual Ishi Gathering & Seminar to Alberta Tracy, President of the Butte County Historical Society.

CONSENT CALENDAR

A motion was made by Council Member Hatley, seconded by Council Member Corkin to approve the following Consent Calendar with the exception of items no. 2 and 6:

1. **APPROVAL OF THE MINUTES OF THE APRIL 10, 2008 5:30 P.M. ADJOURNED SPECIAL MEETING AND THE APRIL 15, 2008 7:00 P.M. ADJOURNED REGULAR MEETING OF THE OROVILLE CITY COUNCIL** - minutes attached.
2. **THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW).**
3. **PURCHASE OF COMPUTER SERVER** – staff report

The Council considered authorizing the expenditure of funds for the purchase of one computer server from Dell Corporation for the Oroville Police Department. **(Kirk Trostle, Chief of Police)**

Council Action Requested: **Authorize the Police Department to award the contract to Dell Corporation for one computer server using the Western States Contracting Alliance master price agreement.**

4. **AGREEMENT WITH AIRPORT BUSINESS SOLUTIONS FOR THE COMPREHENSIVE REVITALIZATION PLAN FOR OROVILLE MUNICIPAL AIRPORT FIXED BASE OPERATIONS FACILITY** – staff report

The Council considered a professional services agreement with Airport Business Solutions for consulting services for the Comprehensive Revitalization Plan for the Oroville Municipal Airport Fixed Base Operations facility. The Council will also consider authorizing the use of additional airport funds in the amount of \$11,270 for the Comprehensive Revitalization Plan for the Oroville Municipal Airport Fixed Base Operations facility. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested:

1. **Adopt Resolution No. 7128 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH AIRPORT BUSINESS SOLUTIONS TO PREPARE THE COMPREHENSIVE REVITALIZATION PLAN FOR THE OROVILLE MUNICIPAL AIRPORT FIXED BASE OPERATIONS FACILITY – (Agreement No. 1820).**
 2. **Authorize the use of Airport funds, in the amount of \$11,270, for the additional costs that will be needed for the Comprehensive Revitalization Plan for the Oroville Municipal Airport Fixed Base Operations facility as indicated in the May 6, 2008 staff report.**
5. **CDBG ECONOMIC DEVELOPMENT OVER-THE-COUNTER APPLICATION** – staff report

The Council considered amending and restating the resolution authorizing the submittal of a Community Development Block Grant Economic Development Over-the Counter grant equaling \$2,396,000 for grant administration and providing an economic development loan to Pacific Coast Producers. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested:

1. **Adopt Resolution No. 7129 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AMENDING AND RESTATING RESOLUTION NO. 7050 APPROVING AN APPLICATION FOR FUNDING FROM THE ECONOMIC DEVELOPMENT ALLOCATION OF THE STATE CDBG PROGRAM AND IDENTIFYING THE RESPONSIBLE PARTY FOR GRANT ADMINISTRATION.**
2. **Adopt Resolution No. 7130 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE LOAN DOCUMENTS FOR A \$2,180,500 ECONOMIC DEVELOPMENT LOAN TO PACIFIC COAST PRODUCERS – (Agreement No. 1822).**

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

7. **CONTRACT FOR JASON ABEL CONSTRUCTION TO COMPLETE CONSTRUCTION OF BOLT TOOL MUSEUM FRONTAGE IMPROVEMENTS – staff report**

The Council considered authorizing a contract with Jason Abel Construction to complete the construction of the Bolt Tool Museum frontage improvements. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Adopt Resolution No. 7132 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A CONTRACT WITH JASON ABEL CONSTRUCTION IN THE AMOUNT OF \$93,000 FOR THE COMPLETION OF THE BOLT TOOL MUSEUM FRONTAGE IMPROVEMENTS – (Agreement No. 1823).**

8. **UNDERGROUND UTILITY EASEMENT MODIFICATION TO PG&E FOR THE INCREASED ELECTRICAL SERVICE AT THE STATE THEATER IN SUPPORT OF THE HEATING AND A/C SYSTEM UPGRADES – staff report**

The Council considered an underground utility easement modification agreement with PG&E for the increased electrical service at the State Theater to complete the heating and A/C system upgrades. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Adopt Resolution No. 7133 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN UNDERGROUND ELECTRICAL UTILITY EASEMENT MODIFICATION AGREEMENT WITH PG&E FOR THE INCREASED ELECTRICAL SERVICE AT THE STATE THEATER TO SUPPORT COMPLETION OF THE HEATING AND A/C SYSTEM UPGRADES – (Agreement No. 1824).**

9. **OROVILLE MUNICIPAL AIRPORT DRAINAGE STUDY – staff report**

The Council considered an agreement with Rolls Anderson & Rolls for preparation of an analysis and drainage study for the Oroville Municipal Airport. **(Eric Teitelman, Director of Community Development and Public Works)**

Council Action Requested: **Adopt Resolution No. 7134 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH ROLLS ANDERSON & ROLLS FOR CONSULTING SERVICES FOR THE OROVILLE MUNICIPAL AIRPORT DRAINAGE STUDY – (Agreement No. 1825).**

The motion was passed by the following vote:

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

ITEM(S) REMOVED FROM THE CONSENT CALENDAR

2. AMENDED AND RESTATED AGREEMENT WITH THE OROVILLE AREA CHAMBER OF COMMERCE – staff report

The Council considered an amended and restated agreement with the Oroville Area Chamber of Commerce to provide assistance to the City for marketing the Enterprise Zone in the amount of \$30,000. **(Sharon Atteberry, City Administrator)**

This item was removed from the Consent Calendar at the request of Council Member Hatley for questions which were answered by Claudia Knaus, from the Oroville Area Chamber of Commerce.

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

Adopt Resolution No. 7127 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDED AND RESTATED AGREEMENT WITH THE OROVILLE AREA CHAMBER OF COMMERCE – (Agreement No. 1412-6).

The motion was passed by the following vote:

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

6. AMENDMENT TO THE AGREEMENT WITH CSG CONSULTANTS, INC. TO ASSIST THE BUILDING DIVISION ON AN INTERIM BASIS – staff report

The Council considered amending an agreement with CSG Consultants, Inc. to assist the Building Division with services relating to building plan check reviews and approvals of

various building related activities, for an amount not to exceed \$25,000. **(Eric Teitelman, Director of Community Development and Public Works)**

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

Hearing no further questions or comments, a motion was made by Council Member Prouty, seconded by Council Member Corkin, to:

1. **Adopt Resolution No. 7131 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDED AGREEMENT WITH CSG CONSULTANTS, INC. TO ASSIST THE BUILDING DIVISION WITH SERVICES RELATING TO BUILDING PLAN CHECK REVIEWS – (Agreement No. 1622-7).**
2. **Approve supplemental appropriation no. 2007/08-0508-44 as indicated in the May 6, 2008 staff report.**

The motion was passed by the following vote:

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

PUBLIC HEARINGS

10. MODIFY HOME INVESTMENT PARTNERSHIP, CDBG AND REDEVELOPMENT AGENCY FIRST-TIME HOME BUYER PROGRAM GUIDELINES – staff report

The Council conducted a public hearing to provide the citizens of Oroville an opportunity to comment on the modifications to the HOME Investment Partnership, Community Development Block Grant and Redevelopment Agency First-Time Home Buyer program guidelines. The Council will also consider authorizing the modifications. **(Pat Clark, Director of Business Assistance and Housing Development)**

Pat Clark, Director of Business Assistance and Housing Development, explained that the proposed modifications were recommended by the California State Department of Housing and Community Development.

Vice Mayor Johansson opened the Public Hearing. Hearing no comments or questions from the public, the Public Hearing was closed.

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

Authorize the requested modifications to the Home Investment Partnership and CDBG program guidelines for First-Time Home Buyer programs.

The motion was passed by the following vote:

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

11. PROPOSED GRADING, SUBDIVISION AND ZONING ORDINANCE UPDATE AND CITY DESIGN GUIDELINES – staff report

The Council considered adopting a new Grading, Subdivision and Zoning Ordinance and Design Guidelines as recommended by the General Plan Steering Committee and City of Oroville Planning Commission. **(Eric Teitelman, Director of Community Development and Public Works)**

Eric Teitelman, Director of Community Development and Public Works, explained that the proposed grading, subdivision and zoning ordinance has been before the Council for discussion at several previous meetings. At the end of the General Plan update, there will be an opportunity to make final revisions to these chapters of the City's code.

Craig Sanders, Planning Manager, explained the proposed changes to the zoning ordinance. On page 71 of the subdivision ordinance, section 23-07, the Park and Recreational Use section is designed to implement the Quimby Act which gives the City authorization to exact the dedication of park land for subdivisions. The dedication of park land would be required if only a portion of the designated park land was inside the property to be subdivided.

Mr. Sanders explained that proposed changes in the zoning code, section 26-16.60, regarding temporary uses, temporary auto sales would be prohibited.

On page 223, there is a proposed change in the animal keeping ordinance, section 26-16.120, regarding non conforming uses when a property is annexed into the City. When annexed into the City, property owners would be allowed to keep the same number of animals as they had at the time of annexation and to maintain that number of animals. If the animals are removed from the property for twelve months or more, the property owner would not be allowed to replace the animal after that time.

Craig Sanders explained the section on nonconforming signs, including billboards, section 26-19.160. The City would be required to purchase or amortize the signs, including billboards, that were erected legally. The value of the sign would be determined by an appraisal. If the sign is valued at less than \$10,000, the sign must be removed after four years. If the value of the sign is more than \$10,000, it must be removed after 7 years.

Council Member Prouty questioned how the value of a sign was determined.

Dwight Moore, City Attorney, explained that the value of the sign did not include future income potential that could be generated by the sign, only the value of the sign itself.

Council Member Hatley pointed out that the code refers to "no new advertising" when it should read "no new signs or billboards" and needs clarification.

Vice Mayor Johansson opened the Public Hearing.

Ms. Benita stated that her property is ½ mile away from the city limits and questioned how her dog breeding business would be affected if her property was annexed into the city.

Craig Sanders, Planning Manager, explained that she would be allowed to keep the same number of animals she has now as long as she is in compliance with the county.

The owner of Homestead Furnishings stated that she uses billboards to advertise her business because, without them, no one would know that her business existed.

Patricia Noel gave a PowerPoint presentation on multiple signs on various properties in the city.

Shawn Gilbert explained to the Council that he made his living from billboards to provide for himself and his family.

John Scriber, sales representative for Stott Outdoor Advertising, explained that billboards serve the public by providing them with information.

Dane Nelson, owner of Dot Com Computer Graphics, stated that he designs billboards for Stott Outdoor Advertising, and for anyone to say they are blight is an insult.

Jim Moravek, owner of Stott Outdoor Advertising, stated that seventy five businesses in Oroville have used billboards for advertising in the last six months. Mr. Moravek felt that the current City code regarding signs and billboards was sufficiently restrictive because their have been no new billboards since 2000.

Weldon Larson, Hignell Development Group, spoke to the Council regarding this item.

Bob Byrd, General Manager of Oroville Ford, Andy Fleischer, General Manager of Hobbie Auto Center, and Ron Ward, owner of Wards Auto Center, requested that the Council vote in favor of prohibiting temporary auto sales in the City.

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

A motion was made by Council Member Corkin, seconded by Council Member Howard, to:

1. **Adopt Resolution No. 7135 – A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING A NEGATIVE DECLARATION FOR THE ADOPTION OF AMENDMENTS TO CHAPTERS 9B, 23 AND 26 OF THE CODE OF THE CITY OF OROVILLE.**
2. **Adopt Resolution No. 7136 – A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING DESIGN REVIEW GUIDELINES APPLICABLE TO DEVELOPMENT WITHIN THE CITY OF OROVILLE.**
3. **Waive the first reading, and introduce by title only, Ordinance No. 1749 as amended to delete the new language regarding signs - AN ORDINANCE OF**

THE CITY COUNCIL OF THE CITY OF OROVILLE REPEALING CHAPTER 9B, 23, AND 26 AND ADDING NEW CHAPTERS 9B, 23, AND 26 TO THE CODE OF THE CITY OF OROVILLE PERTAINING TO GRADING, EXCAVATION, SEDIMENT CONTROL, SUBDIVISIONS, AND ZONING.

- 4. Waive the first reading, and introduce by title only, Ordinance No. 1750 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE AMENDING AND REPEALING VARIOUS CHAPTERS AND SECTIONS OF THE CODE OF THE CITY OF OROVILLE TO ENSURE THAT CROSS REFERENCES TO NEW CHAPTERS 9, 23 AND 26 ARE CORRECT.**

The motion was passed by the following vote:

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

REGULAR BUSINESS - None

MAYOR/ COUNCIL REPORTS

COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS

Sewerage Commission of Oroville Region – SC-OR

Council Member Hatley reported that SC-OR had formed an Advisory Committee but have not met as a Committee yet. SC-OR's attorney is preparing an agreement between SC-OR and developers to increase sewer capacity.

Supplemental Benefits Fund Steering Committee - SBF

Council Member Corkin reported that at the last SBF Steering Committee Meeting they heard the presentations for the SBF large project grant applications. The SBF Steering Committee will meet again on May 14, 2008 at 2:00 p.m. to rate, rank and vote on the projects.

Butte County Association of Governments – BCAG

This report was continued to the May 20, 2008 meeting.

Airport Land Use Commission - ALUC

Eric Teitelman, Director of Community Development and Public Works, reported that there was no meeting.

Oroville Recreation Area Authority – ORAC

Vice Mayor Johansson reported that the main topic of discussion was the low lake level. The boat ramps should be usable until mid July and there was discussion on extending the ramps further down at Bidwell Marina.

Oroville Economic Development Corporation - OEDCO

Council Member Prouty reported that the discussion at the OEDCO meeting was on the updated General Plan for the County and the City. There was an update on the Entrepreneurial Boot Camp. OEDCO's goal setting meeting will be held next Tuesday, May 13, 2008, at 6:00 p.m. at Checkers. OEDCO is entering into an agreement with the Private Industry Council for business counseling.

Downtown Business Association - DBA

Council Member Howard requested that this report be continued to the May 20, 2008 Council meeting.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

Police Department Repairs – update.

Police Chief Kirk Trostle gave a PowerPoint presentation on the interim improvements of the Oroville Police Station.

ATC Building Repairs – update.

Eric Teitelman, Director of Community Development and Public Works, updated the Council on the repairs being made to the City's ATC building at the Airport Business Park.

Hammon Park and Hewitt Park Improvements.

This item was continued to the next meeting.

Budget Schedule for Fiscal Year 2008/09.

Diane MacMillan, Finance Director, prepared a meeting schedule to discuss the 2008/2009 fiscal year budget.

Planning Commission Vacancy.

Sharon Atteberry, City Administrator, announced that there is a vacancy on the Planning Commission. The City is currently advertising to fill the vacancy.

CORRESPONDENCE

1. OROVILLE UNION HIGH SCHOOL DISTRICT BOND MEASURE – Oasis Group

The Council will consider approving a resolution in support of the Oroville Union High School District requesting voter approval of a \$12 million dollar bond measure on the

November, 2008 general election ballot.

Council Action Requested by the Oasis Group: **Adopt Resolution No. XXXX - A RESOLUTION OF THE OROVILLE CITY COUNCIL SUPPORTING THE OROVILLE UNION HIGH SCHOOL DISTRICT REQUEST FOR VOTER APPROVAL OF A \$12 MILLION DOLLAR BOND MEASURE ON THE NOVEMBER, 2008 GENERAL ELECTION BALLOT.**

Vice Mayor Johansson requested that this item be continued to the June 3, 2008 meeting.

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

Patricia Noel expressed concerns regarding the Closed Session for department heads and requested to see a salary schedule.

CLOSED SESSION

The Council adjourned to Closed Session to discuss the following:

1. Pursuant to Government Code section 54956.8, the Council met with real property negotiators Sharon Atteberry, City Administrator, and Dwight Moore, City Attorney, concerning authorization for the proposed sale of approximately 24.63 acres of City-owned property located on 5th Avenue, Oroville.
2. 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:
 - Noel v. City of Oroville et al., U.S. District Court Eastern District, Case Civil 05-07-728.
 - Feather River Recreation and Park District v. City of Oroville et al., Butte County Superior Court case numbers 142794; 142795; 142796.
 - Robison v. City of Oroville arbitration.
 - Hueton v. City of Oroville arbitration.
3. Pursuant to Government Code Section 54956.9(a), the Council held a closed session with the City Attorney Dwight Moore relating to the following claims:
 - Claim No. 2007069534 – Nadine Vaughn
 - Claim No. 2008073678 – Greg Borene
 - Claim No. 2008073994 – Jan & Greg Passmore
4. 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, and Kirk Trostle, Chief of Police.

5. Pursuant to Government Code section 54957, the City Council met to discuss the Interim Fire Chief position.

The Council reconvened and Mayor Jernigan announced that no action was taken in Closed Session on items no. 1, 2, 4, 6 and 7 and direction was given to staff. Mayor Jernigan announced that the Council agreed to settle the claims in items no. 3 and 5.

ADJOURNMENT

The meeting was adjourned at 11:02 p.m. An adjourned special meeting of the Oroville City Council will be held on Thursday, May 8, 2008 at 6:30 p.m.

Sharon L. Atteberry, City Clerk

Steven Jernigan, Mayor