



OROVILLE CITY COUNCIL

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

MARCH 21, 2017
REGULAR MEETING
CLOSED SESSION 5:30 P.M.
OPEN SESSION 6:30 P.M.
AGENDA

CLOSED SESSION (5:30 P.M.)

ROLL CALL

Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier

CONVENE TO CLOSED SESSION (ITEMS LISTED ON PAGE NO. 5)

RECONVENE TO OPEN SESSION

OPEN SESSION (6:30 P.M.)

PLEDGE OF ALLEGIANCE

PROCLAMATION / PRESENTATION

CONSENT CALENDAR

1. **APPROVAL OF THE MINUTES OF THE MARCH 7, 2017 REGULAR MEETING OF THE OROVILLE CITY COUNCIL** – minutes attached

Community Development Department

2. **FEE WAIVER REQUEST FOR USE OF THE MUNICIPAL AUDITORIUM: BEAUTY ON THE RIVER 2018 QUILT SHOW** – staff report

The Council may consider a fee waiver request from the Oroville Piecemakers Quilt Guild for use of the Municipal Auditorium for the Beauty on the River 2018 Quilt Show. **(Dawn Nevers, Assistant Planner)**

Council Action Requested: **Authorize the \$500 waiver request that meets the City's Facility/Park Fee Waiver policy.**

PUBLIC HEARINGS

Community Development Department

3. **ZC 16-01: ENCLOSURES FOR SOLID WASTE AND RECYCABLE MATERIALS (1st Reading)** – staff report

The Council will conduct a public hearing to review and consider approving an amendment to Title 17 of the Oroville Municipal Code (Zoning Ordinance) relating to the provision of areas for collecting and loading recyclable materials and solid waste in development projects. **(Luis Topete, Associate Planner)**

Council Action Requested: Adopt Ordinance No. 1820 – AN ORDINANCE OF THE OROVILLE CITY COUNCIL ADOPTING AMENDMENTS TO TITLE 17 OF THE OROVILLE MUNICIPAL CODE RELATING TO THE PROVISION OF AREAS FOR COLLECTING AND LOADING RECYCLABLE MATERIALS AND SOLID WASTE IN DEVELOPMENT PROJECTS

REGULAR BUSINESS

Business Assistance & Housing Development

4. **PROFESSIONAL SERVICES AGREEMENT WITH ROY L. HASTINGS & ASSOCIATES, LLC.** – staff report

The Council may consider a Professional Services Agreement with R.L. Hastings & Associates, LLC., in the amount of \$22,500, for administrative subcontractor services and \$2,250 per month for labor standards monitoring for the 2016 HOME Program, Sierra Heights Apartments, rental new construction project. **(Amy Bergstrand, Management Analyst III and Donald Rust, Director of Community Development)**

Council Acton Requested: **Adopt Resolution No. 8592 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ROY L. HASTINGS, LLC, TO PROVIDE ADMINSTRATIVE SUBCONTRACTOR SERVIES FOR THE 2016 HOME PROGRAM RENTAL NEW CONSTRUCTION PROJECT– (Agreement No. 3213).**

5. **SUBMITTAL OF LOCAL GOVERNMENTS HOUSEHOLD HAZARDOUS WASTE GRANT APPLICATION IN COLLABORATION WITH BUTTE COUNTY** – staff report

The Council may consider authorizing staff to collaborate with Butte County to submit a 2017 Local Household Hazardous Waste (HHW) Program grant HD29 application to the California Department of Resources Recycling and Recovery (CalRecycle). **(Rick Farley, Enterprise Zone and Business Assistance Coordinator and Donald Rust, Director of Community Development)**

Council Action Requested: **Adopt Resolution No. 8593 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE COLLABORATION WITH BUTTE COUNTY TO SUBMIT A 2017-18 LOCAL GOVERNMENTS HOUSEHOLD HAZARDOUS WASTE PROGRAM GRANT APPLICATION**

TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
(CALRECYCLE).

Community Development Department

6. **OROVILLE CEMETERY LANDSCAPE PROPOSAL** – staff report

The Council may receive information regarding the proposed landscape design for the frontage of the Oroville Cemetery. **(Dawn Nevers, Assistant Planner)**

Council Action Requested: **None. Informational.**

7. **AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SCS ENGINEERS FOR A TIME EXTENSION AND REALLOCATION OF REMAINING U.S. EPA 2014 SITE-SPECIFIC BROWNFIELDS ASSESSMENT GRANT FUNDS** – staff report

The Council may consider an amendment to the Professional Services Agreement (Agreement No. 3102) with SCS Engineers for the purpose of extending the expiration date of the agreement and transferring funds between tasks in the amount of \$16,057. No increase to the overall work plan budget is proposed. **(Luis Topete, Associate Planner and Donald Rust, Director of Community Development)**

Council Action Requested: **Adopt Resolution No. 8594 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SCS ENGINEERS FOR A TIME EXTENSION AND REALLOCATION OF REMAINING U.S. EPA 2014 SITE-SPECIFIC BROWNFIELDS ASSESSMENT GRANT FUNDS – (Agreement No. 3102-2)**

8. **AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BSK ASSOCIATES FOR A TIME EXTENSION AND REALLOCATION OF REMAINING U.S. EPA 2014 COMMUNITY-WIDE BROWNFIELDS ASSESSMENT GRANT FUNDS** – staff report

The Council may consider an amendment to the Professional Services Agreement (Agreement No. 3101) with BSK Associates for the purpose of extending the expiration date of the agreement and transferring funds between tasks in the amount of \$94,142. No increase to the overall work plan budget is proposed. **(Luis Topete, Associate Planner and Donald Rust, Director of Community Development)**

Council Action Requested: **Adopt Resolution No. 8595 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BSK ASSOCIATES FOR A TIME EXTENSION AND REALLOCATION OF REMAINING U.S. EPA 2014 COMMUNITY-WIDE BROWNFIELDS ASSESSMENT GRANT FUNDS – (Agreement No. 3101-2)**

9. **APPROVE A MEMORANDUM OF UNDERSTANDING TO FORM THE EAST BUTTE SUB-BASIN GROUNDWATER SUSTAINABILITY PARTNERS** – staff report

The Council may consider approving a memorandum of understanding (MOU) forming the East Butte Sub-Basin Groundwater Sustainability Partners. **(Dawn Nevers, Assistant Planner)**

Council Action Requested: **Adopt Resolution No. 8596 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING FORMING THE EAST BUTTE SUB-BASIN GROUNDWATER SUSTAINABILITY PARTNERS – (Agreement No. 3214).**

10. **APPLICATION AND LETTER ACKNOWLEDGING PARTNERSHIP FOR THE 2017 CALIFORNIA CULTURAL DISTRICTS PILOT PROGRAM** – staff report

The Council may consider a letter acknowledging partnership and subsequent application for the 2017 California Cultural Districts pilot program. **(Dawn Nevers, Assistant Planner, and Evan Burt, City Intern)**

Council Action Requested: **Adopt Resolution No. 8597 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO ACKNOWLEDGE THE PARTNERSHIP WITH THE INTNET TO DEVELOP THE HISTORIC DOWNTOWN OROVILLE ARTS, CULTURAL & ENTERTAINMENT DISTRICT PARTNERSHIP UNDER THE CALIFORNIA CULTURAL DISTRICT.**

11. 2017 INTERNATIONAL COUNCIL OF SHOPPING CENTERS EVENT - staff report

The Council may consider allowing two (2) Council Members to attend the International Council of Shopping Centers (ICSC) RECon event, to be held May 21st – 24th, 2017, in Las Vegas, Nevada. **(Donald Rust, Director of Community Development)**

Council Action Requested: **Authorize two (2) council members to attend the International Council of Shopping Centers International RECon event, to be held May 21st – 24th, 2017, in Las Vegas, Nevada.**

12. CREATION OF TWO ADDITIONAL PART-TIME MUSEUM STAFF POSITIONS - staff report

The Council will consider creating two additional part-time Museum Staff positions. **(Dawn Nevers, Assistant Planner)**

Council Action Requested: **Provide direction as necessary.**

13. PREMANUFACTURED SPEED HUMPS AT ROUNDABOUT ENTRANCES – staff report

The Council may consider providing staff with direction for the construction of speed humps at the entrances to the two roundabouts within City limits. **(Dawn Nevers, Assistant Planner)**

Council Action Requested: **Provide direction as necessary.**

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

Mayor Appointments

- Housing Loan Advisory Committee (1)
- Economic Development Loan Advisory Committee (1)
- Executive Committee (3)
- Tourism Committee (1)
- Emergency Advisory Ad hoc Committee (3)

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

- MEMO - INTERNATIONAL COUNCIL OF SHOPPING CENTERS (ICSC) – 2017 MONTEREY IDEA EXCHANGE

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, 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 54957.6, the Council will meet with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville City Employees Association, Oroville Police Officers' Association – Sworn and Non-Sworn, Oroville Firefighters' Association, and Oroville Management and Confidential Association.
2. Pursuant to Government Code section 54956.95, the Council will meet with the Acting City Administrator, Personnel Officer and City Attorney relating to Worker's Compensation Claim No. NCWA-556721
3. Pursuant to Government Code section 54956.9(a), the Council will meet with the Acting City Administrator, and the City Attorney relating to existing litigation: WGS Dental, et al., v. City of Oroville, et al., Butte County Superior Court, Case No. 152036, Third District Court of Appeals, Case No. C 077181.
4. Pursuant to Government Code section 54956.9(a), the Council will meet with the Acting City Administrator, and the City Attorney relating to existing litigation: Coryell v. City of Oroville, et al., United States District Court, Eastern District of California, Case No. 15-cv-00476.
5. Pursuant to Government Code section 54956.95, the City Council will meet with Acting City Administrator and City Attorney regarding potential litigation – two cases.

ADJOURNMENT

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on Tuesday, April 4, 2017, at 5:30 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.

**CITY COUNCIL MEETING MINUTES
MARCH 7, 2017 – 5:30 P.M.**

The agenda for the March 7, 2017, regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall and on the City of Oroville's website located at www.cityoforoville.org on Friday, March 3, 2017, at 10:45 a.m.

The March 7, 2017 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 5:33 p.m.

ROLL CALL

Present: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Absent: None

Staff Present:

Donald Rust, Director of Community Development	Ruth Wright, Director of Finance
Bill LaGrone, Director of Public Safety	Karolyn Fairbanks, Treasurer
Scott E. Huber, City Attorney	Dawn Nevers, Assistant Planner
Amy Bergstrand, Management Analyst III	Wade Atteberry, Public Works Supervisor

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Dahlmeier

PROCLAMATION / PRESENTATION

Mayor Dahlmeier conducted Oaths of Office for newly appointed Volunteers in Police Services Representatives Tracy Parkinson, Rustin Fox and Joseph R. Fitzer.

Bill LaGrone, Director of Public Safety, presented Special Recognition of Services awards to Dean Hill, Jr.

Mayor Dahlmeier presented Wade Atteberry, Public Works Supervisor and Dawn Nevers, Assistant Planner, with a Proclamation recognizing Arbor Day in the City of Oroville.

Mayor Dahlmeier presented Anne Michels, with a Proclamation recognizing California State Old Time Fiddler's Week.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

Al Zib – Items No. 8, 9, 11, & 16
Kent Fowler – Item No. 16

Susan Sims – Items No. 11 & 16
Diane Brown – Item No. 16

CONSENT CALENDAR

A motion was made by Council Member Hatley, seconded by Vice Mayor Goodson, to approve the following Consent Calendar:

1. **APPROVAL OF THE MINUTES OF THE FEBRUARY 21, 2017 REGULAR MEETING OF THE OROVILLE CITY COUNCIL** – minutes attached

Finance Department

2. **MONTHLY FINANCIAL REPORT AND REPORT OF INVESTMENTS FOR JANUARY 2017** – report attached

The Council received a copy of the January 2017 Monthly Financial Report and Report of Investments. **(Ruth Wright, Director of Finance)**

Council Action Requested: **Acknowledge receipt of the January 2017 Monthly Financial Report and Report of Investments.**

3. **STAFF VACANCY IN THE FINANCE DEPARTMENT** – staff report

The Council received information regarding the filling of a budgeted staff vacancy in the Finance Department. **(Ruth Wright, Director of Finance)**

Council Action Requested: **Informational only.**

Community Development Department

4. **THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW)**
5. **THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW)**
6. **DISPOSAL OF SURPLUS VEHICLES AND EQUIPMENT** – staff report

The Council may consider declaring decommissioned vehicles and equipment as surplus for their disposal through auction and/or trade-in value. **(Donald Rust, Director of Community Development)**

Council Action Requested:

1. **Declare the vehicles and equipment identified in the March 7, 2017 staff report as surplus and authorize the items to be auctioned off.**
2. **Utilize the \$5,000 trade-in value of the City's old brush chipper towards the purchase of a new brush chipper.**

Business Assistance & Housing Development Department

7. **FORECLOSURE OF CITY PROPERTY LOCATED AT 3085 FLORENCE AVENUE** – staff report

The Council considered initiating foreclosure proceedings related to the City of Oroville’s security interest in the Deed of Trust against the property located at 3085 Florence Avenue, Oroville. **(Amy Bergstrand, Management Analyst III and Donald Rust, Director of Community Development)**

Council Action Requested: **Adopt Resolution No. 8587 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS AND ANY AMENDMENTS THERETO NECESSARY TO INITIATE AND COMPLETE FORECLOSURE PROCEEDINGS ON REAL PROPERTY LOCATED AT 3085 FLORENCE AVENUE, OROVILLE (APN 013-225-023).**

The motion to approve the Consent Calendar was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

ITEMS REMOVED FROM THE CONSENT CALENDAR

4. **PURCHASE OF A NEW AIR COMPRESSOR** – staff report

The Council received information regarding a new air compressor that has been purchased from Bobcat of Chico, in the amount of \$24,658.35, for the City’s Sewer Division. **(Donald Rust, Director of Community Development)**

Council Action Requested: **None. For informational purposes, only.**

5. **PURCHASE OF NEW BRUSH CHIPPER** – staff report

The Council considered the purchase of a new brush chipper, utilizing funds from the Park Development Impact Fees Fund, in the amount of \$30,918.78, from RDO Equipment Company. **(Donald Rust, Director of Community Development)**

Council Action Requested:

1. **Authorize staff to utilize the piggyback process through the National Joint Powers Alliance regarding the request purchase of the new Vermeer BC1000XL model.**

2. **Approve the purchase of a new brush chipper, utilizing funds from the Park Development Impact Fees Fund, in the amount of \$30,918.78, from RDO Equipment Company.**

The motion to approve Items No. 4 and 5 of the Consent Calendar was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

PUBLIC HEARINGS

Business Assistance & Housing Development

8. **ISSUANCE OF TAX EXEMPT BONDS FOR THE SIERRA HEIGHTS SENIOR APARTMENTS – staff report**

The Council conducted a public hearing relating to the issuance of tax exempt bonds for the senior housing project, Sierra Heights Senior Apartments, and a resolution approving the issuance of bonds. **(Amy Bergstrand, Management Analyst III and Donald Rust, Director of Community Development)**

James Hamill, Managing Director, California Statewide Communities Development Authority, provided information pertaining the issuance of the tax exempt bonds.

Mayor Dahlmeier opened the Public Hearing for comments and questions from the public.

Al Zib, resident, spoke in opposition of the bonds to be issued for the project.

Hearing no further comments or questions, Mayor Dahlmeier closed the Public Hearing.

Following discussion, a motion was made by Vice Mayor Goodson, seconded by Council Member Draper, to:

Adopt Resolution No. 8588 - A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE ISSUANCE OF BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY, NOT TO EXCEED \$15,000,000, FOR THE BENEFIT OF WILLOW PARTNERS, TO PROVIDE FINANCING FOR THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A 52-UNIT SENIOR MULTIFAMILY RENTAL HOUSING PROJECT, GENERALLY KNOWN AS SIERRA HEIGHTS APARTMENTS.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes: None
Abstain: None

Absent: None

Community Development Department

9. OROVILLE SUSTAINABLE CODE UPDATES – staff report (1st Reading)

The Council conducted a public hearing to review and consider adopting the Oroville Sustainable Code updates and certification of the Final Supplemental Environmental Impact Report. **(Donald Rust, Director of Community Development)**
Mayor Dahlmeier opened the Public Hearing for comments and questions from the public.

Al Zib, resident, spoke in opposition of the sustainable code updates.

Hearing no further comments or questions, Mayor Dahlmeier closed the Public Hearing.

Following discussion, a motion was made by Council Member Draper, seconded by Vice Mayor Goodson, to:

Waive the first reading, and introduce by title only, Ordinance No. 1819 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE ADOPTING ALL PROPOSED NEW AND AMENDED DOCUMENTS, COLLECTIVELY KNOWN AS “OROVILLE SUSTAINABLE CODE UPDATES,” CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE AMENDED FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING THE AMENDED MITIGATION MONITORING AND REPORTING PROGRAM.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

REGULAR BUSINESS

Public Safety Department

10. FORMATION OF AD-HOC COMMITTEES TO REVIEW THE SPILLWAY INCIDENT – staff report

The Council established ad-hoc committees to review the City’s response to the Oroville Dam Spillway incident and provided recommended actions to improve response and to improve public awareness during emergency situations. **(Bill LaGrone, Director of Public Safety)**

Following discussion, Mayor Dahlmeier appointed to following:

1. **Appoint Mayor Dahlmeier, Vice Mayor Goodson, and Council Member Draper to serve on the Administrative Ad-hoc committee.**
2. **Appoint Council Member Berry, Council Member Hatley, and Council Member Thomson to serve on the Operational Ad-hoc committee.**
3. **Appoint Mayor Dahlmeier, Council Member Del Rosario, and Council Member Thomson to serve on the RFP Ad-hoc committee.**

Community Development Department

11. TREE REMOVALS AT 1550 ROBINSON STREET – staff report (*Continued from February 7, 2017*)

The Council considered the removal of two (2) Chinese Pistache trees, located at 1550 Robinson Street, and the planting of suitable replacements. **(Wade Atteberry, Public Works Supervisor and Donald Rust, Director of Community Development)**

Susan Sims, Certified Master Arborist, spoke in support of the of the removal of the trees.

Al Zib, resident, spoke in opposition of the proposed removal of the trees.

Following discussion, a motion was made by Council Member Thomson, seconded by Vice Mayor Goodson, to:

Authorize the removal of two Chinese Pistache trees, located at 1550 Robinson Street, and the planting of suitable replacements.

The motion was passed by the following vote:

Ayes:	Council Members Berry, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes:	Council Members Del Rosario, Draper, Hatley
Abstain:	None
Absent:	None

12. TREE REMOVAL REQUEST BY BUSINESS OWNERS AT 1440 MYERS STREET – staff report

The Council considered the removal of three (3) Grecian Laurel trees, located at 1440 Myers Street, and the planting of suitable replacements. **(Donald Rust, Director of Community Development)**

Following discussion, a motion was made by Council Member Draper, seconded by Vice Mayor Goodson, to:

Unanimously denied the removal of three (3) Grecian Laurel trees, located at 1440 Myers Street, and the planting of suitable replacements.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

13. GROUND LEASE AGREEMENT WITH MODERN BUILDING INC. FOR THE EXPANSION OF GRAPHIC PACKAGING INTERNATIONAL – staff report

The Council considered Ground Lease Agreement with Modern Building Inc. for the phased construction of 350,000 square feet of new building space for the expansion of Graphic Packaging International (GPI) which will require 13.6 acres of airport property to be leased for a non-aeronautical use. **(Donald Rust, Director of Community Development)**

Council directed staff to return with the item at a later date.

14. PROFESSIONAL SERVICES AGREEMENT WITH BENNETT ENGINEERING – staff report

The Council considered a Professional Services Agreement with Bennett Engineering, in the amount of \$120,000, annually, for the next five years, for professional engineering services. **(Donald Rust, Acting City Administrator)**

Following discussion, a motion was made by Council Member Del Rosario, seconded by Council Member Draper, to:

1. **Authorize staff to piggyback on the Request for Proposals process recently undertaken by the cities of Biggs and Gridley for professional engineering services.**
2. **Adopt Resolution No. 8590 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BENNETT ENGINEERING, IN THE AMOUNT OF \$120,000, ANNUALLY, FOR FIVE YEARS, FOR PROFESSIONAL ENGINEERING SERVICES – (Agreement No. 3212).**

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

15. PROFESSIONAL SERVICES AGREEMENT WITH GHIRARDELLI ASSOCIATES, INC. – staff report

The Council considered an Amendment to the Professional Services Agreement with

Ghirardelli Associates, Inc., in an amount not to exceed \$100,000, to provide qualified professional civil engineering services for the City's Engineering Division. **(Donald Rust, Director of Community Development)**

Following discussion, a motion was made by Council Member Del Rosario, seconded by Council Member Draper, to:

Adopt Resolution No. 8591 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH GHIRARDELLI ASSOCIATES, INC., IN AN AMOUNT NOT TO EXCEED \$100,000, TO PROVIDE QUALIFIED PROFESSIONAL CIVIL ENGINEERING SERVICES FOR THE CITY'S ENGINEERING DIVISION – (Agreement No. 3191-2).

The motion was passed by the following vote:

Ayes: Council Members Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes: Council Members Berry
Abstain: None
Absent: None

16. AMENDMENTS TO SECTIONS OF THE OROVILLE MUNICIPAL CODE RELATING TO TREE PRESERVATION AND UPDATE OF THE TREE REMOVAL PERMIT APPLICATION – staff report (*Continued from September 6, 2016*)

The Council reviewed the proposed updates to sections of the Oroville Municipal Code relating to tree preservation and the tree removal permit application. (Dawn Nevers, Assistant Planner and Donald Rust, Director of Community Development)

Susan Sims, Certified Master Arborist, spoke in support of the proposed Municipal Code updates.

Kent Fowler, resident, spoke in support of the proposed Municipal Code updates.

Al Zib, resident, spoke in opposition of the of the proposed Municipal Code updates.

Diane Brown, resident, spoke in support of the proposed Municipal Code Updates.

Following discussion, the Council directed staff to review and adjust ordinance based on trees within City right of way and remove restrictions on private property owners, then return at a later date with updated information.

17. SPONSORSHIP OF THE OROVILLE CHAMBER OF COMMERCE AND OROVILLE ECONOMIC ALLIANCE ANNUAL DINNER – staff report

The Council considered a Silver sponsorship of the Oroville Chamber of Commerce and Oroville Economic Alliances' Leading the Way, 2017 annual dinner event. **(Donald Rust, Acting City Administrator)**

Following discussion, a motion was made by Vice Mayor Goodson, seconded by Council

Member Thomson, to:

Approve a \$1,000.00 sponsorship to the Oroville Chamber of Commerce and Oroville Economic Alliances' Leading the Way, 2017 annual dinner event using funding available in the Economic Enhancement Fund.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes: Council Members Berry, Del Rosario, Hatley
Abstain: None
Absent: None

COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS

- Council Member Del Rosario reported on the Spillway presentation delivered by Don Rust and Bill LaGrone at the League of CA Cities meeting, held on Friday, March 3rd.
- Council Member Draper added to Council Member Del Rosario's sentiments and expressed appreciation for having been given the opportunity for herself, Vice Mayor Goodson, and Council Member Del Rosario, to present their feeling on the event as well.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS - None

CORRESPONDENCE

- Donald Remley, Ed.D. on behalf of ACSA Region 2 Retired Leaders & Managers Charter
- Brad White, Feather River Properties, opposing the updates to the Tree ordinances (Item No. 16).

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

- Thil Chan-Wilcox requested to purchase an antique Chinese drum from a local thrift store using the Chinese Temple & Museum Complex donated funds
- Annette Yvonne D'Brotherton provided a handout to the Council requesting the incorporation of low voltage frequency in the emergency evacuation process.
- Evan Burt, City Intern, gave a presentation on the California Cultural Districts 2017 Pilot Program and application.

CLOSED SESSION

The Council held a Closed Session on the following:

1. Pursuant to Government Code section 54957.6, the Council met with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville City Employees Association, Oroville Police Officers' Association – Sworn and Non-Sworn,

Oroville Firefighters' Association, and Oroville Management and Confidential Association.

2. Pursuant to Government Code section 54956.9(a), the Council met with the Acting City Administrator, and the City Attorney relating to existing litigation: WGS Dental, et al., v. City of Oroville, et al., Butte County Superior Court, Case No. 152036, Third District Court of Appeals, Case No. C 077181.
3. Pursuant to Government Code section 54956.9(a), the Council met with the Acting City Administrator, and the City Attorney relating to existing litigation: Coryell v. City of Oroville, et al., United States District Court, Eastern District of California, Case No. 15-cv-00476.
4. Pursuant to Government Code section 54956.9(d)(2), the Council met with the Acting City Administrator and City Attorney regarding potential exposure to litigation – one case.
5. Pursuant to Government Code section 54956.9(d)(4), the Council met with the Acting City Administrator and City Attorney regarding potential initiation of litigation – two cases.
6. Added Pursuant to Government Code section 54956.8 The Council will meet with real property negotiators, acting city administrator and City Attorney, regarding the property identified as Assessor's Parcel No. 030-260-069 totaling 13.65 acres, located in Oroville, California.

Following discussion, a motion was made by Council Member Thomson, seconded by Vice Mayor Goodson, to:

Add item number six to the closed agenda.

The motion was passed by the following vote:

Ayes:	Council Members Berry, Del Rosario, Draper, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes:	Council Members Berry, Del Rosario, Hatley
Abstain:	None
Absent:	None

Mayor Dahlmeier announced that Closed Session items 2, 3, & 4 were not discussed; however, items 1, 5, & 6 were discussed with direction given and no action taken.

ADJOURNMENT

The meeting was adjourned at 9:33 p.m. A special meeting of the Oroville City Council will be held on Tuesday, March 14, 2017, at 4:00 p.m.

Donald Rust, Acting City Clerk

Linda L. Dahlmeier, Mayor

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: DAWN NEVERS, ASSISTANT PLANNER
DONALD RUST, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: FEE WAIVER REQUEST FOR USE OF THE MUNICIPAL AUDITORIUM:
BEAUTY ON THE RIVER 2018 QUILT SHOW**

DATE: MARCH 21, 2017

SUMMARY

The Council may consider a fee waiver request from the Oroville Piecemakers Quilt Guild for use of the Municipal Auditorium for the Beauty on the River 2018 Quilt Show.

DISCUSSION

On Wednesday, February 1, 2017, the City of Oroville received a fee waiver request for use of the Municipal Auditorium for the Beauty on the River 2018 Quilt Show (takes place every two years) scheduled for October 27 & 28, 2018, with set-up taking place on Friday October 26, 2018.

Per the City's Facility and Park Fee Waiver Policy as found in Section 17.08.150 of the Oroville Municipal Code, fees, up to 50%, may be waived for approved non-profit groups when the non-profit organization has IRS approved tax exempt status, the event is of public benefit, the event is open to the public, and the event does not significantly impact City departments, services, operations or activities. However, the policy specifies that requests for fee waivers or reductions must be received at least 90 days prior to the actual date of the event. If the request is received in less than 90 days from the event, the facility/park fee waiver or reduction for the event will not be considered and all fees will apply to the event. Fee waivers do not relieve the applicant from security/damage deposit or other financial obligations associated with the event.

The Oroville Piecemakers Quilt Guild, Inc. is requesting a fee waiver of \$500 as sponsorship by the City to help support the activities in the community. Activities include the making of quilts to be distributed to Oroville Hospital Nursery, Extended Care, and Dialysis and Chemotherapy Centers. Quilts are also donated to Child Protective Services, the Foster Care Agency, and the Fire and Police Departments.

FISCAL IMPACT

Total fees to be collected are \$1,875 (use fee) and a \$500 (refundable security deposit) equaling \$2,375, without a fee waiver. If the Council approves the \$500 requested fee waiver, the City will receive a \$1,375.00 use fee, and the \$500 refundable security deposit. Fiscal impact depends on Council action.

RECOMMENDATIONS

Authorize the \$500 waiver request that meets the City's Facility/Park Fee Waiver policy.

ATTACHMENTS

A – Fee Waiver Application

B – Fee Waiver Request

C – Requestors Application for Use of Municipal Auditorium



DISCOVER GOLD . . . DISCOVER OROVILLE

CITY OF OROVILLE
Parks and Trees Department

RECEIVED FEB 01 2017

1735 MONTGOMERY STREET - OROVILLE, CALIFORNIA 95965
Phone: 530-538-2415 Fax 530-538-2417

FACILITY USE FEE WAIVER APPLICATION
APPLICATION MUST BE RECEIVED AT LEAST 90 DAYS PRIOR TO DATE OF THE EVENT

For Office Use Only

FY _____ APPL# _____ AMT\$ _____ APPROVED _____ DENIED _____

Important: Please complete the entire form, including budget and narrative requirements. Incomplete forms will be returned. Your completed application with supplemental materials must be submitted to the address listed above a minimum of ninety (90) days prior to the event date.

Section A - Applicant Information

Oroville Piecemakers Quilt Guild
Applicant Legal Organization Name DBA (including doing business as...Organization Name)

Palermo Grange, 7600 Irwin Ave, Palermo CA
Organization Local Address

P.O.# 276 Palermo CA 95968
Organization Mailing Address City/State Zip Code

JAN ABRAMSON Secretary
Contact Person Title

(530) 354-6234 SAME NONE
Daytime Phone Evening Phone Fax

abramsonjan@gmail.com
Email address

Type of Organization: _____ 501 (c) (Please specify type of 501 status): _____
_____ Government Entity _____ Other (Explain) NON PROFIT

Requesting Waiver For (name of event/program) Beauty on the River 2018 Quilt Show

Is this activity an annual event or a one time only event? every 2 years

City Facility Requested Municipal Auditorium

Total Facility Fee Charged \$ 1,875.00

Total Fee Waiver Requested \$ 500.00

Section B - Budget Information Applicant Name Oroville Piecemakers Quilt Guild

The following information is required in order for the City to consider waiving the Facility Use Fee. Only direct event or program fee may be listed.

EVENT OR PROGRAM EXPENSES

EVENT OR PROGRAM INCOME

<p>A. Salaries / Fees</p> <p>1. Artists/Performers/Speakers/Contracted Staff \$ _____</p> <p>2. Administrative \$ _____</p> <p>3. Program Staff \$ <u>302.00</u></p> <p>4. Other (Specify) \$ _____</p> <p>A. Total Salaries / Fees \$ <u>302.00</u></p> <p>B. Space Rental (non - City) \$ _____</p> <p>C. Remaining Costs (Itemized)</p> <p>1. Equipment rental \$ <u>865.00</u></p> <p>2. Printing \$ <u>309.00</u></p> <p>3. Supplies \$ <u>551.00</u></p> <p>4. Food \$ _____</p> <p>5. Trophies \$ _____</p> <p>6. Travel \$ _____</p> <p>7. Insurance \$ _____</p> <p>8. Other (explain) <u>ADVERTISING</u> \$ <u>323.00</u></p> <p>C. Total Remaining Costs <u>SALES TAX</u> \$ <u>185.00</u></p> <p>D. City Facility Use Fees <u>1,970 - \$500 waiver</u> \$ <u>1,470</u></p> <p>Attach additional pages as needed to illustrate details of expenses listed above.</p> <p>TOTAL Event/Program Operating Expenses (A+B+C+D) \$ <u>3,945</u></p>	<p>A. Registration Income <u>483</u> participants x \$ <u>7.00</u> registration fee \$ <u>3,379.00</u></p> <p>B. Donations or Sponsorships</p> <p>1. Corporate / Business <u>VENDOR FEES</u> \$ <u>550.00</u></p> <p>2. Foundations \$ _____</p> <p>3. Clubs / Organizations \$ _____</p> <p>4. Other (specify) <u>RAFFLES</u> \$ <u>3,213.00</u></p> <p>B. Total Donations/Sponsorship Total \$ _____</p> <p>C. Other Income <u>BOUQUETS</u> \$ <u>2,462.00</u></p> <p>Explain Other Income Source: <u>RAFFLE BASKETS, + Opportunity Quilt Tickets</u></p> <p>TOTAL Event/Program OPERATING INCOME (A+B+C) \$ <u>9,604</u></p>
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SECTION C

Authorized Signatures: The signature below is that of a person authorized to testify as to the accuracy of this application.

Signature: [Signature] Title: Secretary Date: 1-30-17

Reviewed by City Administrator/ his/her designee Date _____ Signature: _____

Fee Waiver approved _____

Fee Waiver Denied _____

Program Narratives (attach additional pages if necessary)

1. Explain the event/program:

Every two years our Quilt Guild holds a show at which the members display over 200 quilted items. The show is open to the public and also has a number of raffle baskets, and a Boutique where quilted items are sold. There are also displays about our community service activities.

2. Is this the first year for this event/program or has it been offered previously? If it has been offered previously, please list number of years it has been offered.

No, we held our show there in 2016. We have held our show for many years, although, recently we skipped several years.

3. What age groups are targeted? ALL

4. What are the event/program dates? October 26 (setup) 27 + 28, 2018

5. Is there an admission/access charge? Yes No Is it open to the public? Yes No

6. What City Facility is needed for this event/program? Municipal Auditorium

7. Have you paid City Facility Use Fees for the event/program before? yes / partial

a. If yes, list amount paid \$1,910 - minus a \$500 fee waiver = \$1,410

b. If no, who authorized previous fee waiver? _____

7. Describe the public value and benefit to the Oroville community: _____

SEE ATTACHED

7. Explain why paying City Facility Use Fee causes a significant financial burden for this event/program.

SEE ATTACHED



OROVILLE PIECEMAKERS QUILT GUILD, INC.

P.O. Box 276, Palermo, CA 95968

www.orovallepiecemakers.org

FEIN 68-0452738

C2132307

CT133413

Officers:

President

Jeanette Akin 868-5305

Vice President

Dorothy Welton 533-2826

Vice President

Judy Hohman 693-4907

Treasurer

Marla Vaughn 534-9848

Secretary

Jan Abramson 354-6234

Moonlighter Chairperson:

Virginia Brile 534-9637

January 29, 2017

The purposes of the Oroville Piecemakers Quilt Guild are to expand the knowledge and love of quilt making, promote the appreciation of fine quilts, encourage quilt making and collecting. To carry out this mission we sponsor a Quilt Show every two years. Our next show will be in October of 2018. We use the show to share our knowledge of quilting and quilts with the public, as well as to raise funds to help us carry out our community service and educational programs.

We sponsor and support quilting activities aimed at building a quilter's expertise through education, programs and workshops. Our monthly meetings (both day and evening meetings) are open to members and the public.

Our 90 plus members also, make from 125 to 150 quilts per year as part of our public service projects. The quilts are distributed throughout the Oroville community; Oroville Hospital Nursery and Extended care, the Dialysis and Chemotherapy Centers. Quilts are also donated to Child Protective Services, the Foster Care agency, the Fire Department and Police Department, as well as several extended care facilities and more. These quilts are made by our members from materials that are purchased through the funds raised at our Quilt Show; the Opportunity Quilt tickets and Raffle Baskets.

Our last quilt show was an exceptional success. The attendance was a record number. More than 100 more attendees than at past shows. Because the income from raffle items has restricted uses most of our profits will come from the entrance charge. The \$1875.00 rental charge for the Municipal Auditorium will take more than half of the entrance fee income. Therefore, we are asking for a fee waiver of \$500.00 to help sponsor and support our activities in the community.

Thank you for considering our request.

Jan Abramson, Secretary

Oroville Piecemakers Quilt Guild



Application & Agreement for Use

Oroville Municipal Auditorium

A City of Oroville Cultural Facility

1200 Myers Street, Oroville, CA 95965

Mail to: 1735 Montgomery St. Oroville, CA 95965

Date Received: <u>2/1/17</u>	
Check List:	
<input type="checkbox"/>	Scheduled
<input checked="" type="checkbox"/>	Deposit Paid
<input type="checkbox"/>	ABC License
<input type="checkbox"/>	Alcohol Permit
<input type="checkbox"/>	Insurance
<input type="checkbox"/>	Rental Paid
<input type="checkbox"/>	Business License
<input type="checkbox"/>	Deposit Returned

Date of Event October 27, 2018
October 28, 2018 Use Time 9-5
9:30 - 5:30

Areas Required ALL

Rehearsal/Set-up Dates October 26, 2018 Use Time 9-5

Activity or Event Title Beauty on the River 2018 Quilt

Requestor Name JAN ABRAMSON Address 19 Arts ^{Show} Ln.

Requestor Phone No. (530) 354-6234

Organization Oroville Piecemakers Address P.O. # 276, Palermo 95968

Insurance Company STATE FARM Certificate No. 90-CQ-5564-7

Alcohol Permit (if needed) No. of Guests (Separate Application along with an ABC License)

Estimated Event Cost; Minimum per day is \$625 for 8 hours, includes one city staff person for 8 hours. After 8 hours, an additional \$35 per hour fee applies. due

Facility Use Fee: 8 hrs Hours (Include Setup and Cleanup) No. Days of Use 3 Total: \$ 1,875.00

Additional Personnel: _____ Total: \$ _____

Alcohol Permit: _____ Total: \$ _____

DEPOSIT: \$500.00 Date Received 2/1/17 #11219 \$500. Total Use Estimate: \$ 1,875.00
(Deposit is refundable if Auditorium is returned in the condition it was received) (Not Including Deposit)

Deposit Full Refund YES NO (See Attached) By _____

* I understand this estimate is based on the personnel working the hours indicated and may increase or decrease depending on the actual hours worked. Fee Paid : \$ _____

Applicants Signature: _____

<input checked="" type="checkbox"/> Tables & Chairs	No. Of Tables Needed: <u>25</u>	No. of Chairs Needed: <u>50</u>
<input checked="" type="checkbox"/> Lights:	<input type="checkbox"/> Stage Lights	
<input type="checkbox"/> PA System	<input checked="" type="checkbox"/> Kitchen Use	
<input type="checkbox"/> Concessions:	<input type="checkbox"/> Alcoholic Beverages	Permit Applied For Date: _____
	Payment Amount \$ _____	Payment Received Date: _____

The City does hereby grant to User, permission to use the above stated facility for the time and purpose specified, and subject to, the conditions and limitations appearing on the attached sheets which are part of this Agreement. The User agrees to indemnify, defend and hold harmless the City of Oroville, its officers, employees, or agents for any claims arising out of the use of the facility and equipment.

IN WITNESS THEREOF the parties hereto, or their duly authorized agents, have caused this agreement to be executed this 1st day of Feb, 2017. Checks or Purchase Orders made out to City of Oroville

City Authorized agent: [Signature] User authorized agent: [Signature]

Oroville Municipal Auditorium Contract Addendum

Page 2 of 2

The City of Oroville grants the privilege and right to use the Oroville Municipal Auditorium under the terms, conditions, and limitations herein specified.

1. Certificate of insurance naming the City of Oroville and their officers, agents, and employees added as additionally insured for the date(s) that the Oroville Municipal Auditorium is being used in the amount of \$1,000,000.00
2. The Oroville Municipal Auditorium is a no smoking facility. It is the responsibility of the user group to enforce this regulation.
3. Your organization has the right to operate concessions during use of the Oroville Municipal Auditorium. If you decide to exercise this right, 20% of the gross shall come to the City of Oroville. This is standard practice for rental facilities that allow concessions due to the additional cleaning and other problems associated with having a concession.
4. Should an alcoholic beverage be served, an Alcoholic Beverage Concession license (ABC License) and City Permit must be submitted and approved by the City prior to serving said alcoholic beverages. Completing the City Permit takes a few days; plan ahead.
5. Under no circumstances shall any aspect of the center or the event being held be subcontracted without the expressed written permission of the City of Oroville.
6. A deposit of \$500 to hold the reservation, and to cover any excessive cleaning/repair cost is required and due upon receipt of the contract. The deposit is not included in the "use fee" and may not be applied to it.
7. The amount due for your use of the Oroville Municipal Auditorium is \$ _____. This amount is due ten (10) working days prior to the event. This dollar amount is based on the stated hours of facility use and staff time. This is only an estimate, and the exact dollar amount shall be computed based on the actual use time. It does not include the refundable deposit.

Thank you for your cooperation!

_____ Initial

FACILITY REQUIREMENTS:

HOURS – **BUILDING:** Sunday – Thursday: Function must end by 11:00 pm with clean-up completed by 12:00 pm;
Friday & Saturday: Function must end by 1:00 am with clean-up completed by 2:00 am
GROUND: Daily: Outside activities are limited to the hours between 6:00 am and 10:00 pm

SMOKING – ABSOLUTELY NO SMOKING ALLOWED INSIDE CITY FACILITIES, NOR WITHIN 20 FEET OF A MAIN EXIT, ENTRANCE OR OPERABLE WINDOW. (AB 846)

INSURANCE – CERTIFICATE OF INSURANCE naming the City of Oroville and their officers, agents, and employees added as additionally insured for the date(s) that the Oroville Municipal Auditorium is being used in the amount of \$1,000,000.

ALCOHOLIC BEVERAGES –

1. SECURITY GUARDS may be REQUIRED if selling or serving alcoholic beverages.
2. If required Renter shall provide a copy of the paid SECURITY AGREEMENT prior to event.
3. If required Security guards are required ½-hour prior to event and must remain until the end of the event.
4. All alcoholic beverages served or sold MUST REMAIN ON PREMISES.
5. Alcoholic beverages shall not be served, sold or consumed by anyone UNDER THE AGE OF 21 on the premises.
6. Use of alcoholic beverages on the premises must be IN COMPLIANCE WITH THE REGULATIONS OF THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL.

APPLICANT GUARANTEES THAT ALL INFORMATION PROVIDED HEREIN IS A TRUE AND CORRECT REPRESENTATION OF THE INTENDED EVENT. FALSIFICATION OF ANY DISCLOSURE FOR THE PURPOSE OF AVOIDING THE HIRING OF SECURITY PERSONNEL, MANIPULATING THE COSTS OF RENTAL FEES OR DEPOSITS OR CIRCUMVENTING ANY OF THE OTHER REQUIREMENTS OF THE RENTAL AGREEMENT SHALL RENDER THIS APPLICATION AND ANY SUBSEQUENT RENTAL AGREEMENT VOID WITH FORFEITURE OF ANY PORTION OF THE SECURITY DEPOSIT AS DEEMED NECESSARY. IN THE EVENT THAT THE SECURITY DEPOSIT IS NOT RECEIVED FROM APPLICANT WITHIN SEVENTY-TWO (72) HOURS OF NOTIFICATION OF APPROVAL TO RENT, APPROVAL MAY BE RESCINDED AND THE PREMISES MAY BE RENTED TO ANOTHER PARTY.

Requested By:

Jon D. Abramson
(Must be 21 years of age or older)

DATE:

1/30/17

You may fax your application to 530-538- 2417 or e-mail it to info@cityoforoville.org (by clicking on the e-mail button on page 1). The City of Oroville may require an original signature on an application at any point during the process.

OROVILLE MUNICIPAL AUDITORIUM FEE SCHEDULE

Initial here: JDA \$625.00 for the first eight (8) hours includes one staff member

Initial here: JDA \$35.00 per hour for each hour over eight (8) hours

Initial here: JDA \$35.00 per hour for each City staff required over eight (8) hours (minimum of one staff member is required for all events)

Initial here: JDA \$500.00 refundable security deposit required

Upon completion submit this application by e-mail, mail, fax, or hand deliver to:

City of Oroville
Parks and Trees Department
1735 Montgomery Street
Oroville, CA 95965

Fax (530) 538-2417
Email: info@cityoforoville.org

SECTION II– to be completed by City of Oroville

The request for use of the Oroville Municipal Auditorium is: approved _____ denied _____

Special conditions for approval:

Reason(s) for denial:

Signature: _____ Date: _____

Applicant notified on: _____ by telephone: _____ email: _____ letter: _____



City of Oroville

Building Department
Cash Collections
RECEIPT

Permit Number: RESERV1702-002

Job Address: 1200 MYERS ST

Fee Description	Account Number	Fee Amount
RESERVATIONS OF CITY FACILITIES		
MUNICIPAL AUDITORIUM DEPOSIT	600 2690	\$500.00

Total Fees Paid: \$500.00

Date Paid: 2/1/2017

Paid By: **OROVILLE PIECEMAKERS (JAN ABRA**

Pay Method: **CHECK 4219**

Received By: **JODI HUNSPERGER**

*****Credit Card Payments*****

A convenience fee is charged for all credit card payments. Please note that the convenience fee is a third-party fee and is not part of the City of Oroville. For all credit card payments the convenience fee is 2.50% of the total amount charged with a minimum charge of \$2.00.

X _____

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

**FROM: DONALD RUST, DIRECTOR (530) 538-2433
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: ZC 16-01: ENCLOSURES FOR SOLID WASTE AND
RECYCABLE MATERIALS (1st Reading)**

DATE: MARCH 21, 2017

SUMMARY

The Council will conduct a public hearing to review and consider approving an amendment to Title 17 of the Oroville Municipal Code (Zoning Ordinance) relating to the provision of areas for collecting and loading recyclable materials and solid waste in development projects.

BACKGROUND

On October 11, 1991, Assembly Bill No. 1327, Farr, (Statutes of 1991, Chapter 842) was signed into law. This bill added Chapter 18 (commencing with Section 42900) to Part 3 of Division 30 of the Public Resources Code. Chapter 18 is known as the California Solid Waste Reuse and Recycling Access Act of 1991. Chapter 18 required the California Department of Resources Recycling and Recovery (CalRecycle) to develop a model ordinance for adoption of recyclable materials in development projects. Local agencies were then required to adopt the model, or an ordinance of their own, governing adequate areas for collection and loading of recyclable materials in development projects. If a local agency has not adopted an ordinance for collecting and loading recyclable materials in development projects on or before September 1, 1994, the model ordinance adopted pursuant to Section 42910 of the Public Resources Code shall take effect on September 1, 1994, and shall be enforced by the local agency and have the same force and effect as if adopted by the local agency as an ordinance. The City of Oroville has not yet adopted an ordinance governing adequate areas for collection and loading of recyclable materials in development projects.

The California Code of Regulations, Title 24, Part 11 (CALGreen, Section 5.410.1), also requires newly constructed building and certain additions to “provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of non-hazardous materials for recycling, including (at minimum) paper, corrugated cardboard, glass, plastics and metals or meet a lawfully enacted local recycling ordinance, if more restrictive.”

DISCUSSION

Providing for adequate space for recyclables and organics recycling is critical. This is due to the fact that cities and counties are required to implement the Mandatory Commercial Recycling law (PRC 42649) and Mandatory Commercial Recycling Organics law (PRC 42649.8). These laws require cities and counties to provide commercial recycling programs for recyclables and organics for regulated businesses and multifamily complexes. Not ensuring that enclosures in new buildings have adequate space can be a direct impediment to implementing the commercial recycling laws. Jurisdictions found not to be implementing these laws may be subject to fines of up to \$10,000/day (**Attachment A**).

In order to ensure the City of Oroville is complying with the recycling requirements in California regarding the provision of adequate space for the collection and loading of recyclable materials in development projects, the attached code amendments are being proposed (**Attachment B**). The proposed code amendments have been drafted using CalRecycle's model ordinance (**Attachment C**) for guidance. On December 1, 2016, the Oroville Planning Commission adopted Resolution No. P2016-14 (**Attachment D**), recommending the City Council adopt the attached ordinance.

ENVIRONMENTAL REVIEW

This project has been determined to be exempt from the California Environmental Quality Act (CEQA) as follows:

General Rule Exemption; Title 14, CCR, §15061(b)(3)

A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The City's Zoning Ordinance already has regulations regarding the provision of refuse enclosures for applicable development projects. The proposed code amendments build upon these requirements to ensure the City's Zoning Ordinance also specifies regulatory requirements for the provision of adequate areas for collection and loading of recyclable materials in development projects in compliance with state law.

Actions by Regulatory Agencies for Protection of the Environment; Title 14, CCR, §15308

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the

environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

Not ensuring that enclosures in new buildings have adequate space for recyclable materials can be a direct impediment to implementing California commercial recycling laws. In order to ensure the City of Oroville is complying with the recycling requirements in California regarding the provision of adequate space for the collection and loading of recyclable materials in development projects, amendments to the City's Zoning Ordinance are being proposed. The proposed code amendments have been drafted using CalRecycle's model ordinance for guidance.

FISCAL IMPACT

Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees (\$50) are payable by the project applicant (City of Oroville) to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project.

RECOMMENDATION

Adopt Ordinance No. 1820 – AN ORDINANCE OF THE OROVILLE CITY COUNCIL ADOPTING AMENDMENTS TO TITLE 17 OF THE OROVILLE MUNICIPAL CODE RELATING TO THE PROVISION OF AREAS FOR COLLECTING AND LOADING RECYCLABLE MATERIALS AND SOLID WASTE IN DEVELOPMENT PROJECTS

ATTACHMENTS

- A – Letter from CalRecycle: Department of Resource Recycling and Recovery
- B – Ordinance No. 1820
- C – CalRecycle's Model Ordinance
- D – Planning Commission Approved Resolution No. P2016-14
- E – Notice of Exemption
- F – Newspaper Notice



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027
P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

To: Local Community Development Departments and Planning Divisions

Re: Recycling Requirement in California--Adequate Space for Recyclables

We are writing to inform you of the *California Solid Waste Reuse and Recycling Access Act* (Chapter 18 (commencing with Section 42900) to Part 3 of Division 30 of the Public Resources Code) that requires:

Local agencies to adopt the model, or an ordinance, governing adequate areas for collection and loading of recyclable material in projects for which a building permit is required or any new or improved public facility where solid waste is collected and loaded.

The *California Code of Regulations*, Title 24, Part 11 (CALGreen, Section 5.410.1), also requires:

[Newly constructed buildings and certain additions to provide] readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of non-hazardous materials for recycling, including (at minimum) paper, corrugated cardboard, glass, plastics and metals or meet a lawfully enacted local recycling ordinance, if more restrictive.

As a planner you may not be aware of these requirements and your role in ensuring that they are being implemented. Providing for adequate space for recyclables and organics recycling is critical. This is due to the fact that cities and counties are required to implement the Mandatory Commercial Recycling law (PRC 42649) and Mandatory Commercial Recycling Organics law (PRC 42649.8). These laws require cities and counties to provide commercial recycling programs for recyclables and organics for regulated businesses and multifamily complexes. Not ensuring that enclosures in new buildings have adequate space can be a direct impediment to implementing the commercial recycling laws. Jurisdictions found not to be implementing these laws are subject to fines of up to \$10,000/day.

Copy of the *California Solid Waste Reuse and Recycling Access Act* can be found at: <http://www.calrecycle.ca.gov/Laws/>. More information on CALGreen is available at: <http://www.bsc.ca.gov/Home/CALGreen.aspx>.

Below are several examples of checklists used by planners.

The first three include all the mandatory requirements in CALGreen, such as Recycling by Occupants, 50% minimum recycling, etc. Noted at the end of each bullet is the page where "Recycling by Occupants" is mentioned.

- City of San Jose: <https://www.sanjoseca.gov/DocumentCenter/View/31748> (middle of page 2)



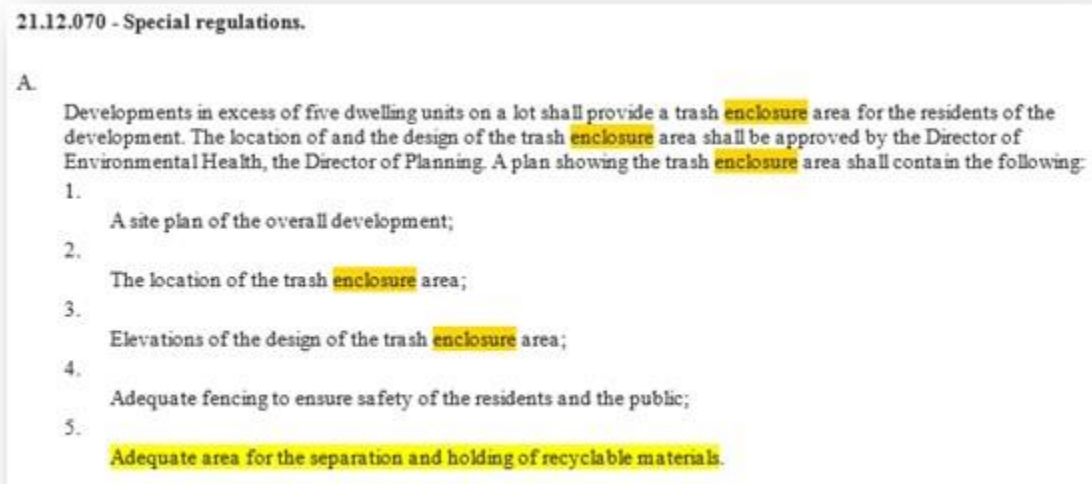
- City of San Carlos: <http://www.cityofsancarlos.org/civicax/filebank/blobdload.aspx?blobid=10915> (bottom of page 2)
- City of Ontario: <http://ci.ontario.ca.us/modules/showdocument.aspx?documentid=363> (middle of page 3)

City of Santa Cruz uses a Green Building Checklist. CALGreen requirements are reflected on the checklist as mandatory (M). Other measures are included for those who want to go above and beyond the minimum requirements.

- City of Santa Cruz: <http://www.cityofsantacruz.com/home/showdocument?id=47779> (section D, M6)

Monterey County's Ordinance includes the below language. The attached checklist is used by the Planning Department to ensure the enclosures are included with other planning requirements.

- Monterey County: Attached. (Bottom of page 3 and part of the Landscape Plan) Ordinance:



CalRecycle (formerly known as the California Integrated Waste Management Board) developed a [Recycling Space Allocation Guide](#) that includes guidance and sample provisions of several ordinances. There are also examples of how agencies have dealt with planning for adequate recycling space. For example, some local governments have found that requiring land use applicants to develop and submit a recycling and solid waste plan including a pre-construction, construction, and operational phase of each project to be beneficial in achieving compliance with these State recycling requirements.

If you would like to discuss this guidance, please contact your City's or County's Recycling Coordinator (<http://www.calrecycle.ca.gov/LGCentral/Reports/Contacts.aspx>) or CalRecycle Local Assistance and Market Development liaison at LAMD@calrecycle.ca.gov or (916) 341-6199 to discuss these requirements.

Sincerely,

Cara Morgan, Branch Chief
Local Assistance and Market Development
CalRecycle

**CITY OF OROVILLE
ORDINANCE NO. 1820**

AN ORDINANCE OF THE OROVILLE CITY COUNCIL ADOPTING AMENDMENTS TO TITLE 17 OF THE OROVILLE MUNICIPAL CODE RELATING TO THE PROVISION OF AREAS FOR COLLECTING AND LOADING RECYCLABLE MATERIALS AND SOLID WASTE IN DEVELOPMENT PROJECTS

WHEREAS, on October 11, 1991, Assembly Bill No. 1327, Farr, (Statutes of 1991, Chapter 842) was signed into law; and

WHEREAS, this bill added Chapter 18 (commencing with Section 42900) to Part 3 of Division 30 of the Public Resources Code, known as the California Solid Waste Reuse and Recycling Access Act of 1991; and

WHEREAS, Chapter 18 required the California Department of Resources Recycling and Recovery (CalRecycle) to develop a model ordinance for adoption of recyclable materials in development projects; and

WHEREAS, local agencies were then required to adopt the model, or an ordinance of their own, governing adequate areas for collection and loading of recyclable materials in development projects; and

WHEREAS, if a local agency has not adopted an ordinance for collecting and loading recyclable materials in development projects on or before September 1, 1994, the model ordinance adopted pursuant to Section 42910 of the Public Resources Code shall take effect on September 1, 1994, and shall be enforced by the local agency and have the same force and effect as if adopted by the local agency as an ordinance; and

WHEREAS, the City of Oroville has not yet adopted an ordinance governing adequate areas for collection and loading of recyclable materials in development projects; and

WHEREAS, whenever the public health, safety and welfare warrant it, the City Council may by ordinance amend, supplement or change the regulations that the Zoning Ordinance establishes for the zoning of property, provided that the Zoning Ordinance shall be consistent with the General Plan; and

WHEREAS, amendments to the Zoning Ordinance may be initiated by resolution of the Planning Commission; and

WHEREAS, on December 1, 2016, the Oroville Planning Commission adopted Resolution No. P2016-14, recommending the City Council adopt the code amendments specified herein; and

WHEREAS, at a noticed public hearing, the City Council considered the

comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the action described herein, and also considered City staff's report regarding the action.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OROVILLE DO ORDAIN AS FOLLOWS:

SECTION I. CEQA Review:

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15061(b)(3) "General Rule Exemption" and Section 15308 "Actions by Regulatory Agencies for Protection of the Environment."

SECTION II. The following sections of Chapter 17.12 are hereby amended to read as follows:

§17.12.020 (H) Refuse Collection Areas.

- ~~1. Except for residential developments that include no more than 2 dwelling units on a single site, all areas used for refuse collection shall be enclosed by a solid-walled enclosure that is faced with stucco, split-block masonry or a similar finished surface.
 - ~~a. In multiple-family residential and professional office developments where trash cans that hold no more than 50 gallons of material are used for refuse collection, the enclosure shall have a minimum height of 42 inches.~~
 - ~~b. In all other nonresidential developments, enclosures shall have a minimum height of 6 feet.~~~~
- ~~2. Gates for refuse collection areas shall consist of a pre-manufactured solid material, such as metal or a similarly durable material.~~
- ~~3. All refuse collection areas shall be on concrete slabs.~~

§17.12.110 Enclosures for Solid Waste and Recyclable Materials

A. Applicability

This section shall apply to projects meeting any of the following definitions:

1. A project for which a building permit is required for a commercial, industrial, or institutional building, or a residential building having five or more living units, where solid waste is collected and loaded and any residential project where solid waste is collected and loaded in a location serving five or more living units.

2. Any new public facility where solid waste is collected and loaded.
3. Any improvements to existing areas used for collecting and loading solid waste that requires a building permit.
4. Any expansion, alteration, or new construction of an existing development which increases the gross floor area by 25 percent or more.

B. General Requirements

All projects, as defined in this section, shall include adequate, accessible, and convenient enclosed areas for collecting and loading recyclable materials and solid waste.

C. Design

1. Collection areas shall be enclosed by a solid-walled enclosure that is faced with stucco, split-block masonry or a similar finished surface and designed to be architecturally compatible with existing/proposed structures and surroundings.
2. Enclosures shall have a minimum wall height of 6 feet.
3. Gates for refuse collection areas shall consist of a pre-manufactured solid material, such as metal or a similarly durable material.
4. All collection areas shall be on concrete slabs.
5. The gate shall be an appropriate size to allow adequate access of the containers by the City's collection contractor.
6. The enclosure and solid waste and recycling containers shall be of a sufficient size and/or number to provide adequate storage for solid waste and recyclable materials generated by the development.
7. Containers shall be clearly marked to identify the type of material which may be deposited.
8. Enclosures or the containers placed therein must provide protection against adverse environmental conditions, such as rain.

D. Location

1. New Construction: Receptacles for collecting and loading recyclable materials and solid waste shall be housed in the same enclosure.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on March 21, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

Appendix A

Model Ordinance Relating to Areas for Collecting and Loading Recyclable Materials in Development Projects

Section I: Purpose

Cities and counties must divert 50 percent of all solid waste by January 1, 2000, through source reduction, recycling, and composting activities.

Diverting 50 percent of all solid waste requires the participation of the residential, commercial, industrial, and public sectors.

The lack of adequate areas for collecting and loading recyclable materials that are compatible with surrounding land uses is a significant impediment to diverting solid waste and constitutes an urgent need for state and local agencies to address access to solid waste for source reduction, recycling, and composting activities. This ordinance has been developed to meet that need.

Section II: Definitions

The following definitions shall apply to the language contained in this ordinance:

- A. **Development Project.** Means any of the following:
 1. A project for which a building permit is required for a commercial, industrial, or institutional building, marina, or residential building having five or more living units, where solid waste is collected and loaded and any residential project where solid waste is collected and loaded in a location serving five or more living units.
 2. Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste.
 3. The definition of development project only includes subdivisions or tracts of single-family detached homes if, within such subdivisions or tract there is an area where solid waste is collected and loaded in a location which serves five or more living units. In such instances, recycling areas as specified in this ordinance are only required to serve the needs of the living units which utilize the solid waste collection and loading area.
- B. **Improvement.** An improvement adds to the value of a facility, prolongs its useful life, or adapts it to new uses. Improvements should be distinguished from repairs. Repairs keep facilities in good operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.
- C. **Floor Area of a Marina.** The floor area of a marina shall be defined as the space dedicated to the docking or mooring of marine vessels.
- D. **Public Facility.** The definition of public facility includes, but is not limited to buildings, structures, marinas, and outdoor recreation areas owned by a local agency.
- E. **Recycling Area (areas for recycling).** Space allocated for collecting and loading of recyclable materials. Such areas shall have the ability to accommodate receptacles for recyclable materials. Recycling areas shall be accessible and convenient for those who deposit as well as those who collect and load any recyclable materials placed therein.

Section III: General Requirements

- A. Any new development project for which an application for a building permit is submitted on or after September 1, 1994, shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials.
- B. Any improvements for areas of a public facility used for collecting and loading solid waste shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials.
- C. Any existing development project for which an application for a building permit is submitted on or after September 1, 1994, for a single alteration which is subsequently performed that adds 30 percent or more to the existing floor area of the development project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials.
- D. Any existing development project for which an application for a building permit is submitted on or after September 1, 1994, for multiple alterations which are conducted within a 12-month period which collectively add 30 percent or more to the existing floor area of the development project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials.
- E. Any existing development project for which multiple applications for building permits are submitted within a 12-month period beginning on or after September 1, 1994, for multiple alterations which are subsequently performed that collectively add 30 percent or more to the existing floor area of the development project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials.
- F. Any existing development project occupied by multiple tenants, one of which submits on or after September 1, 1994, an application for a building permit for a single alteration which is subsequently performed that adds 30 percent or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.
- G. Any existing development project occupied by multiple tenants, one of which submits on or after September 1, 1994 an application for a building permit for multiple alterations which are conducted within a 12-month period which collectively add 30 percent or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.
- H. Any existing development project occupied by multiple tenants, one of which submits within a 12-month period beginning on or after September 1, 1994 multiple applications for building permits for multiple alterations which are subsequently performed that collectively add 30 percent or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.
- I. Any costs associated with adding recycling space to existing development projects shall be the responsibility of the party or parties who are responsible for financing the alterations.

Section IV: Guidelines for All Development Projects

- A. Where local standards exist, recycling areas should be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation, in accordance with such standards.
- B. The design and construction of recycling areas shall not prevent security of any recyclable materials placed therein.
- C. The design, construction, and location of recycling areas shall not be in conflict with any applicable federal, State, or local laws relating to fire, building, access, transportation, circulation, or safety.
- D. Recycling areas or the bins or containers placed therein must provide protection against adverse environmental conditions, such as rain, which might render the collected materials unmarketable.
- E. Driveways and/or travel aisles shall, at a minimum, conform to local building-code requirements for garbage collection access and clearance. In the absence of such building-code requirements, driveways and/or travel aisles should provide unobstructed access for collection vehicles and personnel.
- F. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling areas.
- G. Developments and transportation corridors adjacent to recycling areas shall be adequately protected for any adverse impacts such as noise, odor, vectors, or glare through measures including, but not limited to maintaining adequate separation, fencing, and landscaping.

Section V: Additional Guidelines for Single-Tenant Development Projects

- A. Areas for recycling shall be adequate in capacity, number, and distribution to serve the development project.
- B. Dimensions of the recycling area shall accommodate receptacles sufficient to meet the recycling needs of the development project.
- C. An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by the development project should be located within the recycling area.

Section VI: Additional Guidelines for Multiple-Tenant Development Projects

- A. Recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to Section III of this ordinance.
- B. Dimensions of recycling areas shall accommodate receptacles sufficient to meet the recycling needs of that portion of the development project leased by the tenant who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to Section III of this ordinance.
- C. An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area pursuant to Section III of this ordinance should be located within the recycling area.

Section VII: Location

- A. Recycling areas shall not be located in any area required to be constructed or maintained as unencumbered, according to any applicable federal, state, or local laws relating to fire, access, building, transportation, circulation, or safety.
- B. Any and all recycling area(s) shall be located so they are at least as convenient for those persons who deposit, collect, and load the recyclable materials placed therein as the location(s) where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be adjacent to the solid waste collection areas.

Section VIII: Declaration of Severability

All provisions of this Ordinance are severable and, if for any reason any sentence, paragraph, or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of the Ordinance.

RESOLUTION NO. P2016-14

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION FORWARDING A RECOMMENDATION TO THE CITY COUNCIL TO ADOPT AN ORDINANCE RELATING TO THE PROVISION OF AREAS FOR COLLECTING AND LOADING RECYCLABLE MATERIALS AND SOLID WASTE IN DEVELOPMENT PROJECTS

WHEREAS, on October 11, 1991, Assembly Bill No. 1327, Farr, (Statutes of 1991, Chapter 842) was signed into law; and

WHEREAS, this bill added Chapter 18 (commencing with Section 42900) to Part 3 of Division 30 of the Public Resources Code, known as the California Solid Waste Reuse and Recycling Access Act of 1991; and

WHEREAS, Chapter 18 required the California Department of Resources Recycling and Recovery (CalRecycle) to develop a model ordinance for adoption of recyclable materials in development projects; and

WHEREAS, local agencies were then required to adopt the model, or an ordinance of their own, governing adequate areas for collection and loading of recyclable materials in development projects; and

WHEREAS, if a local agency has not adopted an ordinance for collecting and loading recyclable materials in development projects on or before September 1, 1994, the model ordinance adopted pursuant to Section 42910 of the Public Resources Code shall take effect on September 1, 1994, and shall be enforced by the local agency and have the same force and effect as if adopted by the local agency as an ordinance; and

WHEREAS, the City of Oroville has not yet adopted an ordinance governing adequate areas for collection and loading of recyclable materials in development projects; and

WHEREAS, whenever the public health, safety and welfare warrant it, the City Council may by ordinance amend, supplement or change the regulations that the Zoning Ordinance establishes for the zoning of property, provided that the Zoning Ordinance shall be consistent with the General Plan; and

WHEREAS, amendments to the Zoning Ordinance may be initiated by resolution of the Planning Commission; and

WHEREAS, at a noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the action described herein, and also considered City staff's report regarding the project.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION as follows:

SECTION I. CEQA Review:

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15061(b)(3) "General Rule Exemption" and Section 15308 "Actions by Regulatory Agencies for Protection of the Environment."

SECTION II. The Planning Commission hereby forwards a recommendation to the City Council to adopt the following code amendments, with all deletions shown in a strikethrough format and all additions shown in an underlined format:

~~§17.12.020 (H) Refuse Collection Areas.~~

- ~~1. Except for residential developments that include no more than 2 dwelling units on a single site, all areas used for refuse collection shall be enclosed by a solid-walled enclosure that is faced with stucco, split-block masonry or a similar finished surface.
 - ~~a. In multiple-family residential and professional office developments where trash cans that hold no more than 50 gallons of material are used for refuse collection, the enclosure shall have a minimum height of 42 inches.~~
 - ~~b. In all other nonresidential developments, enclosures shall have a minimum height of 6 feet.~~~~
- ~~2. Gates for refuse collection areas shall consist of a pre-manufactured solid material, such as metal or a similarly durable material.~~
- ~~3. All refuse collection areas shall be on concrete slabs.~~

§17.12.100 Enclosures for Solid Waste and Recyclable Materials

A. Applicability

This section shall apply to projects meeting any of the following definitions:

1. A project for which a building permit is required for a commercial, industrial, or institutional building, or a residential building having five or more living units, where solid waste is collected and loaded and any residential project where solid waste is collected and loaded in a location serving five or more living units.
2. Any new public facility where solid waste is collected and loaded.
3. Any improvements to existing areas used for collecting and loading solid waste that requires a building permit.

4. Any expansion, alteration, or new construction of an existing development which increases the gross floor area by 25 percent or more.

B. General Requirements

All projects, as defined in this section, shall include adequate, accessible, and convenient enclosed areas for collecting and loading recyclable materials and solid waste.

C. Design

1. Collection areas shall be enclosed by a solid-walled enclosure that is faced with stucco, split-block masonry or a similar finished surface and designed to be architecturally compatible with existing/proposed structures and surroundings.
2. Enclosures shall have a minimum wall height of 6 feet.
3. Gates for refuse collection areas shall consist of a pre-manufactured solid material, such as metal or a similarly durable material.
4. All collection areas shall be on concrete slabs.
5. The gate shall be an appropriate size to allow adequate access of the containers by the City's collection contractor.
6. The enclosure and solid waste and recycling containers shall be of a sufficient size and/or number to provide adequate storage for solid waste and recyclable materials generated by the development.
7. Containers shall be clearly marked to identify the type of material which may be deposited.
8. Enclosures or the containers placed therein must provide protection against adverse environmental conditions, such as rain.

D. Location

1. New Construction: Receptacles for collecting and loading recyclable materials and solid waste shall be housed in the same enclosure.
2. Existing Development: If the existing development has an existing trash enclosure, then the required recycling receptacles shall, to the extent possible, be located inside the trash enclosure. If it is not possible to locate the required recycling receptacles in the existing trash enclosure, the recycling receptacles shall be located adjacent to the existing trash enclosure.
3. Enclosures shall be located to the rear of a building where possible.

4. Enclosures shall be located and designed for ease of access by service vehicles and tenants, and in such a way as to minimize conflicts with circulation, parking, and other site uses.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 1st of December, 2016 by the following vote:

AYES: COMMISSIONERS BRAND, BRITTON, CHAPMAN, JENKINS,
VICE CHAIRPERSON DURLING, CHAIRPERSON ROBISON

NOES: NONE

ABSTAIN: NONE

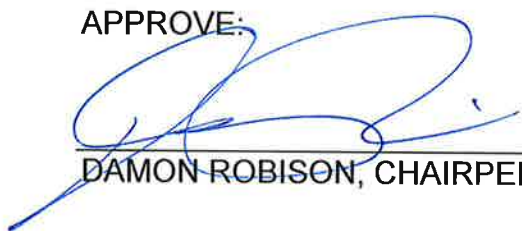
ABSENT: NONE

ATTEST:



DONALD L. RUST, SECRETARY

APPROVE:



DAMON ROBISON, CHAIRPERSON



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

NOTICE OF EXEMPTION

TO:	Butte County Clerk 25 County Center Drive Oroville CA, 95965	FROM:	City of Oroville 1735 Montgomery Street Oroville, CA, 95965
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Project Title: ZC 16-01: Enclosures for Solid Waste and Recyclable Materials

Project Location – Specific: Citywide

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The California Solid Waste Reuse and Recycling Access Act of 1991 identified a lack of adequate areas for collecting and loading recyclable materials that are compatible with surrounding land uses as a significant impediment to diverting solid waste, and constitutes an urgent need for state and local agencies to address access to solid waste for source reduction, recycling and composting activities. Providing for adequate space for recyclables and organics recycling is critical. This is due to the fact that cities and counties are required to implement the Mandatory Commercial Recycling law (PRC 42649) and Mandatory Commercial Recycling Organics law (PRC 42649.8). These laws require cities and counties to provide commercial recycling programs for recyclables and organics for regulated businesses and multifamily complexes. Not ensuring that enclosures in new buildings have adequate space can be a direct impediment to implementing the commercial recycling laws. In order to ensure the City of Oroville is complying with the recycling requirements in California regarding the provision of adequate space for the collection and loading of recyclable materials in development projects, amendments to the City's Zoning Ordinance are being proposed. The proposed code amendments have been drafted using CalRecycle's model ordinance for guidance.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying out Project: City of Oroville

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number:
- General Rule Exemption; Title 14, CCR, §15061(b)(3)
 - Actions by Regulatory Agencies for Protection of the Environment; Title 14, CCR, §15308
- Statutory Exemption: State code number:

Reasons why project is exempt: This project has been determined to be exempt from the California Environmental Quality Act (CEQA) as follows:

General Rule Exemption; Title 14, CCR, §15061(b)(3)

A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The City's Zoning Ordinance already has regulations regarding the provision of refuse enclosures for applicable development projects. The proposed code amendments build upon these requirements to ensure the City's Zoning Ordinance also specifies regulatory requirements for the provision of adequate areas for collection and loading of recyclable materials in development projects in compliance with state law.

Actions by Regulatory Agencies for Protection of the Environment; Title 14, CCR, §15308

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

Not ensuring that enclosures in new buildings have adequate space for recyclable materials can be a direct impediment to implementing California commercial recycling laws. In order to ensure the City of Oroville is complying with the recycling requirements in California regarding the provision of adequate space for the collection and loading of recyclable materials in development projects, amendments to the City's Zoning Ordinance are being proposed. The proposed code amendments have been drafted using CalRecycle's model ordinance for guidance.

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes No

Lead Agency Contact Person: Luis A. Topete

Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
- Signed by Applicant



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
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(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF OROVILLE CITY COUNCIL

NOTICE IS HEREBY GIVEN that the City Council of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at **6:30 p.m. on Tuesday, March 21, 2017** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **ZC 16-01: Enclosures for Solid Waste and Recyclable Materials** - The Oroville City Council will conduct a public hearing to review and consider approving an amendment to Title 17 of the Oroville Municipal Code (Zoning Ordinance) relating to the provision of areas for collecting and loading recyclable materials and solid waste in development projects.

Additional information regarding the projects described in this notice can be obtained from the Oroville Community Development Department at 1735 Montgomery Street, Oroville, CA. Anyone desiring to submit information, opinions or objections is requested to submit them in writing to the Community Development Department prior to the hearing. In accordance with Government Code Section 65009, if you challenge an action on these projects in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public meeting.

Posted/Published: **Saturday, March 11, 2017**

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: AMY BERGSTRAND, MANAGEMENT ANALYST III
BUSINESS ASSISTANCE & HOUSING DEV. DEPARTMENT
DONALD RUST, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: PROFESSIONAL SERVICES AGREEMENT WITH ROY L. HASTINGS &
ASSOCIATES, LLC.**

DATE: MARCH 21, 2017

SUMMARY

The Council may consider a Professional Services Agreement with R.L. Hastings & Associates, LLC., in the amount of \$22,500, for administrative subcontractor services and \$2,250 per month for labor standards monitoring for the 2016 HOME Program, Sierra Heights Apartments, rental new construction project.

DISCUSSION

On June 16, 2015, the City Council authorized staff to submit a rental project application on behalf of Willow Partners LLC., to the State Department of Housing and Community Development. The City was awarded \$4,600,000 in HOME Investment Partnership (HOME) Program funding for the development of a 52-unit Rental New Construction Project for seniors located in the City of Oroville. The rental new construction project (Sierra Heights Apartments) will provide affordable housing to low, lower and extremely low seniors.

Staff emailed a Request for Proposal (RFP), to four (4) companies on February 16, 2017, to provide Administrative Subcontractor services for the Sierra Heights Apartment project., due by March 2, 2017.

Bidder	Total Bid Price
R. L Hastings and Associates Placerville, CA	\$22,500.00 Administrative Services. Approx. \$29,500.00 Labor Standards Monitoring (Estimated at \$2,250 per month for 13 months)
JoAnn Anders	Declined to bid

David Wilkinson	No Response
Laurin and Associates	No Response

On March 8, 2017, Staff requested and received approval from HCD for sole source for Sierra Height Apartment project. Based on R.L. Hasting’s proposal to the City, along with their relevant experience and proposed fees for services, staff is recommending that the Council authorize entering into a professional services agreement with R.L. Hastings & Associates for administrative subcontractor services.

FISCAL IMPACT

HOME has allocated \$100,000 for grant administration for this project. A budget will be established in Fund 222 (HOME Program Grants) when the HOME Investment Partnership Standard Agreement is generated and executed by the City of Oroville and HCD.

RECOMMENDATION

Adopt Resolution No. 8592 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ROY L. HASTINGS, LLC, TO PROVIDE ADMINSTRATIVE SUBCONTRACTOR SERVIES FOR THE 2016 HOME PROGRAM RENTAL NEW CONSTRUCTION PROJECT– (Agreement No. 3213).

ATTACHMENTS

Resolution No. 8592
 Agreement No. 3213

**CITY OF OROVILLE
RESOLUTION NO. 8592**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND
DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES
AGREEMENT WITH ROY L. HASTINGS, LLC, TO PROVIDE
ADMINISTRATIVE SUBCONTRACTOR SERVICES FOR THE 2016 HOME
PROGRAM RENTAL NEW CONSTRUCTION PROJECT**

(Agreement No. 3213)

NOW THEREFORE, be it hereby resolved by the Oroville City Council as follows:

1. The Mayor is hereby authorized and directed to execute a Professional Services Agreement with R.L. Hasting, LLC. to provide Administrative Subcontractor Services for the 2016 HOME Program Rental New Construction Project.
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on March 21, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made on March 21, 2017, by and between the City of Oroville, a municipal corporation (“City”) and R.L. Hastings & Associates, LLC (“Consultant”).

RECITALS

- A. Consultant is specially trained, experienced and competent to provide the services as required by this Agreement; and
- B. Consultant possesses the skill, experience, ability, background, license, certification, and knowledge to provide the services described in this Agreement on the terms and conditions described herein.
- C. City desires to retain Consultant for consulting services to provide Administrative Subcontractor services for the City's 2006 HOME Grant allocation from the State Department of Housing and Community Development.

AGREEMENT

- 1. Scope of Services. The Consultant shall furnish the following services in a professional manner: Consultant shall perform the services described on Exhibit “A” which is attached hereto and incorporated herein by reference; and, in the manner specified in the Scope of Services entitled Exhibit “A,” subject to the direction of the City through its staff that it may provide from time to time.
- 2. Time of Performance. The services of Consultant are to commence upon execution of this Agreement and shall continue **thirteen (13) months from issuance of the Notice to Proceed (or equivalent notice) to issuance of the Certificate of Occupancy (or equivalent notice)**. If construction extends beyond 13 months from the Issuance of the Notice to Proceed by the City to the developer, additional written authorization from the City governing body will be

required.

3. Compensation. Compensation to be paid to Consultant shall be in accordance with the Schedule of Charges set forth in Exhibit A, which is attached hereto and incorporated herein by reference. In no event shall Consultant's compensation exceed a total amount of \$22,500 for Administrative Services, and \$2,250 per month for the Labor Standards Component, starting from holding the Pre-construction conference, issuance of Notice to Proceed by the Project until the recording of the Notice of Completion or last date of work on the project site, whichever occurs later, but in no event beyond twenty (20) months, from the date of commencement of work. Payment by City under this Agreement shall not be deemed a waiver of defects in Consultant's services, even if such defects were known to the City at the time of payment.
4. Method of Payment. Consultant shall submit detailed monthly billings to City describing the work performed during the preceding month. Consultant's bills shall include a brief description of the services performed, the date the services were performed, the number of hours spent and by whom, and a description of any reimbursable expenditures. City shall pay Consultant no later than 30 days after approval of the monthly invoice by City staff. When payments made by City equal 90% of the maximum fee provided for in this Agreement, no further payments shall be made for yearly services until the final work for each audit under this Agreement has been accepted by City.
5. Extra Work. At any time during the term of this Agreement, City may request that Consultant perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of

Consultant's services, but which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Consultant shall not perform, nor be compensated for, Extra Work without prior written authorization from City.

6. Termination. This Agreement may be terminated by the City immediately for cause or by either party without cause upon fifteen days' written notice of termination. Upon termination, Consultant shall be entitled to compensation for services properly performed up to the effective date of termination.
7. Ownership of Documents. All plans, studies, documents and other writings prepared by and for Consultant, its officers, employees and agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of the City upon payment to Consultant for such work, and the City shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, at Consultant's expense, provide such reports, plans, studies, documents, and other writings to City within three (3) days after written request.
8. Licensing of Intellectual Property. This Agreement creates a nonexclusive and perpetual license for City to copy, use, modify, reuse, or sub-license any and all copyrights, designs, and other intellectual property embodied in documents or works of authorship fixed in any tangible medium of expression, including but not limited to, data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Consultant under this Agreement ("Documents and Data"). Consultant shall require all subcontractors to agree in writing that City is granted a nonexclusive and perpetual license for any

Documents and Data the subcontractor prepares under this Agreement. Consultant represents and warrants that Consultant has the legal right to license any and all Documents and Data. Consultant makes no such representation and warranty in regard to Documents and Data which may be provided to Consultant by City. City shall not be limited in any way in its use of the Documents and Data at any time, provided that any such use not within the purposes intended by this Agreement shall be at City's sole risk.

9. Confidentiality. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents and Data either created by or provided to Consultant in connection with the performance of this Agreement shall be held confidential by Consultant. Such materials shall not, without the prior written consent of City, be used by Consultant for any purposes other than the performance of the services under this Agreement. Nor shall such materials be disclosed to any person or entity not connected with the performance of the services under this Agreement. Nothing furnished to Consultant which is otherwise known to Consultant or is generally known, or has become known, to the related industry shall be deemed confidential. Consultant shall not use City's name or insignia, photographs relating to project for which Consultant's services are rendered, or any publicity pertaining to the Consultant's services under this Agreement in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of City.

10. Lobbying.

No Federal appropriated funds have been paid or will be paid, by or on behalf of

it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

11. Consultant's Books and Records.

- a. Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services, expenditures and disbursements charged to City for a minimum period of four (4) years, or for any longer period required by law, from the date of final payment to Consultant to this Agreement.
- b. Consultant shall maintain all documents and records which demonstrate performance under this Agreement for a minimum of four (4) years, or for any longer period required by law, from the date of termination or completion of this Agreement.
- c. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit, at any time during regular business hours, upon written request by the City Administrator, City Attorney, City Finance Director, or a designated representative of these officers. Copies of such documents shall be provided to the City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records

shall be available at Consultant's address indicated for receipt of notices in this Agreement.

- d. Where City has reason to believe that such records or documents may be lost or discarded due to dissolution, disbandment or termination of Consultant's business, City may, by written request by any of the above named officers, require that custody of the records be given to the City and that the records and documents be maintained by City Hall.

12. Independent Contractor. It is understood that Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and shall not act as an agent or employee of the City. Consultant shall obtain no rights to retirement benefits or other benefits which accrue to City's employees, and Consultant hereby expressly waives any claim it may have to any such rights.

13. Interest of Consultant. Consultant (including principals, associates, and professional employees) covenants and represents that it does not now have any investment or interest in real property and shall not acquire any interest, direct or indirect, in the area covered by this Agreement or any other source of income, interest in real property or investment which would be affected in any manner or degree by the performance of Consultant's services hereunder. Consultant further covenants and represents that in the performance of its duties hereunder no person having any such interest shall perform any services under this Agreement.

Consultant is not a designated employee within the meaning of the Political Reform Act because Consultant:

- a. will conduct research and arrive at conclusions with respect to its rendition of information, advice, recommendation, or counsel independent of the control and direction of the City or any City official, other than normal agreement monitoring; and
 - b. possesses no authority with respect to any City decision beyond rendition of information, advice, recommendation or counsel. (FPPC Reg. 18700(a)(2).)
13. Professional Ability of Consultant. City has relied upon the professional training and ability of Consultant to perform the services hereunder as a material inducement to enter into this Agreement. All work performed by Consultant under this Agreement shall be in accordance with applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Consultant's field of expertise.
14. Compliance with Laws. Consultant shall use the standard of care in its profession to comply with all applicable federal, state and local laws, codes, ordinances and regulations.
15. Licenses. Consultant represents and warrants to City that it has all licenses, permits, qualifications, insurance and approvals of whatsoever nature which are legally required of Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance and approvals which are required by the City for its business.
16. Indemnity. Consultant agrees to defend, indemnify and hold harmless the City, its officers, officials, agents, employees and volunteers from and against any and

all claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all costs and expenses in connection therein), arising from its performance of this Agreement or its failure to comply with any of its obligations contained in this Agreement, except for any such claim arising from the sole negligence or willful misconduct of the City, its officers, agents, employees or volunteers.

17. Insurance Requirements.

a. Consultant, at Consultant's own cost and expense, shall procure and maintain, for the duration of the Agreement, the insurance coverage and policies as set forth in Exhibit "B" attached hereto.

18. Notices. Any notice required to be given under this Agreement shall be in writing and either served personally or sent prepaid, first class mail. Any such notice shall be addressed to the other party at the address set forth below. Notice shall be deemed communicated within 48 hours from the time of mailing if mailed as provided in this section.

If to City: Amy Bergstrand
Business Assistance & Housing Development
City of Oroville
1735 Montgomery Street
Oroville, CA 95965-4897

If to Consultant: R.L. Hastings & Associates, LLC
1765 Carson Rd.
Placerville CA 95667

19. Entire Agreement. This Agreement constitutes the complete and exclusive statement of Agreement between the City and Consultant. All prior written and oral communications, including correspondence, drafts, memoranda, and representations are superseded in total by this Agreement.

20. Amendments. This Agreement may be modified or amended only by a written document executed by both Consultant and City and approved as to form by the City Attorney.
21. Assignment and Subcontracting. The parties recognize that a substantial inducement to City for entering into this Agreement is the professional reputation, experience and competence of Consultant. Assignments of any or all rights, duties or obligations of the Consultant under this Agreement will be permitted only with the express prior written consent of the City. Consultant shall not subcontract any portion of the work to be performed under this Agreement without the prior written authorization of the City. If City consents to such subcontract, Consultant shall be fully responsible to City for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between City and subcontractor nor shall it create any obligation on the part of the City to pay or to see to the payment of any monies due to any such subcontractor other than as otherwise required by law.
22. Waiver. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision under this Agreement.
23. Severability. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.
24. Controlling Law Venue. This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Agreement shall be held exclusively in a state, or U.S. District Court with

the jurisdiction for the County of Butte.

25. Litigation Expenses and Attorneys' Fees. If either party to this Agreement commences any legal action against the other party arising out of this Agreement, the prevailing party shall be entitled to recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees.
26. Mediation. The parties agree to make a good faith attempt to resolve any disputes arising out of this Agreement through mediation prior to commencing litigation. The parties shall mutually agree upon the mediator and shall divide the costs of mediation equally. If the parties are unable to agree upon a mediator, the dispute shall be submitted to American Arbitration Association (AAA) or its successor in interest. AAA shall provide the parties with the names of five qualified mediators. Each party shall have the option to strike two of the five mediators selected by AAA and thereafter the mediator remaining shall hear the dispute. If the dispute remains unresolved after mediation, either party may commence litigation.
27. Execution. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.
28. Authority to Enter Agreement. Consultant has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each party warrants that the individuals who have signed this Agreement have

the legal power, right, and authority to make this Agreement and to bind each respective party.

29. Prohibited Interests. Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.
30. Discrimination Acts and Assurances. The Consultant during the performance of this Agreement assures that no otherwise qualified person, shall be excluded from participation or employ, denied program benefits, or be subjected to discrimination based on race, color, national origin, sex, age, or handicap, under any program or activity funded by this contract, as required by Title VI of the Civil Rights Act of 1964, Title I of the Housing and Community Development Act of 1974, as amended, and the Age Discrimination Act of 1975, and all implementing regulations.
31. Section 3 Requirements. Work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance

from the Department of Housing and Urban Development, and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of this project.

The parties to this Agreement will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

The City, at direction from the State, will take appropriate action pursuant to this contract upon a finding that the Consultant or its subcontractor(s) is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135.

32. Nondiscrimination Clause. During the performance of this contract, consultant and its subcontractors shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age (over 40) or sex. Consultant shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et. seq.) And the applicable

regulations promulgated thereunder (California Code of Regulation, Title 2, Section 7258.0 et. seq.) The applicable regulations of the Fair Housing Commission implementing the California Code of Regulations are incorporated into this contract by reference and made a part hereof as if set forth in full. Consultant shall give written notice of their obligation under this clause to labor organizations with which they may have a collective bargaining or other agreement.

Consultant shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this contract.

33. Equal Employment Opportunity. In rendering the services contemplated by this agreement with City, Consultant shall not discriminate against any employee or applicant for employment because of race, color, creed, sex, age, or national origin. Consultant shall comply with Title IV of the Civil Rights Act of 1964 and shall provide such reports as may be required to carry out the intent of this section. Consultant shall also comply with Executive Order 11246, as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR, Part 60). Furthermore:

A. Consultant shall take affirmative action to insure that job applicants are employed and that employees are treated during employment without regard to race, religion, sex, color, age, national origin, or physical handicap. The term "affirmative action" shall include, but not be limited to: employment, upgrading, demotion or transfer; recruitment advertisement; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

- B. Consultant agrees to post such notices, to be provided, setting forth the provisions of this equal employment opportunity and affirmative action program.
 - C. Consultant shall in all solicitations or advertisements for employees placed by or on behalf of the Consultant state that all qualified applicants will receive consideration to employment without regard to race, religion, sex, color, age, national origin, or physical handicap. Notification that Consultant is an "Equal Opportunity Employer" or "EOE" constitutes satisfaction in this notice requirement.
34. Fair Employment Practices. Consultant will permit access to records of employment, employment advertisements, application forms, and other pertinent data and records by the State Fair Employment Practices Commission, or any other agency of the State of California designated by awarding authority, for the purposes of investigation to ascertain compliance with the Fair Employment Practices Provision. In the event of any violations by the Consultant of state fair employment laws, the State of California shall have the right to terminate this agreement either in whole or in part. In the event of such termination, any loss or damage sustained by the State of California and/or the CITY in securing the goods or services hereunder shall be borne and paid for by the Consultant and by their surety under performance bond, if any, and, in addition to other remedies, the State of California and the CITY may deduct from any monies due or that thereafter become due to the Consultant the difference between the price named in the particular agreements and the actual cost thereof to the State of California and the CITY.

35. Compliance with Labor Code of State of California. Pursuant to the provisions of Section 3700 of the Labor Code, Consultant will require every employer to be insured against liability for workman's compensation, or to undertake self-insurance in accordance with the provisions of that code, and will comply with such provisions before commencing the performance of the work of a particular agreement. Furthermore, Consultant shall also provide evidence of workmen's compensation insurance, unemployment insurance and disability insurance to cover all of Consultant's employees.

36. The Civil Rights Act, HCD, Age Discrimination and Rehabilitation Acts Assurance.

During the performance of this contract the Consultant assures that no otherwise qualified person shall be excluded from the participation or employment, denied program benefits, or be subject to discrimination based on race, color, national origin, sex, age or handicap, under any program or activity funded by this contract, as required by Title VI of the Civil Rights Act of 1964, Title I, of the Housing and Community Development Act of 1974, as amended, the Age Discrimination Act of 1975 and the Rehabilitation Act of 1973, and all implementing programs.

37. The Training, Employment and Contracting Opportunities for Business and Lower Income Persons Assurance of Compliance.

a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of

1968, as amended, 12 U.S.C., 1701 u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.

- b. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The Consultant will send to each labor organization or representative of workers with which there is a collective bargaining agreement or other contract or understanding, if any, a notice advertising the said labor organization or worker's representative of the commitment under this Section 3 Clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The Consultant will include this Section 3 Clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon finding the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban

Development, 24 CFR Part 135 and will not let any subcontract unless the subcontractor has first provided a preliminary statement of ability to comply with the requirements of these regulations.

- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractor or subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

38. State Nondiscrimination Clause

- a. During the performance of this contract, contractor and its subcontractors shall not lawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age (over 40), or sex. Contractors and subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. Contractors and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Administrative Code Section 12990), set forth in

Chapter 5 of Division 4 of Title 2 of the California Administrative Code, are incorporated into this contract by reference and made a part hereof as if set forth in full. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

b. This contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this contract.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first written above.

CITY OF OROVILLE

R.L. Hastings & Associates, LLC

By: _____
Linda L. Dahlmeier, Mayor

By: _____
Roy Hastings, Principal

APPROVED AS TO FORM:

ATTEST:

By: _____
Scott E. Huber, City Attorney

By: _____
Donald Rust, Acting City Clerk

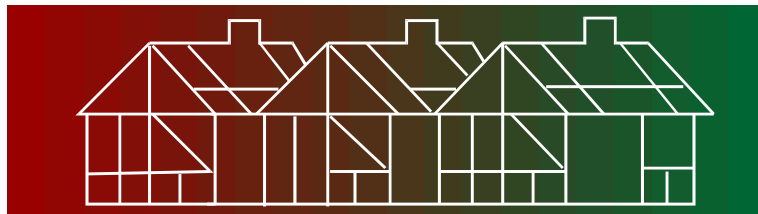
Attachments: Exhibit A– Scope of Services and Charges
Exhibit B– Insurance Requirements

City of Oroville
Request for Proposals
for
Administrative Subcontractor
2016 HOME Program

◇ **RFP Response** ◇

Closing Date: March 2, 2017

Helping Build Affordable Communities



R.L. Hastings & Associates, LLC
Affordable Housing Consultants

916.397.6795

City of Oroville Request For Proposals

2016 HOME Program Administrative Subcontractor Services

Project Name: Sierra Heights Senior Apartments

Project Address: Executive Parkway, Oroville, CA

Requestor: City of Oroville

Contact Person: Amy Bergstrand, Manager

Phone(s): Office: 530.538.2584 Fax: _____

Email: abergstrand@cityoforoville.org

R.L. Hastings & Associates, LLC
Affordable Housing Specialists

Main Office
P.O. Box 552
Placerville, CA 95667

916.397.6795 • Phone

roy@rlhastings.com • Email

R.L. Hastings & Associates, LLC

Main Office • 916.397.6795

February 21, 2017

Administrative
Subcontractor
Services

Amy Bergstrand, Manager
Business Assistance & Housing Development
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

NEPA
Environmental
Assessments

RE: 2016 HOME Program - Request for Proposals
HOME Administrative Subcontractor Services

Federal & State
Prevailing Wage
Monitoring

Dear Ms. Bergstrand,

Attached please find R.L. Hastings & Associates' proposal to provide HOME Administrative Subcontractor Services to the City of Oroville for the City's use of 2016 HOME Program funds for construction of the Sierra Heights Senior Apartments, Rental New Construction project.

Grant & Loan
Applications

This proposal is for providing Administrative Subcontractor Services to the City as stated in the City of Oroville's February 16, 2017, Request for Proposals, Section II, Scope of Work.

Relocation Plans/
Implementation

If selected, we are prepared to begin immediately and to perform all tasks in a timely and complete manner. A resume, references, and project list for Roy Hastings and R.L. Hastings & Associates are attached.

HUD Noise
Assessments
(NAG)

Thank you for the opportunity to present this proposal to you. Please feel free to contact me should you have any questions or comments about this proposal.

Sincerely,

Roy Hastings

Roy Hastings, MPPA
R.L. Hastings & Associates, LLC

Long-Term
Monitoring

Main Office
P.O. Box 552
Placerville, CA 95667
Phone: 916.397.6795
roy@rlhastings.com

Affordable Housing Specialists

**RESPONSE TO
REQUEST FOR PROPOSALS**

**RFP Release Date: February 16, 2017
RFP Closing Date: March 2, 2017**

CITY OF OROVILLE

**2016 HOME PROGRAM
HOME ADMINISTRATIVE SUBCONTRACTOR SERVICES**

Submitted by:

**R.L. Hastings & Associates, LLC
P.O. Box 552
Placerville, CA 95667**

**Administrative
Subcontractor
Services**

**NEPA
Environmental
Assessments**

**Federal & State
Prevailing Wage
Monitoring**

**Grant & Loan
Applications**

**Relocation Plans/
Implementation**

**HUD Noise
Assessments
(NAG)**

**Long-Term
Monitoring**

1. DESCRIPTION OF FIRM

R.L. Hastings & Associates, LLC is solely owned by Mr. Roy Hastings. Mr. Hastings will be primarily responsible for performing the proposed work but may utilize the assistance of other staff including Mr. Bobb Lunt, Ms. Katia Hastings, or Ms. Chinatsu Yoshida. R.L. Hastings & Associates has been helping meet the affordable housing needs of California communities since 2001 by providing services related to a number of affordable housing finance programs including USDA and California State Department of Housing and Community Development-based programs; e.g., CDBG, the HOME Program, the Joe Serna, Jr. Farmworker Housing Grant Program, and the MHP Program. Please see attached resume for additional information on individual and firm experience.

Contact Information: Roy Hastings
R.L. Hastings & Associates, LLC

Main Office:
P.O. Box 552
Placerville, CA 95667
Phone: 916.397.6795
E-mail: roy@rlhastings.com

2. RESUMES AND PROJECT LIST

See attached resume for Roy Hastings and Project List for R.L. Hastings & Associates, LLC.

3. RELEVANT EXPERIENCE

HOME Program Project Set-Up

R.L. Hastings & Associates has provided Administrative Subcontractor services for 68 HOME Project Set-Ups in California. We are currently working as Administrative Subcontractor for the Cities of Avenal and Eureka, and the Counties of San Benito and Yolo. R.L. Hastings & Associates has completed 3 prior HOME Set-Ups for the City of Oroville. Please see attached Project List for details.

Labor Standards Compliance Monitoring

R.L. Hastings & Associates has performed Labor Standards Compliance Monitoring services on over 70 projects in California. We are currently performing this service for the Cities of Avenal and Eureka, the County of Yolo, Eden Housing (2), MidPen Housing Corporation (3) and Rural Communities Housing Development Corporation (RCHDC) R.L. Hastings & Associates has completed a number of labor standards compliance monitoring projects for the City of Oroville. Please see attached Project List for details.

NEPA Environmental Assessments

R.L. Hastings & Associates has completed over 100 NEPA Environmental Assessments (EA). We are currently completing a NEPA EA for the Sierra Heights Senior Apartments project in the City of Oroville and have just completed a USDA NEPA EA in the City of Calistoga . R.L. Hastings & Associates has completed a number of NEPAs for the City of Oroville. Please see attached Project List for details.

4. REFERENCES:

Please see attached References. Please feel free to call any of the Cities R.L. Hastings & Associates has performed Administrative Subcontractor services for to obtain references.

5. PROPOSED TIMETABLE

A timetable for submission of the HOME Set-Up binder to HCD staff and other milestones will be developed in consultation with the City and Developer. All parties need to be aware that HCD requires receipt of the complete Set-Up binder a minimum of 60 days prior to loan closing and/or beginning of construction.

The ability of Consultant to meet deadlines is dependent on City and Developer providing all required documents and responses to HCD staff inquiries in a timely manner, along with the

Developer obtaining all other permits and financing required to complete the project. A proposed timetable (which may be altered as necessary) based on an estimated start date of May 1, 2017 is below.

May 1, 2017 – Send checklist with HOME Project Set-Up requirements and responsibilities to City and project Developer. Send drafts of required Set-Up letters to the City and Developer, as appropriate, for signature. Begin collection of documents;

June 15, 2017 – Submit Set-Up Binder to HCD. Meeting this proposed date depends on receipt of all required documents, including HCD-required financial documents, from the City and Developer prior to this date. Note that there is often a delay in receiving the final financials from the project Developer which can affect then the Set-Up Binder will be ready to provide to HCD. HCD has recently begun allowing documents to be submitted as available rather than waiting to submit all at once but prefers that they are submitted in as large of batches as possible;

August 15, 2015 – Receive Project Set-Up approval from HCD and authorization to proceed with construction and loan closing;

Ongoing until completion – Prepare and submit required monthly project status reports and assist in the preparation of annual reports.

6. SCOPE OF WORK

HOME PROJECT SET-UP

Consultant will perform the following tasks:

- Prepare project Set-Up binder and submit copies to HCD and the City;
- Review project financials and verify they meet HCD Uniform Multifamily Regulation (UMR) requirements and coordinate corrections if required;
- Prepare subsidy layering analysis check sheet and verify compliance;
- Assist in preparation of required security documents to ensure that they include, and do no conflict with, UMR requirements or other HCD requirements;
- Prepare Project Set-Up Report;
- Maintain public file on an ongoing basis;
- Apprise City of all applicable federal and state requirements related to HOME funds and facilitate meeting such requirements.

PROJECT ADMINISTRATION AND MONTHLY MONITORING

Consultant will perform the following tasks:

- Review for compliance and prepare project and administrative draw-down requests;
- Prepare Monthly Project Status Reports and applicable portions of Annual Performance

Reports (projects do not require quarterly reports).

PROJECT COMPLETION

Consultant will perform the following tasks:

- Prepare Project Completion Report;
- Prepare Project Close-Out Manual for City;
- Perform other tasks outlined in RFP, Section II “Scope of Work,” as required.

6a. Fee For Services

R.L. Hastings & Associates does not bill on an hourly basis for HOME Project Set-Up Administrative Subcontractor Services. We provide a lump sum bid that covers all normal tasks and expenses.

\$22,500 payable as follows:

- \$12,500 payable upon Project Set-Up Approval by HCD (set-up in IDIS system)
- \$ 2,500 payable upon Start of Construction (issuance of Notice to Proceed)
- \$ 2,500 payable upon Completion of Construction (recorded Notice of Completion)
- \$ 5,000 payable upon Project Completion (acceptance of Project Completion Report by HCD)

7. DAVIS-BACON LABOR COMPLIANCE MONITORING

Consultant will perform the following tasks:

- Hold Pre-construction Conference, if requested;
- Ensure posting of required Job Site Notices;
- Collect and Monitor weekly Payroll Reports;
- Conduct Job Site Employee Interviews;
- Coordinate Resolution of Wage Restitution, if required;
- Prepare Reports of Wage Restitution, if required;
- Collect and Monitor Weekly Reports of Subcontractors on Job Site and compare to payrolls;
- Prepare and Submit monthly Labor Certifications to HOME;
- Assist with preparation of annual Section 3 reports;
- Prepare final labor standards report and submit to HCD;
- Prepare final project file and provide to City.

7a. Fee For Services

- \$2,250 billed monthly starting from holding of the Pre-construction conference, issuance of the Notice to Proceed by the project Developer/Owner to the General Contractor, or first day of work on the project site, whichever occurs first, until recording of the Notice of Completion or the last date of work on the project site, whichever occurs later.

8. ADDITIONAL SERVICES

R.L. Hastings & Associates provides a number of additional services that may be required by the City for this or other projects. Any additional services not covered by the agreed upon scope of work will be charged at an hourly rate of \$125.00 per hour. All additional services to be approved in advance by City and costs to be reimbursed upon City approval of invoices and valid documentation of expenses.

Additional services provided by R.L. Hastings & Associates include, but are not limited to: CDBG administrative subcontractor services; long-term Monitoring of HOME projects; preparation of relocation plans; relocation of businesses and owners or tenants; preparation of NEPA Environmental Assessments; preparation of HUD NAG (noise) studies; preparation of various grant applications; labor standards compliance services including payroll management services for general contractors and subcontractors, and; long-term project administrative oversight services.

The undersigned is authorized to sign this proposal on behalf of R.L. Hastings & Associates, LLC.

Roy Hastings

**Roy Hastings, MPPA
R.L. Hastings & Associates, LLC**

RESUME

EDUCATION:

- GRADUATE:** University of California at Davis
Ph.D. program in Political Science
- PROFESSIONAL:** California State University, Sacramento
M.P.P.A. - Master of Public Policy & Administration, 1995
- UNDERGRADUATE:** Northwest Christian College, Eugene, Oregon
B.S. Psychology and Christian Ministry, 1984

PROFESSIONAL HISTORY:

2001 to Present: Private consulting practice with an emphasis on affordable housing grant and loan programs, including the HOME and CDBG Programs, Multifamily Housing Program (MHP), Joe Serna Jr., Farmworker Housing Grant Program, California Tax Credit Allocation Committee (CTCAC): Provide administrative subcontractor services, federal labor standards monitoring, relocation plans and relocation services, long-term monitoring, preparation of HUD noise studies and NEPA Environmental Assessments for HOME, CDBG, USDA. R.L. Hastings & Associates also oversees the California Department of Justice process providing sex offender registration information to public housing authorities in California.

Prior to 2001: Graduate Student (Political Science Ph.D. Program): University of California, Davis. 1996-2001
Teaching Assistant (Political Science): University of California, Davis. 1996-2001
Adjunct Assistant Professor: California State University, Sacramento. Taught in the Department of Politology at Far Eastern State University, Vladivostok, Russia from October-December 1995, appointed 10/1995 to 6/1996
Graduate Student (Public Policy and Administration): California State University, Sacramento, 1992-1995
Jesse Marvin Unruh Assembly Fellow: California State Assemblyman B.T. Collins, 1991-1992
Undergraduate Student: San Jose State University, San Jose, CA, 1989-1991
English Conversation Instructor: Osaka-Sakai YMCA Gakuin, Osaka, Japan, 1986-1988

MILITARY: U.S. Air Force, Sergeant; Integrated Avionics Systems Specialist, 1973 to 1979

Administrative
Subcontractor
Services

NEPA
Environmental
Assessments

Federal & State
Prevailing Wage
Monitoring

Grant & Loan
Applications

Relocation Plans/
Implementation

HUD Noise
Assessments
(NAG)

Long-Term
Monitoring

R.L. HASTINGS & ASSOCIATES, LLC

CLIENT LIST

Abhay Gokani Corporation
AMCAL
American Communities, LLC (AC)
BRIDGE Housing Corporation
Burbank Housing (BH)
California Community Builders, Inc. (CCB)
California Association of Housing Authorities (CAHA)
California Assoc. of Local Housing Finance Agencies
California Engineering Company (CEC)
California Strategic Solutions (CSS)
Capital Valley Investments/Ezralow (CVI)
Central Valley Coalition for Affordable Housing (CVCAH)
CFY Development, Inc. (CFY)
Chandler Properties
Chelsea Investment Corporation
Community Housing Improvement Systems and Planning Association, Inc. (CHISPA)
Community Housing Opportunities Corporation
City of Anderson
City of Avenal
City of Bishop
City of Calexico
City of Calipatria
City of Capitola
City of Chowchilla
City of Dinuba
City of Eureka
City of Farmersville
City of Firebaugh
City of Gardena
City of Hanford
City of Hemet
City of Hesperia
City of Huntington Park
City of Lindsay
City of Madera
City of Marina
City of Orland
City of Oroville
City of Parlier
City of Red Bluff
City of Riverbank
City of Roseville
City of Soledad
City of Tulare
City of Woodlake
Communities West, LLC (CW)
Community Housing Improvement Program (CHIP)
Corporation for Better Housing (CBH)
County of Del Norte
County of Imperial
County of Kings
County of Lake
County of Nevada
County of San Benito
County of Tulare
GALA Construction, Inc. (GALA)
Global Premier Development, Inc. (GPD)
Greenlining Institute (GI)
Highland Property Development, LLC (HPD)
InnerCity Housing Development Corporation (ICHDC)
Interim, Inc.
KDF Communities, LLC (KDF)
Law Offices of Patrick Sabelhaus (PRS)
Lucas General Contracting Corp. (LGCC)
Many Mansions
McFarlane Costa Housing Partners (MCHP)
M.E. Shay & Co. (MES)
Mercy Housing (MH)
Michaels Development Co.
Micon Real Estate (MRE)
Mid-Peninsula Housing Coalition (MPHC)
Napa Valley Community Housing
Pacific West Communities (PWC)
Resources for Community Development (RCD)
Rural Communities Housing Development Corp. (RCHDC)
Sacramento Housing & Redevelopment Agency
South County Housing
Simpson Housing Solutions (SHS)
Strathmore PUD
The Forest Group
Town of Mammoth Lakes
USA Properties
Wasco Affordable Housing, Inc.
West Sacramento Housing Development Corp.

R.L. HASTINGS & ASSOCIATES, LLC

PROJECT LIST

California Department of Justice

Process Sex Offender Registration Information Requests from Housing Authorities through the California Department of Justice (ongoing)

Federal & State Labor Standards (72)

Bridge Housing, Inc. (Chino)	Inc.(CHIP) (Marysville)
Burbank Housing (2 - Santa Rosa)	County of Del Norte
CFY Development, Inc. (Wasco)	County of Kings - Armona
Chelsea Investment Corp. (2))	County of Lake (2)
City of Anderson	County of Tulare
City of Avenal	GALA Construction (SHRA projects)
City of Bishop	• Asbury Place
City of Calexico (2)	• Ashford Heights Apartments, Antelope
City of Calipatria	• Breckenridge Apartments, Sacramento
City of Capitola	• Hastings Park Apartments, North Highlands
City of Chowchilla	• Shenandoah Apartments, Sacramento
City of Dinuba (2)	• The Cascades, Rancho Cordova
City of El Centro (2)	• Orland Manor, Orland
City of Eureka	Global Premier Development (Anaheim)
City of Farmersville	Interim, Inc. (Marina)
City of Hanford (2)	KDF Communities, LLC
City of Hemet	Lucas General Contracting Corp. (Carlsbad & San Clemente)
City of Hesperia (3)	Many Mansions (Thousand Oaks)
City of Madera (2)	Mercy Housing (2 - Sacramento)
City of Orland (2)	Mid-Peninsula Housing (4)
City of Oroville (5)	Resources for Community Development (3)
City of Parlier (2)	Rural Communities Housing Dev. Corp. (3)
City of Riverbank	Strathmore PUD
City of Roseville	
City of Woodlake	
Community Housing Improvement Program,	

State of California HOME Program Applications (28)

City of Calexico	City of Ione (2)
City of Camarillo	City of Newman
City of Clearlake (w/PRS)	County of Lake
City of Crescent City (w/PRS)	City of Roseville (2011)
City of Delano (w/PRS)	City of Soledad
City of Firebaugh (3- 2 FTHB Project; 1 Project)	City of Susanville (w/PRS)
City of Gardena	City of Wasco
City of Grass Valley	City of Yuba City (w/PRS)
City of Hesperia (4: 2 Project, 1 Program, 1 Supplemental Project)	County of Yuba (w/PRS)
	Ford Street Project
	Rural Communities Housing Dev. Corp.

HOME Program - Administrative Subcontractor Services (Project Set-Up) (67)

- | | |
|-------------------------------------|---------------------------|
| City of Anderson | City of Merced (NSP) |
| City of Avenal | City of Monterey |
| City of Bishop | City of Newman |
| City of Calexico (4) | City of Orland (2) |
| City of Calipatria | City of Oroville (3) |
| City of Capitola | City of Parlier (2) |
| City of Clearlake (2) | City of Porterville |
| City of Chowchilla | City of Riverbank (2) |
| City of Dinuba | City of Roseville |
| City of El Centro (2) | City of Soledad |
| City of Eureka | City of Tulare |
| City of Farmersville | City of Watsonville |
| City of Firebaugh (2 FTHB Projects) | City of Wasco |
| City of Gardena | City of Woodlake (2) |
| City of Grass Valley (2) | County of Del Norte (2) |
| City of Hanford (2) | County of El Dorado |
| City of Hemet | County of Imperial (2) |
| City of Hesperia (3) | County of Kings |
| City of Jackson | County of Lake |
| City of Lindsay | County of San Benito |
| City of Madera (2) | County of Tulare |
| City of Marina | County of Yuba |
| City of Mendota (2) | Town of Mammoth Lakes (2) |

Joe Serna, Jr. Farmworker Grant Program Applications (2)

- County of Butte Housing Authority
- City of Firebaugh

Affordable Housing Program (AHP) Applications (2)

- West Sacramento Housing Development Corporation
- The Forest Group

EHAP Applications (1)

- Amador-Tuolumne Community Action Agency

Multifamily Housing Program (MHP) Applications (12)

- | | |
|--------------------------------------|-------------------------------------|
| City of Aliso Viejo (GPD) | City of Desert Hot Springs (HPD) |
| City of Alturas (HPD) | City of Gridley (MRE) |
| City of Atascadero (MRE) | City of Ione (MRE - 2) |
| Cities of Blythe and Coachella (HPD) | City of Winters (MRE - 2) |
| City of Calexico (HPD) | Community of Fall River Mills (HPD) |

NEPA Environmental Assessments (103)

- | | |
|---|-----------------------------------|
| Abhay Gokani Corporation (2 - Los Angeles) | City of Atascadero (USDA for CBH) |
| CHISPA, Inc. (4) (Castroville, Hollister, San Benito Co., Marina) | City of Bishop |
| | City of Brawley |

City of Calexico	City of Porterville (2)
City of Calistoga (USDA for CBH)	City of Reedley (USDA & HOME for CBH)
City of Cloverdale (USDA for CBH)	City of Salinas (for MidPen Housing)
City of Corning (2)	City of Selma (USDA for CBH)
City of Escondido (USDA for CBH)	City of Soledad
City of Farmersville	City of Solvang (for Santa Barbara County)
City of Firebaugh (2)	City of Wasco
City of Fortuna	City of Watsonville (2)
City of Gardena	City of Williams (USDA for CBH)
City of Globe, AZ	City of Woodlake
City of Grass Valley (3)	City of Yuba City
City of Gridley	Consolidated Area Housing Authority of Sutter County (USDA)
City of Hanford	County of Del Norte (2)
City of Hemet	County of Humboldt
City of Hesperia (3)	County of Lake (2)
City of Hollister (USDA for CBH)	County of Nevada
City of Inglewood	County of San Benito (for CHISPA)
City of Jackson	County of Yuba
City of Lemoore	Town of Mammoth Lakes (3)
City of Lincoln	Jamboree Housing
City of Lindsay	LINC Housing
City of Marina (for CHISPA)	Micon Real Estate [4 (3 TCAC ARRA; 1 USDA)]
City of Mendota	Mid-Peninsula Housing (11)
City of Monterey (for MidPen Housing)	Rural Communities Housing Dev. Corp. (3)
City of Orland	South County Housing (3)
City of Oroville (4)	Wasco Affordable Housing, Inc. (Lost Hills - USDA)
City of Parlier	Yolo County Housing (12)
City of Pixley	
City of Placerville	

Long-Term Monitoring Services

City of Capitola	City of Tulare
City of Chowchilla	County of Del Norte (2 projects)
City of Farmersville	Town of Mammoth Lakes (3 projects)
City of Oroville (4 projects)	
City of Soledad (2 projects)	

Relocation Services

- American Communities, LLC - Relocation Plan	Tenant Relocation
- City of Capitola	• Briarwood Apartments, Sacramento - Relocation Plan
- City of Grass Valley (MES - w/ Laurin Assoc.)	• The Oaks Apartments, Antelope - Relocation Plan
- City of Oroville (MES - w/ Laurin Assoc.)	• Orland Apartments, Orland - Tenant Relocation
- Communities West, LLC - Relocation Plan	• Pinewood Place Apts, Sac, Relocation Plan
- GALA Construction	• Shenandoah Apartments, Sacramento - Tenant Relocation
• Asbury Place Apartments, Sacramento - Tenant Relocation	- Highland Property Development, LLC
• Ashford Heights Apartments, Antelope - Tenant Relocation	
• Breckenridge Apartments, Sacramento -	

-
- City of Alturas - Contingent Relocation Plan
 - City of Calexico - Contingent Relocation Plan
 - City of Desert Hot Springs - Contingent Relocation Plan
 - Cities of Blythe and Coachella - Contingent Relocation Plan
 - Community of Fall River Mills - Contingent Relocation Plan
 - Rio Linda Manor Apts, Sacramento - Relocation Plan
 - Community Housing Opportunities Corporation - Relocation Plan & Temporary and Permanent Tenant Relocation (Davis)
 - InnerCity Housing Development Corp. - Summerset Apts, Sacramento - Relocation Plan
 - Sacramento Housing & Redevelopment Agency¹
 - Town of Mammoth Lakes - Contingent Relocation Plan, Final Plan, and Advisory Services
 - TRG Pacific Development, LLC - Grand Plaza Senior Apts, Los Angeles - Relocation Plan
 - West Sacramento Housing Development Corporation - West Capitol Courtyards II - Relocation Plan

¹Sacramento Housing & Redevelopment Agency - currently under 3-year contract to review all relocation plans submitted to the agency.

CHDO Certifications (2)

Community Revitalization Development Corporation
West Sacramento Housing Development Corporation

CTCAC Applications (5)

Other Miscellaneous

- City of Huntington Park - Operate Tenant-based Rental Assistance (TBRA) Program
- City of Bakersfield HOME Application
- City of Clearlake (HPD - Research cultural site)
- City of Farmersville - Coordinate HOME Program Close-Out
- City of Oroville - CDBG misc., NEPA review, NEPA noticing, etc. - 3-year open contract for services.
- City of Red Bluff - Project Work-out for financial feasibility and revised Regulatory Agreement
- City of Soledad - Coordinate HOME Program Close-Out of 2 projects including revision of security documents.

REFERENCES

Amy Bergstrand

City of Oroville
1735 Montgomery Street
Oroville, CA 95965
530.538.2584
bergstrand@cityoforoville.org

Dates of Service: August 2004 to present

Services Provided: HOME & CDBG Programs
Administrative Subcontractor Services;
HOME & CDBG Federal Labor
Standards Monitoring; Relocation
Services; NEPA Environmental
Assessments; other.

City of Gardena

G. Yvonne Mallory
Economic Development Manager
1700 West 162nd Street
Gardena, CA 90247-3778
310.217.9533
ymallory@ci.gardena.ca.us

Dates of Service: Just completed Administrative
Subcontractor contract but still assisting.

Services Provided: HOME Administrative Subcontractor
Services; NEPA Environmental
Assessment; HOME Application

Noel Sweitzer, Owner

HDSI Management, Inc.
3460 S. Broadway
Los Angeles, CA 90007
323.231.1107
hdsimgmt@aol.com

Dates of Service: Concurrent with City of Gardena project
[HDSI is the development consultant to
Waset, Inc., the developer of the
Gardena HUD-202 project] and prior
with City of Hemet HUD-202 project]

Services Provided: HOME Administrative Subcontractor
Services

Dana Cleary

Director of Real Estate Development
CHISPA, Inc.
295 Main Street
Salinas, CA 93901
(w) 831-757-6251 x 141
dcleary@chispahousing.org

Dates of Service: Current

Services Provided: NEPA Environmental Assessment
Preparation

MidPen Housing

Elizabeth (Betsy) Nahas Wilson
275 Main Street, Suite 204
Watsonville, CA 95076
831.707.2134
ewilson@mid-penhousing.org

Dates of Service: Current

Services Provided: Federal and State Labor Standards
Compliance Monitoring and NEPA
Environmental Assessment preparation

Julia Osuna

Housing Manager
City of Calexico
608 Heber Avenue
Calexico, CA 92231
760.768.2177
josuna@calexico.ca.gov

Dates of Service: Current [4th project in City since 2007]

Services Provided: HOME Administrative Subcontractor
Services

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

**FROM: RICK FARLEY, ENTERPRISE ZONE AND BUSINESS
ASSISTANCE COORDINATOR (530) 538-4307
DONALD RUST, DIRECTOR (530) 538-2433**

**RE: SUBMITTAL OF LOCAL GOVERNMENTS HOUSEHOLD HAZARDOUS
WASTE GRANT APPLICATION IN COLLABORATION WITH BUTTE
COUNTY**

DATE: MARCH 21, 2017

SUMMARY

The Council may consider authorizing staff to collaborate with Butte County to submit a 2017 Local Household Hazardous Waste (HHW) Program grant HD29 application to the California Department of Resources Recycling and Recovery (CalRecycle).

DISCUSSION

Butte County Public Works will act as the lead agency in partnership with the City of Oroville for the purpose of this grant application.

Regional applicants are eligible for up to \$75,000 in funds from CalRecycle's Grant Program. Applications are due March 21, 2017 with awards to be announced in July 2017. The County of Butte The secondary due date for the approved resolution is April 25, 2017.

Matching funds are not required for this grant.

Butte County, in partnership with the City of Oroville, will promote our respective HHW facilities with a multi-media public education campaign to inform the public of the best practices of HHW management. This will include specific materials often mishandled in the waste stream (propane cylinders, fluorescent bulbs) as well as basis facility information, including days and hours of operation, common HHW materials accepted and options for reuse of these materials. The campaign will include multi-media approach to include but be limited to radio, television, and possibly outdoor media to ensure all population segments of the County are reached. The County will also establish a propane cylinder take back program and promote the ReFuel Your Fun campaign by expanding retail sales, refill/exchange of the refillable cylinders in Butte County.

The most recent Butte County Grand Jury report found that the Chico and Oroville HHW facilities, while operating effectively and compliantly, need to better engage with the public to inform County residents of the facilities available and the opportunities offered for proper HHW disposal. It has been estimated that these facilities may capture only 15% of the HHW need with respect to propane cylinders.

Butte County surveys the public at both the Chico and Oroville facilities as to how they heard of the presence of these facilities. These surveys will continue before, during and after our multi-media public education campaign to determine; 1) Most effective media format for informing the public; 2) Increase in awareness of the need for proper HHW management; 3) actual vehicle counts to verify effectiveness of outreach efforts; and 4) monitor changes in the use of reuse sites for materials normally directed to a HHW facilities including the Habit for Humanity Re-Store located in Chico; 50 survey retailers taking back paint and other products to see if they have increased donations.

The goal is to make the sale and professionally refilling of 1 lb. propane cylinders more convenient than to buy and dispose of disposables that we permanently shift the paradigm of residents away from buying and using disposables. A search will be done to find local retailer that would want to host an exchange event that helps promote them as a seller and/or refiller of the refillables while getting the public to permanently and properly dispose of the cylinders. RV parks, campsites and other locations will be recruited where the gas cylinders and thrown in the trash to offer the collection receptacles that we can buy using the grant funds. Existing retain Extended Product Responsibility (EPR) or Product Stewardship opportunities will be promoted like the Call2Recycle battery boxes, paintcare locations, thermostat locations and any HHW collections in the county collected at retail.

One-day temporary or mobile collection event programs will also be set-up.

Approval of and participation in this grant funded activity with the County will aid in compiling with implementing and making a good faith effort with regard to Mandatory Commercial Recycling (MCR). AB 341 and AB 1826 requires jurisdictions' programs to include "education of, outreach to, and monitoring of, businesses within their jurisdictions. Please see the attached letter from Calrecycle.

FISCAL IMPACT

None. There is no match required and no cost to the City. The County will implement the grant through a contractor and the County will handle all of the grant administration.

RECOMMENDATION

Adopt Resolution No. 8593 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE COLLABORATION WITH BUTTE COUNTY TO SUBMIT A 2017-18 LOCAL GOVERNMENTS HOUSEHOLD HAZARDOUS WASTE PROGRAM GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE).

ATTACHMENTS

Resolution No. 8593

Attachment A - CalRecycle MCR Programs Letter

Attachment B - Grand Jury Report

CITY OF OROVILLE
RESOLUTION NO. 8593

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE COLLABORATION WITH BUTTE COUNTY TO SUBMIT A 2017/18 LOCAL GOVERNMENTS HOUSEHOLD HAZARDOUS WASTE (HHW) Cycle 29 (HD29) PROGRAM GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

WHEREAS, procedures established by the State of California and adopted by CalRecycle require the jurisdiction-applicant to certify by resolution the approval of the jurisdiction's governing authority for submittal of a grant application before submission of said application to CalRecycle; and

WHEREAS, a cooperative approach with jurisdictions within Butte County for the collection, disposal, public education and outreach for waste tires is deemed to be the most efficient and cost effective means for local government to address the problem posed by these wastes; and

WHEREAS, if awarded, the applicant will enter into a Grant Agreement with the California Department of Resources Recycling and Recovery for implementation of said grant;

NOW, THEREFORE, BE IT RESOLVED that the County of Butte authorizes the Department of Public Works to submit to the California Department of Resources Recycling and Recovery an application for the Household Hazardous Waste Small Projects Grant Program - FY 2017/18 (HD29) 29th Cycle on its behalf; and

BE IT FURTHER RESOLVED that the Butte County Department of Public Works Director is hereby authorized and empowered to execute all grant documents necessary to secure grant funds and implement the approved grant project; and

BE IT FURTHER RESOLVED that this authorization is effective for the Household Hazardous Waste Grant Program (HD29) with a term from receipt of the Notice to Proceed until the end of the grant reporting term, March 27, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Oroville City Council supports the Director of Public Works, or his designee, of Butte County to submit to the California Integrated Waste Management Board a regional application for the Household Hazardous Waste 29th Cycle (HD29) Fiscal Year 2017-18 Small Projects Grant on its behalf. The Director of Public Works of Butte County is hereby authorized and empowered to execute all necessary applications, contracts, payment requests, agreements and amendments hereto for the purposes of securing grant funds and to implement and carry out the purposes specified in the grant application.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on March 21, 2017.

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

P.O. BOX 4025 SACRAMENTO, CALIFORNIA 95812

Date: January 10, 2017
To: Elected Officials and Recycling Coordinators
From: Scott Smithline, Director
Subject: Reviews of Jurisdiction Mandatory Commercial Recycling and Commercial Organics Recycling Programs

This memo outlines how the Department of Resources Recycling and Recovery (CalRecycle) will exercise its existing statutory authority to formally review jurisdictions' mandatory commercial recycling and mandatory commercial organics recycling programs more frequently as needed. Specifically, CalRecycle will initiate a review and may refer a jurisdiction to enforcement **at any time** that CalRecycle receives information that a jurisdiction has not implemented, or is not making a good faith effort to implement, its required programs.

In establishing the requirements for jurisdictions to implement mandatory commercial recycling programs through AB 341 (Chesbro, Chapter 476, Statutes of 2011) and mandatory commercial organics recycling programs through AB 1826 (Chesbro, Chapter 727, Statutes of 2014)¹, the Legislature and Governor also set ambitious goals to increase recycling and reduce statewide solid waste disposal. In particular, AB 341 established a goal to source reduce, recycle or compost 75 percent of waste by 2020. Additionally, AB 1826 set a goal to reduce organics disposal by 50 percent by 2020.

AB 341 and AB 1826 require each jurisdiction to implement commercial recycling and commercial organics recycling programs designed to divert waste generated by regulated businesses. Jurisdictions' programs must, among other requirements, include "*education of, outreach to, and monitoring of, businesses,*" within their jurisdiction.

In spite of these goals and requirements, statewide disposal has increased every year since 2012. As a result, it is imperative that CalRecycle fully exercise its authority to ensure that jurisdictions' specified disposal reduction and recycling programs are in compliance with state law. In order to ensure that mandated statewide goals are met, AB 341 and AB 1826 specifically authorize CalRecycle to conduct reviews of jurisdictions' mandatory commercial recycling programs and mandatory commercial

¹ Per PRC 42649.82. Select rural jurisdictions that submitted a resolution to CalRecycle are exempt from the requirements of AB 1826. In 2020, if the statewide disposal of organic waste has not been reduced by 50 percent the exemptions will be repealed.



organics recycling programs at any time². This means that a jurisdiction may be formally reviewed at any time outside of and in addition to the regular review cycle.

Conducting reviews at any time allows CalRecycle and the jurisdiction to address program gaps early in the process so disposal reductions and mandated programmatic requirements can be achieved. CalRecycle will continue to provide jurisdictions with assistance, informal feedback and appropriate time to address gaps in programs. **However, if after extensive staff communication with the jurisdiction, the gaps are not addressed and a jurisdiction has not implemented, or is not making a good faith effort to implement, either program, CalRecycle will initiate a formal public review sooner rather than waiting until the end of the regular 4-year review cycle.**

Specifically, the following will occur:

- Staff will inform the jurisdiction that a formal Letter of Concern from CalRecycle to the jurisdiction is coming. Once the Letter is received, the jurisdiction will have 30 days to respond.
- After CalRecycle receives the jurisdiction's response to the Letter, or lack thereof, an agenda item for approval by CalRecycle's Director will be presented at a CalRecycle monthly public meeting. The agenda item will indicate one of three potential staff recommendations:
 - The jurisdiction failed to respond and staff recommends that the jurisdiction be referred to CalRecycle's enforcement unit for consideration of a compliance order; or
 - The jurisdiction's response to the Letter is inadequate and staff recommends that the jurisdiction be referred to the enforcement unit for consideration of a compliance order; or
 - The jurisdiction's response to the Letter is adequate and staff recommend that the program be assessed again in 12 months. However, if the same gaps still persist within the next year, an agenda item that refers the jurisdiction to the enforcement unit for consideration of a compliance order will be presented at CalRecycle's next monthly public meeting.

In summary, CalRecycle plans to execute its existing authority to review compliance at any time in a formal public setting. CalRecycle's Local Assistance staff will continue to provide jurisdictions with tools/examples to implement your required education, outreach, and monitoring activities. In addition, CalRecycle will be soliciting ideas on what more the Department can do to assist local jurisdictions at SB 1383 workshops scheduled for February 2017.

Please contact/email your CalRecycle Local Assistance liaison for any questions that you have about this process or your program implementation.

Sincerely,



Scott Smithline
Director

² Public Resources Codes 42649.3(h) and 42649.82(g)(2))

**Department of Public Works**

Mike Crump, Director
Shawn H. O'Brien, Assistant Director

7 County Center Drive
Oroville, California 95965

T: 530.538.7681
F: 530.538.7171

buttecounty.net/publicworks

August 2, 2016



The Honorable Robert A. Glusman, Presiding Judge
c/o Court Administration
Superior Court of California, County of Butte
One Court Street, Oroville, CA 95965

Re: 2015/2016 Grand Jury Response

Dear Honorable Judge Glusman:

Below please find responses to the Grand Jury's Findings and Recommendations as they pertain to the County's Household Hazardous Waste (HHW) Program and status of the Neal Road Recycling and Waste Facility's Septage Ponds.

FINDINGS:

F1. (DPW) *Waste storage containers and bays are in good condition and are labeled correctly with appropriate hazard indication warnings. The labels are visible and readable.*

The respondent agrees with the finding.

F2. (DPW) *RBCC in Oroville does not accept pharmaceuticals.*

The respondent agrees with the finding.

Note: HHW facilities can accept non-controlled pharmaceuticals. None of the HHW facilities are allowed to accept Class 1 and 2 pharmaceuticals (controlled substances)

F3. (DPW) *HAZWOPER training satisfies OSHA requirements.*

The respondent agrees with the finding.

F4. (DPW) Staff at all facilities is friendly, helpful, and seems eager to educate the community regarding HHW disposal.

The respondent agrees with the finding.

F5. (DPW) All the facilities are required by CUPA to be inspected by Butte County Environmental Health. The Grand Jury reviewed current facility inspection certificates and found them in compliance.

The respondent agrees with the finding.

F6. (DPW, BRHHWF) At all three facilities, personnel estimate that only around 15% of available HHW in Butte County is being brought in to their HHW sites by the community.

The respondent agrees a low percentage of total HHW is brought to HHW sites.

Note: However, this does not mean that it is ending up in the landfill. The Neal Road Recycling and Waste Facility has a robust load checking program. All customers are asked if they have any prohibited waste in their load, including HHW. Scale attendants inspect loads if the customer indicate they do not know. Facility staff also conducts random physical load checks at the unloading area. Minimal HHW is found during load checks conducted at the facility.

F7. (DPW, BRHHWF) Considering F6, the Grand Jury finds there is a need for more public education to make Butte County residents aware of opportunities to reduce HHW entering the Neal Road landfill and preserve the environment.

The respondent agrees with the finding.

F8. (DPW) RBCC in Oroville has a website but it can be improved to provide more specifics as to the services offered. RBCC also does not provide information to the community via local media advertising.

The respondent agrees with the finding.

Note: Department does not have authority over content of RBCC's website, nor local media advertising requirements. However, department staff is working with RBCC to increase outreach efforts. In a recent quarterly newsletter to its

residential customers, RBCC included information for their HHW facility, including days and hours the facility is open and what materials could be accepted there.

F9. (DPW) *NRWS in Paradise is to be commended for its very informative and user-friendly website which contains all the information the public needs to use its facility. It also advertises widely on TV to make its presence and services known.*

The respondent agrees with the finding.

F10. (DPW, NRRWF) *Resolving the issue regarding the septage ponds at the Neal Road landfill needs the involvement of the community and the Board of Supervisors. This matter remains a critical issue and a timely resolution is necessary before Butte County residents are adversely affected with higher costs for hauling to another location.*

The respondent agrees with the finding.

F11. (DPW, BRHHWF) *At present all three facilities have limited days and hours of operation available to the public to turn in HHW.*

The respondent agrees with the finding.

RECOMMENDATIONS:

R1. (DPW, BRHHWF) *All HHW facilities should look for ways to increase both days and hours they are open to the public to try to increase proper disposal of HHW.*

Response:

The recommendation requires further analysis. The County contracts with NRC, Inc., to operate the Butte County Regional Household Hazardous Waste Facility (County HHW Program) in Chico. The HHW facility is open to residential customers one and one-half days per week, including Saturday, and open to commercial customers four hours per week. The County's contractor states they have capacity to service more customers during the hours they are currently open. The Department will evaluate as part of future contract discussions.

The HHW facilities in Paradise and Oroville are operated by companies not under contract with the County. The HHW facilities are operated under agreements between the operators and The Town of Paradise and City of Oroville. Department staff will explore opportunities with the local jurisdictions.

R2. (DPW, BRHHWF) *BRHHWF in Chico should explore ways to increase public awareness of its facility through advertisement to the community via radio, television, and newspaper.*

Response:

The recommendation has not yet been implemented, but will be implemented in the future. The Department will continue to apply for grants from CalRecycle for outreach and education during the next grant cycle. The Department will include radio, television and newspaper as part of its public awareness campaign. The Department will request an increase in its advertising budget as part of next fiscal year's proposed budget.

R3. (DPW) *RBCC in Oroville should explore a change to its city contract to accept pharmaceuticals.*

Response:

The recommendation will not be implemented by the County. The recommendation is not within the County's authority.

R4. (DPW) *RBCC in Oroville should do more to make the public aware of its facility location and the services offered. RBCC should also advertise regularly via newspaper, local television, and radio.*

Response:

The recommendation has been partially implemented. RBCC provides waste and recycling collection under a franchise agreement with the County. Department staff has been working with all franchised haulers to increase outreach programs offered by the haulers, including HHW facilities. The County's agreement with RBCC, and other franchisees, does not stipulate the type of media the company is required to use. The franchisees are required to provide direct outreach to their residential and commercial customers through quarterly newsletters inserted into the customer's billing statements. In the most recent quarterly newsletters to their County customers, RBCC included information regarding their HHW facility and HHW services.

R5. (DPW, NRRWF) *The Public Works Department should continue its efforts to increase the capability of the Neal Road Landfill to continue processing septage at its site or find an alternative which will have the least economic impact on the residents of Butte County.*

Response:

The recommendation requires further analysis. The Department has been working on alternatives for several years and released a Request for Proposals in 2015 for the development of a septage receiving and processing facility at the Neal Road Recycling and Waste Facility. The Department received no responses, in part because there were no disposal options in the County for septage effluent. The Department anticipates developing a list of options for the Board of Supervisors to consider by October 2017.

R6. *The 2015-16 Grand Jury recommends that a future Grand Jury investigate the septage pond situation at the landfill to evaluate the progress being made toward a solution.*

Response:

No response required.

Sincerely,



Mike Crump
Director of Public Works

cc: Butte County Board of Supervisors

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

**FROM: DAWN NEVERS, ASSISTANT PLANNER
DONALD RUST, DIRECTOR OF COMMUNITY DEVELOPMENT**

RE: OROVILLE CEMETERY LANDSCAPE PROPOSAL

DATE: MARCH 21, 2017

SUMMARY

The Council may receive information regarding the proposed landscape design for the frontage of the Oroville Cemetery.

DISCUSSION

On February 27, 2017, staff members, Wade Atteberry, Public Works Supervisor, and Dawn Nevers, Assistant Planner, attended the Oroville Cemetery District meeting to hear a presentation by Eve Werner, Eve's Garden Design, of the proposed landscape design for the frontage of the Oroville Cemetery. Wade Atteberry added to the discussion with the Cemetery District board and agreed with the proposed landscape plan.

On March 16, 2016, City staff met with Cheryl Smith, Manager, Oroville Cemetery District, for a final review of the plans and discussion of the Landscape Maintenance Agreement process and requirements.

FISCAL IMPACT

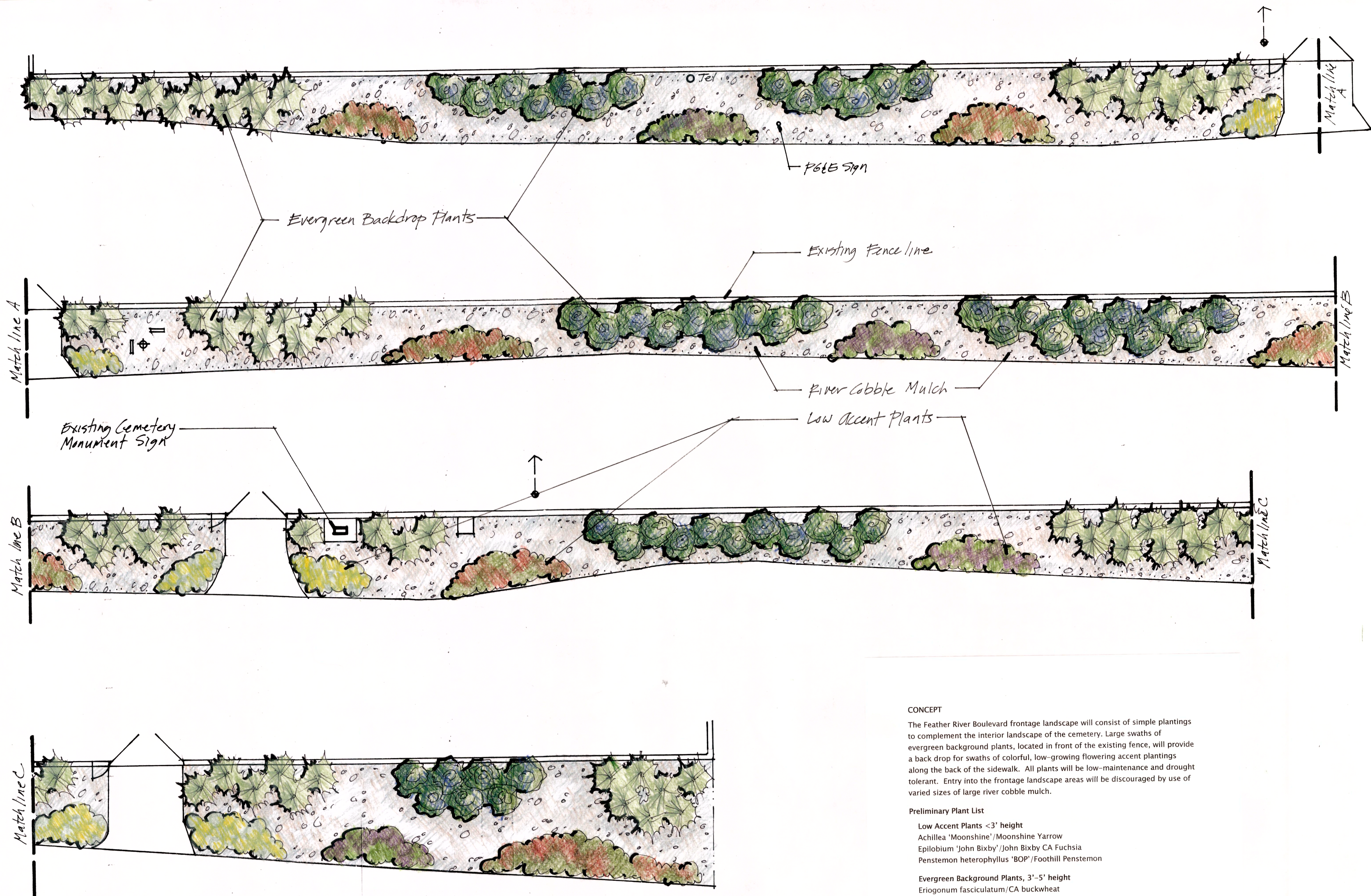
No fiscal impact. Project to be funded by the Oroville Cemetery District and PG&E.

RECOMMENDATION

For informational purposes, only.

ATTACHMENTS

Proposed Landscape Plans and Plant List



Oroville Cemetery Landscape

Eve's Garden
 Eve Werner, Landscape Architect
 1299 Hobart Street, Chico, CA 95926
 T: 530 448 0906 E: Eve@EvesGardenDesign.com
 CA 3739

CONCEPT

The Feather River Boulevard frontage landscape will consist of simple plantings to complement the interior landscape of the cemetery. Large swaths of evergreen background plants, located in front of the existing fence, will provide a back drop for swaths of colorful, low-growing flowering accent plantings along the back of the sidewalk. All plants will be low-maintenance and drought tolerant. Entry into the frontage landscape areas will be discouraged by use of varied sizes of large river cobble mulch.

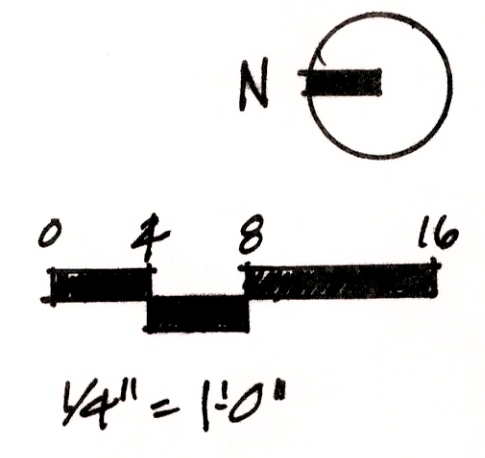
Preliminary Plant List

- Low Accent Plants <3' height**
- Achillea 'Moonshine'/Moonshine Yarrow
- Epilobium 'John Bixby'/John Bixby CA Fuchsia
- Penstemon heterophyllus 'BOP'/Foothill Penstemon

- Evergreen Background Plants, 3'-5' height**
- Eriogonum fasciculatum/CA buckwheat
- Muhlenbergia rigens/Deer Grass
- Rosmarinus officinalis 'Irene'/Irene Rosemary

Ground Plane Treatment

- River cobble mulch: Average 6" depth cobble over 4" depth compacted aggregate base.
- 85% 4"-8" cobble
- 15% 8"+ cobble



Eve's Garden DESIGN

Eve Werner, Landscape Architect

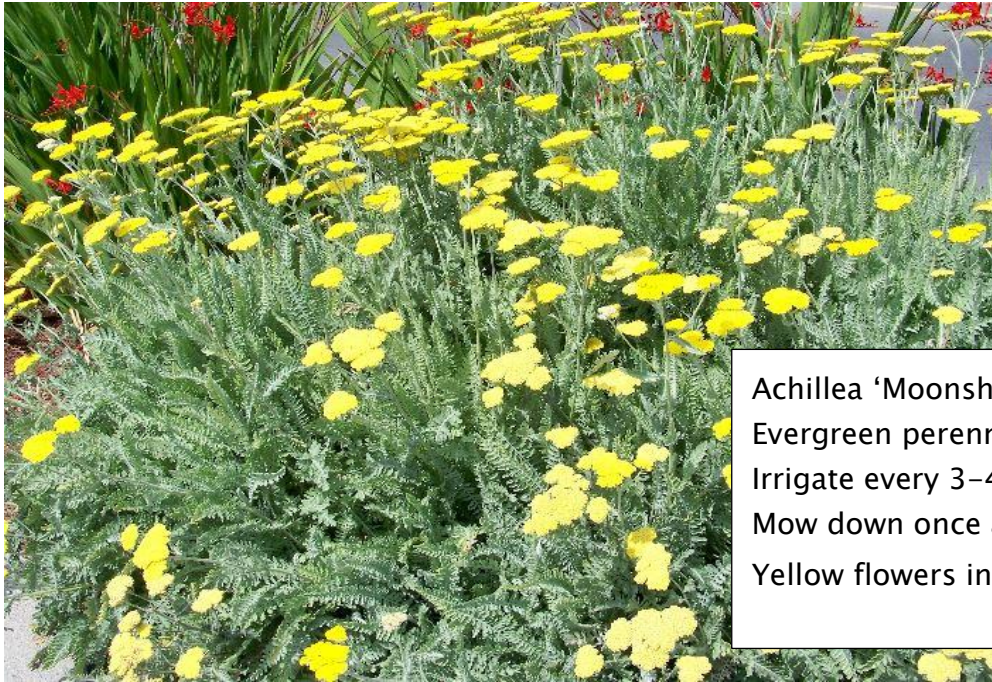
1299 Hobart Street, Chico, CA 95926

T: 530 448 0906 E: Eve@EvesGardenDesign.com

CA 3739

Oroville Cemetery Preliminary Plant List

Low Accent Plants:



Achillea 'Moonshine' / Moonshine Yarrow
Evergreen perennial, 2' ht.
Irrigate every 3-4 weeks
Mow down once a year in December
Yellow flowers in spring



Epilobium c. 'John Bixby' / CA Fuchsia
Deciduous perennial, 2' ht.
Irrigate every 3-4 weeks
Mow down once a year in December
Orange flowers in late summer through fall

Low Accent Plants:



Penstemon h. 'BOP'/Foothill Penstemon
Evergreen perennial, 2' ht.
Irrigate every 3-4 weeks
Shear off flowers when spent for second bloom
Electric purple flowers in spring

Evergreen Background Plants, 3'-5' height:



Eriogonum fasciculatum/CA buckwheat
Evergreen perennial, 3' ht.
Irrigate every 3-4 weeks. Can go with no summer water
White flowers turning pink then rust in late summer through winter

Evergreen Background Plants, 3'–5' height, continued:



Muhlenbergia rigens/Deer Grass
Evergreen perennial, 3' ht.
Irrigate every 3–4 weeks
5' flower spikes in summer
Cut down to 12" ht. every 4 years
in early spring



Rosmarinus o. 'Irene'/Irene Rosemary
Evergreen perennial, 3' ht.
Irrigate every 3–4 weeks
May be sheared back by 1/3 after
bloom for denser growth.
Blue flowers late winter to early
spring

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

**FROM: DONALD RUST, DIRECTOR (530) 538-2433
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH
SCS ENGINEERS FOR A TIME EXTENSION AND REALLOCATION OF
REMAINING U.S. EPA 2014 SITE-SPECIFIC BROWNFIELDS
ASSESSMENT GRANT FUNDS**

DATE: MARCH 21, 2017

SUMMARY

The Council may consider an amendment to the Professional Services Agreement (Agreement No. 3102) with SCS Engineers for the purpose of extending the expiration date of the agreement and transferring funds between tasks in the amount of \$16,057. No increase to the overall work plan budget is proposed.

BACKGROUND

At the January 20, 2015 City Council meeting, the Council adopted Resolution No. 8323 executing a Professional Services Agreement with SCS Engineers for an amount not to exceed \$287,500 for the scope of work detailed in their proposal for the City awarded U.S. EPA 2014 Site-Specific Brownfields Assessment Grant (Agreement No. 3102). On March 17, 2015, the Council approved an amendment to this agreement in the amount of \$30,000 for work associated with an updated Phase I Environmental Site Assessment, GIS collaboration and scoping meeting attendance, and additional Phase II Environmental Site Assessment activities.

DISCUSSION

To date, the Phase I Environmental Site Assessments (ESAs) has been completed and the Phase II ESA activities are ongoing and nearing completion. The current agreement between SCS Engineers and the City is due to expire on March 31, 2017. The Cooperative Agreement between the City and the U.S. EPA is due to expire on October 31, 2017. Staff is preparing to submit an extension request of the Cooperative Agreement to the U.S. EPA and is recommending that the agreement between the City and SCS Engineers be tied to the expiration of the Cooperative Agreement.

During the course of work activities, the consultant exceeded their community outreach budget by \$16,057, which remains unpaid. The proposed amendments to the work plan

budget are for the purpose of transferring funds between tasks to pay the consultant for outstanding invoices due to unexpected budget overages. There is no increase in the consultant's overall work plan budget, only a transfer of monies between tasks.

FISCAL IMPACT

Current Work Plan Budget

	Task 1	Task 2	Task 3	Task 4	Task 5	Total
	Project Management	Community Outreach	Phase II – Soil Investigation	Cleanup Plans	Reporting	
Personnel	\$ 7,000	\$ 7,000			\$ 7,000	\$ 21,000
Fringe						
Travel	\$ 5,000					\$ 5,000
Supplies		\$ 500				\$ 500
Equipment						
Contractual	\$ 12,200	\$ 19,000	\$ 240,000	\$ 32,500	\$ 13,800	\$ 317,500
Construction						
Other						
Indirect						
Grant Total	\$ 24,200	\$ 26,500	\$ 240,000	\$ 32,500	\$ 20,800	\$ 344,000

Proposed Adjustment to the Work Plan Budget

Task \$ Increases

- Increase in Task 2 (Community Outreach) in the amount of \$16,057.

Task \$ Reductions

- Reduction in Task 3 (Phase II ESAs) in the amount of \$8,557.
- Reduction in Task 4 (Cleanup Plans) in the amount of \$2,500.
- Reduction in Task 5 (Reporting) in the amount of \$5,000.

	Task 1	Task 2	Task 3	Task 4	Task 5	Total
	Project Management	Community Outreach	Phase II – Soil Investigation	Cleanup Plans	Reporting	
Personnel	\$ 7,000	\$ 7,000			\$ 7,000	\$ 21,000
Fringe						
Travel	\$ 5,000					\$ 5,000
Supplies		\$ 500				\$ 500
Equipment						
Contractual	\$ 12,200	\$ 35,057	\$ 231,443	\$ 30,000	\$ 8,800	\$ 317,500
Construction						
Other						
Indirect						
Grant Total	\$ 24,200	\$ 42,557	\$ 231,443	\$ 30,000	\$ 15,800	\$ 344,000

All work is paid for solely by the grant and there will be no impact to the General Fund.

RECOMMENDATION

Adopt Resolution No. 8594 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SCS ENGINEERS FOR A TIME EXTENSION AND REALLOCATION OF REMAINING U.S. EPA 2014 SITE-SPECIFIC BROWNFIELDS ASSESSMENT GRANT FUNDS – (Agreement No. 3102-2)

ATTACHMENTS

A – Resolution No. 8594

B – Agreement No. 3102-2

**CITY OF OROVILLE
RESOLUTION NO. 8594**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SCS ENGINEERS FOR A TIME EXTENSION AND REALLOCATION OF REMAINING U.S. EPA 2014 SITE-SPECIFIC BROWNFIELDS ASSESSMENT GRANT FUNDS

(Agreement No. 3102-2)

BE IT HEREBY RESOLVED by the Oroville City Council as follows:

1. The Mayor is hereby authorized and directed to execute an Amendment to the Professional Services Agreement with SCS Engineers for the purpose of extending the expiration date of the agreement and transferring funds between tasks in the amount of \$16,057.
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on March 21, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

**AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE
CITY OF OROVILLE AND SCS ENGINEERS FOR THE U.S. EPA 2014 SITE-
SPECIFIC BROWNFIELDS ASSESSMENT GRANT**

(Agreement No. 3102-2)

This Second Amendment (Amendment) dated March 21, 2017, is to Agreement No. 3102 between the City of Oroville ("City") and SCS Engineers ("Consultant").

In consideration of the terms and conditions herein, the City and Consultant agree that Agreement No. 3102 shall be amended as follows:

1. The expiration of this Agreement shall be the same date as when the Cooperative Agreement between the City of Oroville and the U.S. Environmental Protection Agency for Grant Number (FAIN): 99T20801 expires.
2. This action shall amend the work plan budget as follows:

Current Work Plan Budget

	Task 1	Task 2	Task 3	Task 4	Task 5	Total
	Project Management	Community Outreach	Phase II – Soil Investigation	Cleanup Plans	Reporting	
Personnel	\$ 7,000	\$ 7,000			\$ 7,000	\$ 21,000
Fringe						
Travel	\$ 5,000					\$ 5,000
Supplies		\$ 500				\$ 500
Equipment						
Contractual	\$ 12,200	\$ 19,000	\$ 240,000	\$ 32,500	\$ 13,800	\$ 317,500
Construction						
Other						
Indirect						
Grant Total	\$ 24,200	\$ 26,500	\$ 240,000	\$ 32,500	\$ 20,800	\$ 344,000

Proposed Adjustment to the Work Plan Budget

Task \$ Increases

- Increase in Task 2 (Community Outreach) in the amount of \$16,057.

Task \$ Reductions

- Reduction in Task 3 (Phase II ESAs) in the amount of \$8,557.
- Reduction in Task 4 (Cleanup Plans) in the amount of \$2,500.
- Reduction in Task 5 (Reporting) in the amount of \$5,000.

CITY OF OROVILLE

SCS ENGINEERS

By: _____
Linda L. Dahlmeier, Mayor

By: _____

Title: _____

APPROVED AS TO FORM:

ATTEST:

By: _____
Scott E. Huber, City Attorney

By: _____
Donald Rust, Acting City Clerk

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

**FROM: DONALD RUST, DIRECTOR (530) 538-2433
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH
BSK ASSOCIATES FOR A TIME EXTENSION AND REALLOCATION OF
REMAINING U.S. EPA 2014 COMMUNITY-WIDE BROWNFIELDS
ASSESSMENT GRANT FUNDS**

DATE: MARCH 21, 2017

SUMMARY

The Council may consider an amendment to the Professional Services Agreement (Agreement No. 3101) with BSK Associates for the purpose of extending the expiration date of the agreement and transferring funds between tasks in the amount of \$94,142. No increase to the overall work plan budget is proposed.

BACKGROUND

At the January 20, 2015 City Council meeting, the Council adopted Resolution No. 8322 executing a Professional Services Agreement with BSK Associates for an amount not to exceed \$352,000 for the scope of work detailed in their proposal for the City awarded U.S. EPA 2014 Community-Wide Brownfields Assessment Grant (Agreement No. 3101). On March 17, 2015, the Council approved an amendment to this agreement in the amount of \$9,000 for staff support in updating the EPA's Assessment, Cleanup and Redevelopment Exchange System (ACRES), which is an online database for Brownfield Grantees to electronically submit data directly to the EPA, and for assistance with the review and completion of the required quarterly progress reports.

DISCUSSION

To date, five Phase I Environmental Site Assessments (ESAs) have been completed and no Phase II ESAs have yet been performed. The current agreement between BSK Associates and the City is due to expire on March 31, 2017. The Cooperative Agreement between the City and the U.S. EPA is due to expire on October 31, 2017. Staff is preparing to submit an extension request of the Cooperative Agreement to the U.S. EPA and is recommending that the agreement between the City and BSK Associates be tied to the expiration of the Cooperative Agreement.

Although the grant award is in the amount of \$400,000, half is to be used for community outreach activities, inventory, prioritization, Phase I and Phase II ESAs for hazardous substances and the other half is to be used for petroleum contamination. It is generally more difficult to utilize the funds for petroleum contamination as hazardous substances are generally more common, which has proven to be the case with all five Phase I's completed. Additionally, as the Phase I's conducted have not warranted Phase II ESAs, transferring funds from Phase II ESA activities to Phase I ESA activities is appropriate to most effectively utilize remaining assessment funds. Additionally, the consultant exceeded their community outreach budget by \$2,355 and their inventory/site selection budget by \$14,787, both of which remain unpaid. The proposed amendments to the work plan budget are for the purpose of transferring funds between tasks as a result of the items mentioned herein, and to pay the consultant for outstanding invoices due to unexpected budget overages. There is no increase in the consultant's overall work plan budget, only a transfer of monies between tasks.

FISCAL IMPACT

Current Work Plan Budget

	Task 1	Task 2	Task 3	Task 4	Task 5	Task 6	Total
	Project Management	Community Outreach	Inventory & Site Selection	Phase I ESAs	Phase II ESAs	Reporting	
Personnel	\$ 9,000	\$ 17,000	\$ 3,000			\$ 4,000	\$ 33,000
Fringe							
Travel	\$ 4,000						\$ 4,000
Supplies		\$ 2,000					\$ 2,000
Equipment							
Contractual		\$ 12,000	\$ 10,000	\$ 47,000	\$ 287,000	\$ 5,000	\$ 361,000
Construction							
Other							
Indirect							
Grant Total	\$ 13,000	\$ 31,000	\$ 13,000	\$ 47,000	\$ 287,000	\$ 9,000	\$ 400,000

Proposed Adjustment to the Work Plan Budget

Task \$ Increases

- Increase in Task 2 (Community Outreach) in the amount of \$2,355.
- Increase in Task 3 (Inventory/Site Selection) in the amount of \$14,787.
- Increase in Task 4 (Phase I ESAs) in the amount of \$73,000.
- Increase in Task 6 (Reporting) in the amount of \$4,000.

Task \$ Reductions

- Reduction in Task 5 (Phase II ESAs) in the amount of \$94,142.

	Task 1	Task 2	Task 3	Task 4	Task 5	Task 6	Total
	Project Management	Community Outreach	Inventory & Site Selection	Phase I ESAs	Phase II ESAs	Reporting	
Personnel	\$ 9,000	\$ 17,000	\$ 3,000			\$ 4,000	\$ 33,000
Fringe							
Travel	\$ 4,000						\$ 4,000
Supplies		\$ 2,000					\$ 2,000
Equipment							
Contractual		\$ 14,355	\$ 24,787	\$ 120,000	\$ 192,858	\$ 9,000	\$ 361,000
Construction							
Other							
Indirect							
Grant Total	\$ 13,000	\$ 33,355	\$ 27,787	\$ 120,000	\$ 192,858	\$ 13,000	\$ 400,000

All work is paid for solely by the grant and there will be no impact to the General Fund.

RECOMMENDATION

Adopt Resolution No. 8595 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BSK ASSOCIATES FOR A TIME EXTENSION AND REALLOCATION OF REMAINING U.S. EPA 2014 COMMUNITY-WIDE BROWNFIELDS ASSESSMENT GRANT FUNDS – (Agreement No. 3101-2)

ATTACHMENTS

- A – Resolution No. 8595
- B – Agreement No. 3101-2

**CITY OF OROVILLE
RESOLUTION NO. 8595**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BSK ASSOCIATES FOR A TIME EXTENSION AND REALLOCATION OF REMAINING U.S. EPA 2014 COMMUNITY-WIDE BROWNFIELDS ASSESSMENT GRANT FUNDS

(Agreement No. 3101-2)

BE IT HEREBY RESOLVED by the Oroville City Council as follows:

1. The Mayor is hereby authorized and directed to execute an Amendment to the Professional Services Agreement with BSK Associates for the purpose of extending the expiration date of the agreement and transferring funds between tasks in the amount of \$94,142.
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on March 21, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

**AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE
CITY OF OROVILLE AND BSK ASSOCIATES FOR THE U.S. EPA 2014
COMMUNITY-WIDE BROWNFIELDS ASSESSMENT GRANT**

(Agreement No. 3101-2)

This Second Amendment (Amendment) dated March 21, 2017, is to Agreement No. 3101 between the City of Oroville ("City") and BSK Associates ("Consultant").

In consideration of the terms and conditions herein, the City and Consultant agree that Agreement No. 3101 shall be amended as follows:

1. The expiration of this Agreement shall be the same date as when the Cooperative Agreement between the City of Oroville and the U.S. Environmental Protection Agency for Grant Number (FAIN): 99T20701 expires.
2. This action shall amend the work plan budget as follows:

Current Work Plan Budget

	Task 1	Task 2	Task 3	Task 4	Task 5	Task 6	Total
	Project Management	Community Outreach	Inventory & Site Selection	Phase I ESAs	Phase II ESAs	Reporting	
Personnel	\$ 9,000	\$ 17,000	\$ 3,000			\$ 4,000	\$ 33,000
Fringe							
Travel	\$ 4,000						\$ 4,000
Supplies		\$ 2,000					\$ 2,000
Equipment							
Contractual		\$ 12,000	\$ 10,000	\$ 47,000	\$ 287,000	\$ 5,000	\$ 361,000
Construction							
Other							
Indirect							
Grant Total	\$ 13,000	\$ 31,000	\$ 13,000	\$ 47,000	\$ 287,000	\$ 9,000	\$ 400,000

Proposed Adjustment to the Work Plan Budget

Task \$ Increases

- Increase in Task 2 (Community Outreach) in the amount of \$2,355.
- Increase in Task 3 (Inventory/Site Selection) in the amount of \$14,787.
- Increase in Task 4 (Phase I ESAs) in the amount of \$73,000.
- Increase in Task 6 (Reporting) in the amount of \$4,000.

Task \$ Reductions

- Reduction in Task 5 (Phase II ESAs) in the amount of \$94,142.

CITY OF OROVILLE

BSK ASSOCIATES

By: _____
Linda L. Dahlmeier, Mayor

By: _____

Title: _____

APPROVED AS TO FORM:

ATTEST:

By: _____
Scott E. Huber, City Attorney

By: _____
Donald Rust, Acting City Clerk

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: DONALD RUST, DIRECTOR (530) 538-2433
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: APPROVE A MEMORANDUM OF UNDERSTANDING TO FORM THE
EAST BUTTE SUB-BASIN GROUNDWATER SUSTAINABILITY
PARTNERS**

DATE: MARCH 21, 2017

SUMMARY

The Council may consider approving a memorandum of understanding (MOU) forming the East Butte Sub-Basin Groundwater Sustainability Partners.

DISCUSSION

A Groundwater Sustainability Agency (GSA) can be formed by a single local public agency or a combination of agencies. Local public agencies eligible to be a GSA must have either water supply, water management, or land use responsibilities. On January 5, 2016, the City Council held a public hearing adopting Resolution 8452, electing to become a GSA.

The Sustainable Groundwater Management Act (SGMA) went into effect on January 1, 2015. One of the near-term actions is to establish one or more GSAs to take responsibility for developing and implementing a Groundwater Sustainability Plan (Plan) for the East Butte sub-basin in Butte County. Water Code Section 10723.6 authorizes a combination of local agencies overlying a groundwater basin to elect to become a GSA by using a memorandum of understanding.

On October 15, 2015, Butte County held a public hearing electing to become a GSA, adopting Resolution No. 15-146. On November 10, 2015, the City of Biggs held a public hearing electing to become a GSA, adopting Resolution No. 2015-07. On December 7, 2015, the City of Gridley held a public hearing electing to become a GSA, adopting Resolution No. 2015-R-034. On November 4, 2015, the City of Live Oak held a public hearing electing to become a GSA, adopting Resolution No. 34-2015.

The MOU is to be entered into by and between the Parties to facilitate a cooperative and ongoing working relationship that will allow compliance with SGMA and State law, both as amended from time to time. The primary goal of the MOU is to eliminate overlap between the GSAs and to establish a working partnership to move toward a multi-GSA

agreement to cover all portions of the East Butte Sub-Basin prior to the June 30, 2017 deadline set under SGMA.

FISCAL IMPACT

None.

RECOMMENDATIONS

Adopt Resolution No. 8596 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING FORMING THE EAST BUTTE SUB-BASIN GROUNDWATER SUSTAINABILITY PARTNERS – (Agreement No. 3214).

ATTACHMENTS

Resolution No. 8596
Agreement No. 3214
Map

**CITY OF OROVILLE
RESOLUTION NO. 8596**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING FORMING THE EAST BUTTE SUB-BASIN GROUNDWATER SUSTAINABILITY PARTNERS

(Agreement No. 3214)

NOW THEREFORE, be it hereby resolved by the Oroville City Council as follows:

1. The Mayor is hereby authorized and directed to execute the Memorandum of Understanding forming the East Butte Sub-Basin Groundwater Sustainability Partners.
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on March 21, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED TO AS FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

**MEMORANDUM OF UNDERSTANDING FORMING THE EAST BUTTE SUB-BASIN
GROUNDWATER SUSTAINABILITY PARTNERS**

THIS MEMORANDUM OF UNDERSTANDING (MOU) is made and entered into on March 21, 2017, by and between the County of Butte (“Butte” herein), City of Biggs (“Biggs” herein), City of Gridley (“Gridley” herein), City of Live Oak (“Live Oak” herein), City of Oroville (“Oroville” herein), each a “Party” and collectively the “Parties”.

WHEREAS, on September 16, 2014, Governor Jerry Brown signed into law Senate Bills 1168 and 1139 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act (“SGMA”); and

WHEREAS, the purpose of SGMA is to create a comprehensive management system in the State of California by creating a structure to manage groundwater at the local level, while providing authority to the State to oversee and regulate, if necessary, the local groundwater management system; and

WHEREAS, SGMA empowers local agencies to adopt groundwater sustainability plans that are tailored to the resources and needs of their communities to provide a buffer against drought and contribute to reliable water supply for the future; and

WHEREAS, Water Code Section 10723.6 authorizes a combination of local agencies overlying a groundwater basin to elect to become a Groundwater Sustainability Agency (“GSA”) by using a memorandum of agreement or other agreement; and

WHEREAS, Butte is a local agency qualified to become a GSA because Butte manages water, has a water supply, and has land use responsibilities over a portion of the East Butte Sub-basin (Basin Number 5-021-59, DWR Bulletin 118) within the Sacramento Valley Groundwater Basin (“Basin”) a DWR-designated medium-priority basin; and

WHEREAS, Biggs is a local agency qualified to become a GSA because Biggs has a water supply, and has land use responsibilities over a portion of the East Butte Sub-basin; and

WHEREAS, Gridley is a local agency qualified to become a GSA because Gridley has a water supply, and has land use responsibilities over a portion of the East Butte Sub-basin; and

WHEREAS, Live Oak is a local agency qualified to become a GSA because Live Oak has a water supply, and has land use responsibilities over a portion of the East Butte Sub-basin; and

WHEREAS, Oroville is a local agency qualified to become a GSA because Oroville has land use responsibilities over a portion of the East Butte Sub-basin; and

WHEREAS, on October 15, 2015, Butte County held a public hearing to determine whether to become a GSA and on October 15, 2015, Butte County adopted Resolution No. 15-146, electing to become a GSA; and

WHEREAS, on November 10, 2015 Biggs held a public hearing to determine whether to become a GSA and on November 10, 2015 Biggs adopted Resolution No. 2015-07, electing to become a GSA; and

WHEREAS, on December 7, 2015 Gridley held a public meeting to determine whether to become a GSA and on December 7, 2015 Gridley adopted Resolution 2015-R-034, electing to become a GSA; and

WHEREAS, on November 4, 2015 Live Oak held a public hearing to determine whether to become a GSA and on November 4, 2015 Live Oak adopted Resolution 34-2015, electing to become a GSA; and

WHEREAS, on January 5, 2016 Oroville held a public hearing to determine whether to become a GSA and on January 5, 2016 Oroville adopted Resolution 8452, electing to become a GSA, and

WHEREAS, as GSAs, the Parties have elected to work collaboratively with other interested agencies to develop and implement a Groundwater Sustainability Plan (“GSP”) to sustainably manage the East Butte Sub-Basin pursuant to SGMA.

NOW THEREFORE, incorporating the above recitals herein and exhibits attached, it is mutually understood and agreed as follows:

1. **PURPOSE.** This MOU is entered into by and between the Parties to facilitate a cooperative and ongoing working relationship that will allow compliance with SGMA and State law, both as amended from time to time. The primary goal of the MOU is to eliminate overlap between the GSAs and to establish a working partnership to move toward a multi-GSA agreement to cover portions of the East Butte Sub-Basin prior to the June 30, 2017 deadline set under SGMA. Henceforth, the Parties may expand the goals of the East Butte Sub-basin SGMA Partners to address future deadlines established under SGMA.
2. **EAST BUTTE SUB-BASIN GROUNDWATER SUSTAINABILITY PARTNERS.** The Parties hereby establish the East Butte Sub-basin Groundwater Sustainability Partners (“East Butte SGMA Partners”) to manage that portion of the East Butte Sub-basin as set forth in Exhibit __ (map)_.
3. **POWERS.**
 - 3.1 In addition to any other action available to develop and implement SGMA, including a GSP, the East Butte SGMA Partners may perform the following functions:

- 3.1.1 Adopt standards for measuring and reposting water use.
- 3.1.2 Develop and implement policies designed to reduce or eliminate overdraft within the boundaries of the East Butte Sub-basin.
- 3.1.3 Develop and implement conservation best management practices as outlined by DWR.
- 3.1.4 Develop and implement metering, monitoring and reporting related to groundwater pumping.

4. DECISION MAKING PROCESS.

- 4.1 With the exceptions noted herein, it is the intent of the Parties that all actions undertaken by the East Butte SGMA Partners are done by unanimous consent of the Parties; however, if unanimous consent is not possible, a majority vote of the Parties is required.
- 4.2 In the event of an impasse or disagreement, the Parties shall use their best efforts to find a mutually agreeable result. To this effect, the Parties shall consult and negotiate with each other in good faith in an attempt to reach a solution that is mutually satisfactory. If the Parties do not reach a solution, then the matter shall be submitted to a non-binding arbitration or mediation within a reasonable period of time.

5. ROLES AND RESPONSIBILITIES OF THE PARTIES.

- 5.1 The Parties will work jointly to fulfill the Purposes of the MOU, SGMA, and the development and implementation of a GSP within the boundaries of the East Butte Sub-basin.
- 5.2 The Parties will meet regularly to discuss SGMA, GSP development and implementation activities, assignments, and on-going work progress.
- 5.3 The Parties may form committees as necessary from time to time to discuss issues that impact the East Butte Sub-basin.
- 5.4 Butte and Biggs are jointly responsible for implementing the GSP in areas of the East Butte Sub-basin that are within both City limits and Butte County boundaries.
- 5.5 Butte and Gridley are jointly responsible for implementing the GSP in areas of the East Butte Sub-basin that are within both City limits and Butte County boundaries.

- 5.6 Sutter and Live Oak are jointly responsible for implementing the GSP in areas of the East Butte Sub-basin that are within both City limits and Sutter County boundaries.
- 5.7 Butte and Oroville are jointly responsible for implementing the GSP in areas of the East Butte Sub-basin that are within both City limits and Butte County boundaries.
- 6. **FUNDING.** Unless agreed to otherwise, each Party's participation in the MOU is at its sole cost and expense.
- 7. **TERM.** This MOU shall remain in effect unless terminated by the mutual consent of the Parties and as allowed by State law.
- 8. **AMENDING THE MOU.** This MOU and Exhibits hereto may only be amended by a subsequent writing, approved and signed by all Parties.
- 9. **HOLD HARMLESS.** No Party, not any officer or employee of a Party, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by another Party under or in connection with this MOU

APPROVED AS TO CONTENT:
COUNTY OF BUTTE

APPROVED AS TO CONTENT:
CITY OF BIGGS

By: _____

By: _____

DATE: _____

DATE: _____

APPROVED AS TO CONTENT:
COUNTY OF SUTTER

APPROVED AS TO CONTENT:
CITY OF GRIDLEY

By: _____

By: _____

DATE: _____

DATE: _____

APPROVED AS TO CONTENT:
CITY OF LIVE OAK

By: _____

DATE: _____

APPROVED AS TO CONTENT:
CITY OF OROVILLE

By: _____

DATE: _____

APPROVED AS TO FORM:
COUNTY OF BUTTE

By: _____

DATE: _____

APPROVED AS TO FORM:
CITY OF BIGGS

By: _____

DATE: _____

APPROVED AS TO FORM:
COUNTY OF SUTTER

By: _____

DATE: _____

APPROVED AS TO FORM:
CITY OF GRIDLEY

By: _____

DATE: _____

APPROVED AS TO FORM:
CITY OF LIVE OAK

By: _____

DATE: _____













APPROVED AS TO FORM:
CITY OF OROVILLE

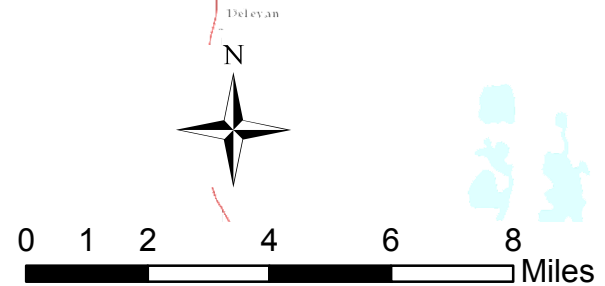
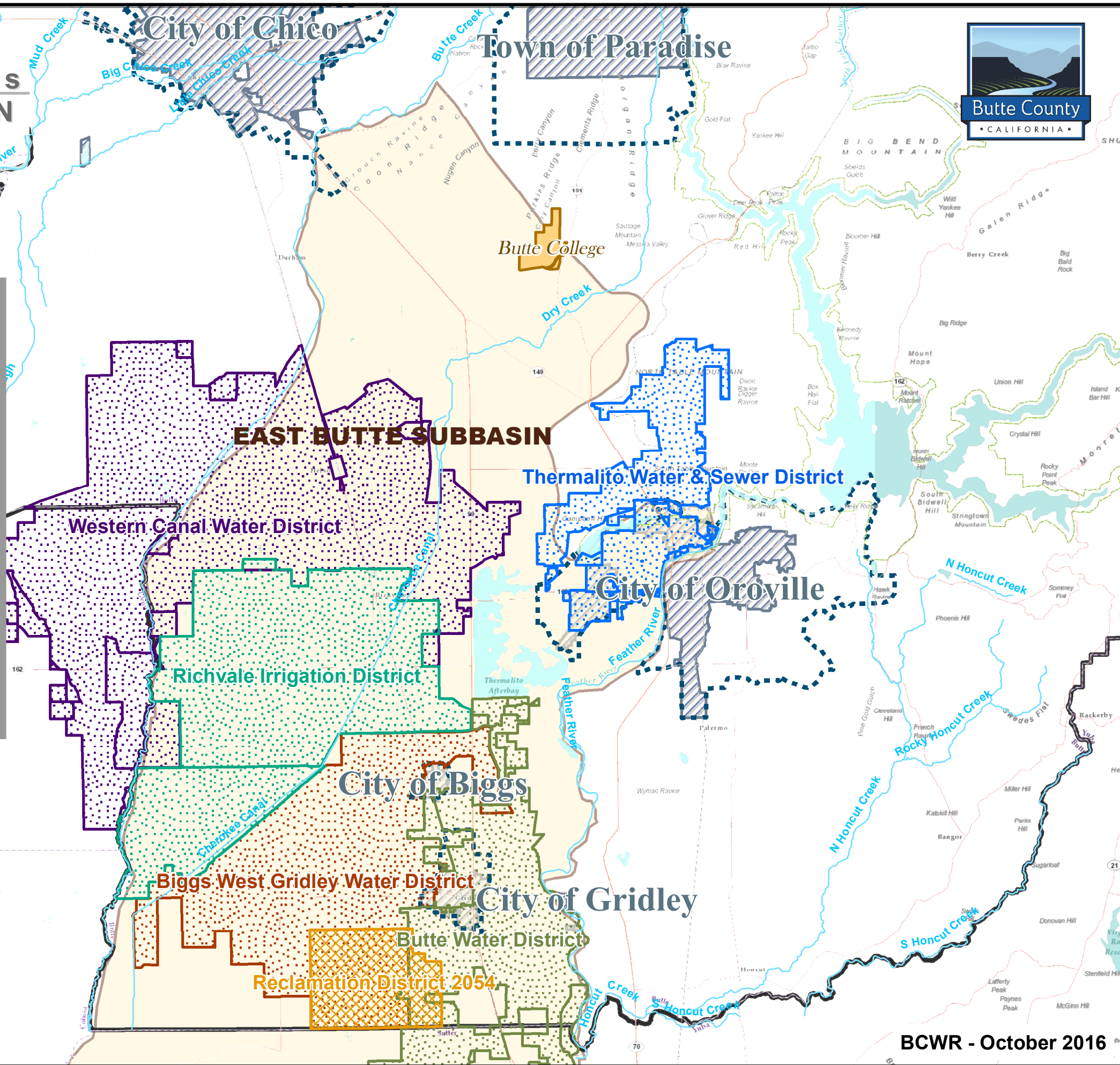
By: _____

DATE: _____

Groundwater Sustainability Agencies EAST BUTTE SUBBASIN



-  Hydrography
-  Butte College
-  Reclamation District 2054
-  Butte Water District
-  Richvale Irrigation District
-  Thermalito Water and Sewer District
-  Biggs-West Gridley Water District
-  Western Canal Water District
-  Butte County Boundary
-  Spheres Of Influence (Oroville, Gridley, Biggs)
-  Bulletin 118 Subbasin - EAST BUTTE
-  City Limits (Oroville, Gridley, Biggs)



**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: DONALD RUST, ACTING CITY ADMINISTRATOR
ADMINISTRATION DEPARTMENT
DAWN NEVERS, ASSISTANT PLANNER**

**RE: APPLICATION AND LETTER ACKNOWLEDGING PARTNERSHIP FOR
THE 2017 CALIFORNIA CULTURAL DISTRICTS PILOT PROGRAM**

DATE: MARCH 21, 2017

SUMMARY

The Council may consider a letter acknowledging partnership and subsequent application for the 2017 California Cultural Districts pilot program.

DISCUSSION

The Dixon-Zenovich-Maddy California Arts Act of 1975 establishes the California Arts Council (CAC), consisting of 11 appointed members. On October 1, 2015, the State of California approved Assembly Bill 189 (AB 189) that requires the Arts Council to establish criteria and guidelines for state-designated cultural districts. The bill would require the council to establish a competitive application system for certification, provide technical and promotional support for certified state-designated cultural districts, and collaborate with public agencies and private entities to maximize the benefits of state-designated cultural districts. The bill would provide that a geographical area within the state may be certified as a state-designated cultural district by applying to the council for certification, as provided. The bill would also provide that certification as a state-designated cultural district is effective for 5 years, after which the district may renew certification every 3 years

In February of 2017, the CAC released the California Cultural Districts two-year pilot program which allows for the application submittal by small well rounded groups of communities that are diverse in make-up, geography and purpose, and that represent the many possible manifestations of cultural districts present in California. The California Cultural Districts program will be a cohort of 10-15 Cultural Districts which aims to assist Californians in leveraging the state's considerable assets in the areas of culture, creativity, and diversity, as initially set out in the enabling legislation, AB 189. A cultural district is generally understood as a well-defined geographic area with a high concentration of cultural resources and activities.

The Arts, Cultural & Entertainment District planning document, approved by City Council on November 19, 2013 by Resolution 8151, holds many of the required elements, such

as; map indicating boundaries of the proposed district, cultural asset survey or inventory, and designation of rural district.

The application requires a minimum of three partnerships, formed by memorandum of understanding or letter of agreement, to include a cultural non-profit or artist collective, local business or business association, and a branch of government/community development corporation. Staff has worked to secure partnerships with the Artists of Rivertown (A.R.T.), State Theater Arts Guild (STAGE), and the Oroville Chamber of Commerce (Chamber) / Oroville Economic Alliance (OEA).

Additionally, at least three letters of support (LOS) from individual community members located within the district are required to submit with the application. Staff will receive three letters of support from; artists, low-income residents, social service organizations, local elected officials, etc.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATIONS

Adopt Resolution No. 8597 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO ACKNOWLEDGE THE PARTNERSHIP WITH THE INTNET TO DEVELOP THE HISTORIC DOWNTOWN OROVILLE ARTS, CULTURAL & ENTERTAINMENT DISTRICT PARTNERSHIP UNDER THE CALIFORNIA CULTURAL DISTRICT

ATTACHMENTS

- A – Resolution No. 8597 – Acknowledging Partnership
- B – Application Overview and Instructions

**CITY OF OROVILLE
RESOLUTION NO. 8597**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO ACKNOWLEDGE THE PARTNERSHIP WITH THE INTNET TO DEVELOP THE HISTORIC DOWNTOWN OROVILLE ARTS, CULTURAL & ENTERTAINMENT DISTRICT PARTNERSHIP UNDER THE CALIFORNIA CULTURAL DISTRICT

NOW THEREFORE, be it hereby resolved by the Oroville City Council as follows:

1. The Mayor is hereby authorized and directed acknowledge the partnership between City of Oroville, Oroville Chamber of Commerce, and the Artists of Rivertown (Parties) to develop the Historic Downtown Oroville Arts, Cultural & Entertainment District Partnership under the California Cultural District to facilitate a cooperative and ongoing relationship.
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on March 21, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED TO AS FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk



CALIFORNIA CULTURAL DISTRICTS

2017 PILOT PROGRAM: APPLICATION OVERVIEW AND INSTRUCTIONS

The California Arts Council (CAC) is pleased to announce the availability of the open application process for the pilot year of the new California Cultural Districts program. Please read through this document and the California Cultural Districts website for detailed information about the program: www.caculturaldistricts.org

CALIFORNIA CULTURAL DISTRICTS OVERVIEW

The CAC's new California Cultural Districts program aims to cultivate authentic and sustainable cultural districts that reflect the breadth and diversity of California's extensive cultural assets. A cultural district is generally understood as a well-defined geographic area with a high concentration of cultural resources and activities. The California program seeks to identify, support and connect centers of arts and cultural activity through the designation and certification process.

In this pilot year, a cohort of 10-15 Cultural Districts will be selected through an open application process. Selected districts for the first California Cultural Districts cohort will receive a host of benefits and will participate in a developmental evaluation process to refine the program for the future. Selected districts will help shape the final Cultural District certification process and will help to define the most relevant and effective services for state-designated districts.

PILOT CULTURAL DISTRICT PROGRAM BENEFITS

Benefits of participating in the pilot cohort include the following:

- Official state certification
- California Cultural Districts branding materials
- Technical assistance
- Joint marketing support
- Participation in developmental evaluation of the program
- Stipend of \$5,000 for evaluation participation

APPLICATION PROCESS

The California Arts Council seeks qualified organizational partnerships to apply through a multi-tiered process adjudicated by a review panel that will include the following:

1. Submission of a Letter of Intent (LOI): **Due March 29, 2017 at 5:00 PM PST.**
2. Site visits for semi-finalists
3. Finalists will be invited to submit a full application.

TIMELINE

January 31, 2017	Open Call for Applications Released
February 15, 2017	Informational Webinar* – 11:00 AM PST
March 29, 2017	LOI Submission Deadline
April 17-19, 2017	LOI Review Panel (Semi-Finalists Selected)

UPDATED 2/3/2017 – NOTE NEW LOI DEADLINE

May 1-19, 2017	Site Visits for Semi-Finalists
May 31, 2017	Finalists Selected
May 31, 2017	Full Application Released to Finalists
June 23, 2017	Full Application Deadline
July 17, 2017	Final Application Review Panel (Pilot Cohort Selected)

*Webinar registration link: <https://attendee.gotowebinar.com/register/4539358324894472194>

ELIGIBILITY

To be eligible to apply during this pilot round, the following minimum requirements must be met:

- Only organizational partnerships are eligible to apply.
 - At a minimum, the partnership must include three organizations: a cultural non-profit or artist collective; a local business or business association; and a branch of local government and/or a community development corporation.
- The majority of organizations in the partnership must be located in the district.

REQUIREMENTS

- Evidence of partnership: Memorandum of understanding or letter of agreement between partnering entities, or local government resolution acknowledging partnership
- Map indicating the boundaries of the proposed district
- Evidence of community support: (3) Three letters of support from individual community members or artists located in the proposed district (do not include participating partners)
 - Support letters from the following groups are encouraged: individual artists, low-income residents, social service organizations, local elected officials, etc.
- Cultural asset survey or inventory: A narrative description of cultural assets is necessary for LOI and a completed preliminary cultural asset survey or inventory is required at the time of final application.
- One organization must serve as the lead applicant for the purposes of completing the application.
- The cultural non-profit or artist collective partner must have a two-year history of arts programming or activities.

SELECTION CRITERIA

The pilot cohort will collectively represent emerging and established, rural, urban, and suburban districts, and will include a focus on cultural production, cultural heritage, or cultural consumption. Districts will be asked to identify according to this broad typology during the application process. (A glossary of terms is available at this link:

<https://www.caculturaldistricts.org/glossary>.) For example, a district might be rural, focused on cultural consumption, and established. At each stage of the process, applicants will be grouped and reviewed separately by distinct district types based on the following flexible matrix:

CONTEXT	FOCUS	LIFE-CYCLE
urban	cultural production	emerging
suburban	cultural consumption	mid-point
rural	cultural heritage	established

Urban and Rural geographic boundaries are described as such:

- ***Urban and suburban*** cultural districts are generally expected to be a contiguous geographic area that is walkable.
- ***Rural*** districts do not need to be walkable or even contiguous, but will need to make the case for how the participating areas/entities are complementary and synergistic.

The pilot districts will be selected based on the strength with which they demonstrate the following:

- Quality, diversity, and commitment of participating partners
- Authentic community engagement from diverse stakeholders
- A strong understanding and concentration of the cultural assets present
- Clarity and thoroughness of vision, goals and objectives, and budget
- Clearly defined and qualified leadership
- Anticipated impact of the cultural district designation
- Effectiveness of expected contribution to pilot cohort

REVIEW PROCESS

Letters of Intent and subsequent findings from the invited site visits will be reviewed by a multi-disciplinary and multi-sector selection panel, along with representatives from other state agencies that are partnering on the initiative. The panel will review each phase and select a group of finalists will be invited to submit a full application.

LETTER OF INTENT (LOI) SUBMISSION INSTRUCTIONS

LOIs are accepted online only and several required attachments must be prepared prior to submission. Your online submission must be started and completed in one sitting. You will NOT be able to save, exit, and re-enter the online application in your web browser.

LOI Submission Link: <https://cacapplications.wufoo.com/forms/cac-201617-california-cultural-districts-loi/>

You will be asked to enter basic organizational information including contact information for lead organizational applicant, as well as the FEIN and DUNS number of lead applicant organization.

Applicants must upload a PDF file of their LOI with the following information. Use 12-point font, single spaced and limit your responses to a maximum of 10 pages.

The Letter of Intent must include the following:

- **Applicant Organization Information**
Brief mission and history of lead applicant organization. *Include the operating budget for current and immediate past fiscal year.*
- **Partnership Information**
Briefly describe each of the partners and the role each plays in the proposed district including anticipated resources, and how each aligns with the issues and opportunities facing the district. *Include the operating budget for current and immediate past fiscal year for each partner.*
- **Cultural District Typology**
Describe whether the district is established, emerging, or at some other point in its life cycle, and describe the primary focus or emphasis of the district (i.e. cultural production, cultural

consumption or cultural heritage). If other, please explain.

- **Location Information**

Identify whether the district is Urban, Rural, or Suburban, and provide the location and basic demographic and socio-economic statistics. List the types of public infrastructure and amenities that support the district. Provide information on any district overlap with other local, regional, or federal designations such as locally-designated cultural districts, Main Street, Business Improvement District, Historic District, Federal Empowerment Zone, etc.

- **Budget**

Identify the total budget estimate, and budget sources, for discrete activities proposed to take place under the umbrella of the district (i.e. event expenses, marketing expenses, personnel expenses, etc.).

- **Narrative Questions**

- Describe the types of space for artists, arts organizations, and cultural activities currently present in the district, and any potential plans for additional space creation. Include the facilities, activities, events, and history that make the district distinct.
- Identify the key issues and opportunities facing the district and how the cultural district designation will address them.
- Describe the ways in which the community is currently engaged in the district and its activities.
- Discuss how the community's existing residents will benefit from district designation.
- List any anticipated district stakeholders beyond the core partners and how you intend to collaborate with each.
- Describe the specific anticipated local benefits of a state designation of this district.
- Identify the personnel who will be dedicated (full or part-time) to district operations and planning. Provide the name(s), affiliation(s), experience, and role(s) of the individual(s).

- **Additional Materials Upload**

- IRS Determination Letter of applicant organization
- Map indicating the boundaries of the proposed district
- Letter or resolution from the local government and/or a community development corporation partner acknowledging the partnership
- (3) Three letters of support from individual community members or artists located in the proposed district (do not include participating partners).

STAFF ASSISTANCE

CAC staff is available on a limited basis to offer guidance and clarification in preparing your Letter of Intent. We recommend that you contact staff well in advance of the deadline to ensure you can be accommodated. Contact Caitlin Fitzwater at caitlin.fitzwater@arts.ca.gov

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: DONALD RUST, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT**

RE: 2017 INTERNATIONAL COUNCIL OF SHOPPING CENTERS EVENT

DATE: MARCH 21, 2017

SUMMARY

The Council may consider allowing two (2) Council Members to attend the International Council of Shopping Centers (ICSC) RECon event, to be held May 21st – 24th, 2017, in Las Vegas, Nevada.

DISCUSSION

City staff believes that this specific ICSC event will help to market the opportunities that are available in the Oroville community. Attending this event should help staff to stimulate new and exciting economic development growth and projects for the community. Specifically, the 2017 RECon is the world's largest retail real estate convention with more than 37,000 attendees representing 58 countries who gather for power deal making, endless networking and innovative education. This three-day meeting provides an opportunity to gain information about current industry issues and trends, meet and interact with colleagues doing business internationally and make deals. This event will be held on Sunday, Monday, Tuesday and Wednesday, May 21st through 24th, 2017, in Las Vegas, Nevada. The attendees would travel on Sunday afternoon, stay over on Sunday, Monday and Tuesday nights and return Wednesday evening. The full convention includes two lunches, receptions, Professional Development Day (Sunday), education and conference sessions on Monday and Tuesday, Leasing Mall, Market Mall, and SPREE RECon on Wednesday.

DESCRIPTION	COST	2 CITY COUNCIL
Registration Fee (ICSC Members) *	\$ 610.00	\$ 1,220.00
ICSC Membership for one person	\$ 100.00	\$ 200.00
Hotel accommodations for 2 rooms/3 nights ea.	\$ 708.00	\$ 1,416.00
Meals (Per Diem)	\$ 192.00	\$ 384.00
TOTAL COST		\$ 3,220.00

Council Member Thomson has requested that he and Mayor Dahlmeier attend the annual conference and requests the Council support to allow them to attend this specific event.

FISCAL IMPACT

The Las Vegas event will cost approximately \$1,610.00 per attendee for a total fee of \$3,220.00. The cost includes registration, hotel, meals and travel to the event.

Economic Community Enhancement Fund	1401-6430	\$3,220.00
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Council Member Thomson has indicated that he'll probably not need the expenditures for a hotel, he has other options.

RECOMMENDATIONS

Authorize two (2) council members to attend the International Council of Shopping Centers International RECon event, to be held May 21st – 24th, 2017, in Las Vegas, Nevada.

ATTACHMENTS

- A – RECon Registration & Information Form
- B – Email from Council Member Thomson



RECON

May 21 – 24, 2017 • Las Vegas, NV
Las Vegas Convention Center & Westgate Hotel

REGISTRATION FEES

Full Convention

	EARLY BIRD	ADVANCE	ON-SITE
Member*:	\$570	\$610	\$760
Non-Member:	\$1,190	\$1,190	\$1,490
Student Member**:	\$50	\$50	N/A

Access to the Full Convention includes two lunches, receptions, Professional Development Day (Sunday), education and conference sessions on Monday and Tuesday, Leasing Mall, Marketplace Mall, and SPREE RECon.

* To qualify for the member rates, each registrant must be an ICSC member. A company membership does not entitle every employee of that company to register at the member rates.

** Students must register in advance to obtain the student rate. No student rates will be offered on-site.

Professional Development Day — Sunday, May 21

ADVANCE/ON-SITE: \$250

This fee is for the Professional Development Day on Sunday, including all conference and education sessions. Those with RECon Full Convention Registration do **NOT** need to add on this fee, as it is included in your registration fee. Those who have a free Exhibitor, Marketplace Mall, MAXI or SPREE RECon badge and would like to attend Professional Development Day sessions must register for this option.

Marketplace Mall and SPREE RECon

While Marketplace Mall and SPREE RECon are FREE to attend, you must be registered in order to receive a badge for access to these sections of the show floor. Visit www.icscrecon.org to register in advance. Access to these sections are included with Full Convention registration.

BECOME A MEMBER AND SAVE ON REGISTRATION!

ICSC Membership Fees

Regular and Associate:	\$800	Public/Academic Affiliate:	\$50
Affiliate:	\$125	Student:	\$50
Public/Academic:	\$100		

REGISTRATION DEADLINES

December 9, 2016

Early Bird Deadline – Members Save \$40

March 31, 2017

Register and submit a photo by deadline to receive your badge in the mail. No badges will be mailed without a photo. Registrants who pay the member rate must be a member in good standing on March 31 to retain that rate and receive a badge in the mail.

April 28, 2017

Deadline to receive advance registration fee.

May 20, 2017

Registrations will be accepted on-site in Las Vegas.

All attendees and exhibitors are required to have an ICSC-issued color photo badge for access to the Convention. To submit a photo, visit www.icsc.org/membership/photo-upload-instructions

TRANSFERS/CANCELLATIONS

If you are unable to attend RECon, you may transfer your registration (member to non-member transfer requires higher registration fee be paid). After badges are mailed, the original registrant's badge must be returned at time of transfer. You may cancel your registration up to March 31, 2017 and receive a refund. All cancellations will be subject to a \$25 fee and must be received by ICSC in writing. No refunds will be issued after March 31, 2017.

TERMS, CONDITIONS AND RULES

This Registration Form is subject to ICSC Terms, Conditions and Rules for Event Registrants available at www.icsc.org/event-terms-and-conditions, which are hereby incorporated by reference.

HOW TO REGISTER

Online: www.icscrecon.org

Fax: +1 732 694 1800

Mail: International Council of Shopping Centers
P.O. Box 26958, New York, NY 10087-6958, USA

Check here if name and address are to be corrected on ICSC's records to conform to information below.

NOTE: Changes in company membership can only be done if paid by the individual.

PLEASE PHOTOCOPY FORM AS NEEDED.

REGISTRATION INFORMATION

Individual Membership Number* (as it appears on your membership card) _____

Last Name First Name

Company Name Title

Mailing Address

City State/Province Zip/Postal Code Country

Telephone Fax E-mail

REQUIRED FOR NON-U.S. APPLICANTS _____
Date of Birth Country of Citizenship

REGISTRATION FEE + MEMBERSHIP FEE (if applicable) = TOTAL AMOUNT

METHOD OF PAYMENT

Check made payable to ICSC enclosed.

Credit Card: Mastercard Visa AMEX Discover

Credit Card Number (include all digits)

Expiration Date (month/year)

Name (as it appears on credit card)

Signature

2017RECON

Don L. Rust

From: Scott Thomson
Sent: Tuesday, March 7, 2017 1:55 PM
To: Linda Dahlmeier
Cc: Don L. Rust
Subject: Vegas developers conference

Hello Mayor Linda,

I was talking to Mr. Rust this morning about the Vegas developer's conference coming up in May and remembered our conversation about going to it as well. I believe that it is important for us to get out there now and not only show a positive face for our town but also drum up business while Oroville is in the spotlight. I am willing to do whatever necessary to make it feasible for our city. I have a friend in Vegas that I can ask to stay with. I don't need royal treatment, and think it important that we have good representation this year. Don was saying it would be good to have an official letter or email sent to him that he can present to council for its review and possible approval in the March 21st meeting. Can we work on that letter together and can you for sure go with, if it's approved?

Thank you,

Scott Thomson
Oroville City Councilman
530-370-3570

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

**FROM: DONALD RUST, DIRECTOR
DAWN NEVERS, ASSISTANT PLANNER
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: CREATION OF TWO ADDITIONAL PART-TIME MUSEUM STAFF
POSITIONS**

DATE: MARCH 21, 2017

SUMMARY

The Council will consider creating two additional part-time Museum Staff positions for the 2017/2018 Fiscal Year Budget.

DISCUSSION

The museums in Oroville house artifacts of historical importance for education and research and for tourism that boosts the local economy. With the Oroville Docents Association membership declining in recent years, docent staffing of the museums is inadequate, leaving days in which the museums remain closed to the public when they are advertised to be open. The Docents have tried several recruiting efforts with little success. Intermittent operational hours of the museums will cause an appearance of unreliability; thereby, resulting in a loss of interest from residents and tourist.

The current part-time position at the Chinese Temple and Museum Complex is four hours per day and five day per week at a total of \$9800.00 annually. The Oroville Docents and Friends of the Parks fill in two days per week and assist with tours; allowing for the Chinese Temple to operate seven days per week.

The Pioneer Museum and C.F. Lott Home are scheduled to be open three days per week on Friday, Saturday, and Sunday. To staff both the Pioneer Museum and the C.F. Lot Home part-time at three days per week would be \$5,796.00 annually for each employee. There would be no benefits offered for each part-time position. This would allow for the museums to remain open as they are advertised and the docents can assist with the archival of artifacts, tours, and promotional events. The benefits also include eliminating the need for parks departments staff having to open and close for the docents and closed out the cash registers and deliver the funds to the Finance Department, freeing up time to complete necessary parks related tasks.

FISCAL IMPACT

The Pioneer Museum position may be funded through Budget Unit 3421, Salary Expense 5110 at \$5,796.00 annually. The C.F. Lott Home position may be funded through Budget Unit 3431, Salary Expense 5110 at \$5,796.00 annually in the 2017/2018 Fiscal Year Budget. These amounts are not included in the current budget.

RECOMMENDATION

Provide Direction as necessary.

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: DONALD RUST, DIRECTOR (530) 538-2433
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: PREMANUFACTURED SPEED HUMPS AT ROUNDABOUT
ENTRANCES**

DATE: MARCH 21, 2017

SUMMARY

The Council may consider providing staff with direction for the installation of speed humps at the entrances to the two roundabouts within City limits.

DISCUSSION

On April 5, 2016, the Council directed staff to install speed humps along Spencer Avenue to deter traffic from speeding. On May 17, 2016, staff brought to the Council information regarding installation costs and the Council directed staff to install six premanufactured speed humps along Spencer Avenue that are manufactured out of hard recycled rubber with striping imbedded into the product. The installation of this product can be contracted or installed by the streets division. The placement of thermoplastic "BUMP" markings would need to be completed by a licensed contractor through a bid advertisement. For the six speed humps at Spencer Avenue, the estimated costs were as follows:

- Estimated Cost Contracted = \$44,000 (including "BUMP" markings)
- Estimated Cost City Installed = \$27,000 ("BUMP" markings contracted separately)

Staff believes the installation of a similar traffic calming device at the entrances to both roundabouts in the City to reduce vehicle speeds for safety purposes. There are currently plastic speed humps at the new roundabout. Staff is recommending that new premanufactured speed humps, similar to the ones currently installed along Spencer Avenue, be installed at the entrances to both roundabouts (8 total).

FISCAL IMPACT

The estimated contractual cost for the speed humps along Spencer Avenue was \$44,000 for six, which is \$7,333 per speed hump. Based off these prices, it is anticipated that the total cost for the installation of eight premanufactured speed humps would be approximately \$58,667 to be paid for from Regional Surface Transportation Program (RSTP) funds, Account No. 5061-6230.

RECOMMENDATIONS

Direct staff, as necessary.

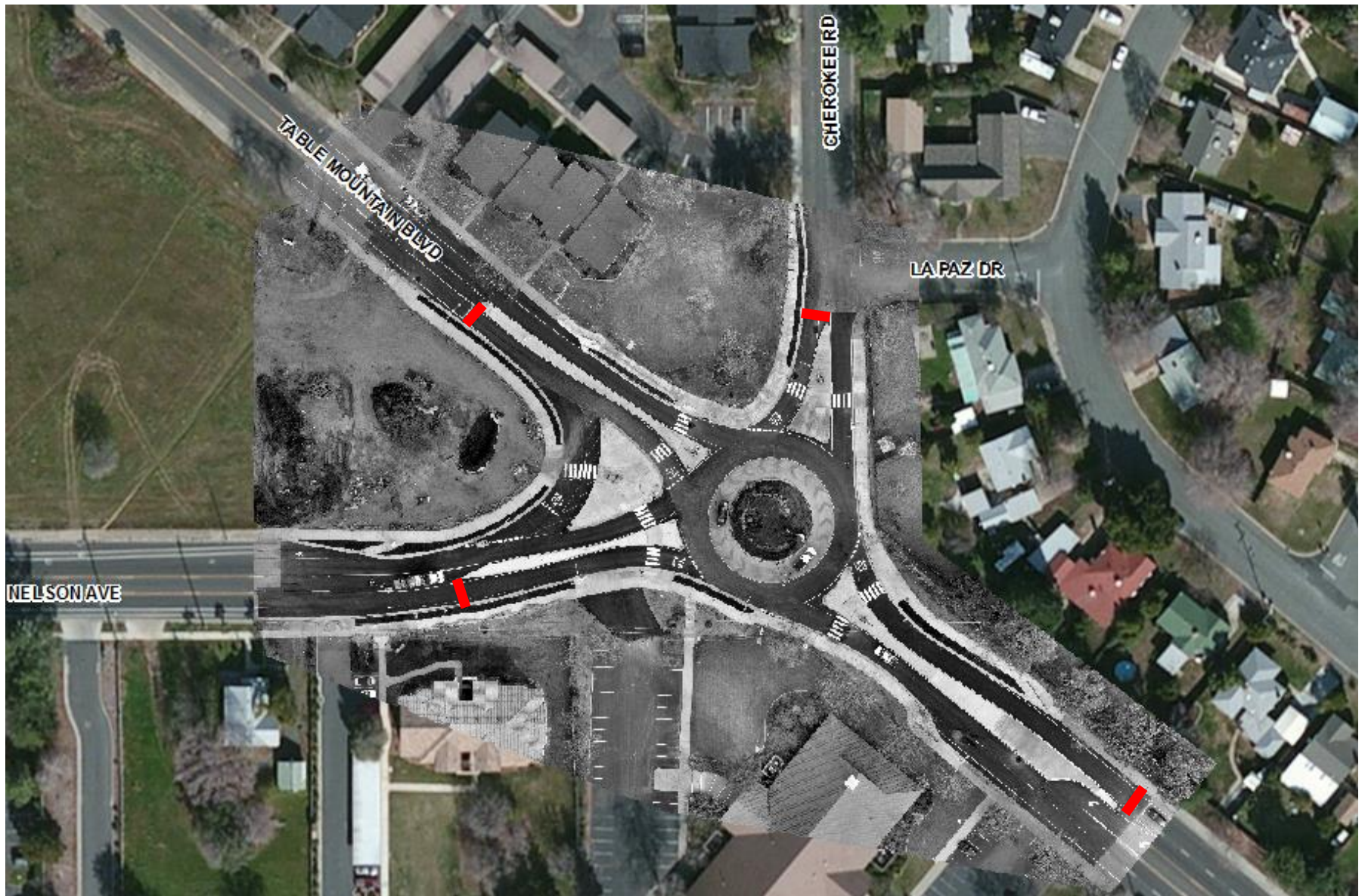
ATTACHMENTS

A – Proposed Locations at Montgomery St and Washington Ave

B – Proposed Locations at Table Mountain Blvd, Cherokee Rd and Nelson Ave



 Speed Humps



Speed Humps



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2401 – FAX (530) 538-2426
www.cityoforoville.org

Donald Rust
DIRECTOR

MEMORANDUM

TO: MAYOR AND COUNCIL MEMBERS

FROM: LUIS A. TOPETE, ASSOCIATE PLANNER

RE: INTERNATIONAL COUNCIL OF SHOPPING CENTERS (ICSC) – 2017 MONTEREY IDEA EXCHANGE

DATE: MARCH 13, 2017

The ICSC Monterey Idea Exchange was held in Monterey from March 8, 2017 – March 9, 2017. The event is centered around education, networking and deal making. The two-day regional event provides an opportunity for attendees to gain information about current industry issues and meet and interact with others in the industry. Those in attendance included retailers, developers, property/shopping center management, lending institutions, realtors, local government representatives, and more. Donald Rust, Rick Farley, and Luis Topete were all in attendance from the City of Oroville. Staff was able to network with people working on projects within the City of Oroville, which includes the following:

- Feather River Village shopping center
- New development proposed on the east end of Oro Dam Blvd
- Potential tenants for the repurposing of the existing Wal-Mart
- Shopping center north of Oro Dam Blvd between Myers St and Lincoln Blvd and potential improvements
- Potential development of the property west of Feather River Blvd between Mitchell Ave and Oro Dam Blvd

The cost of attendance was as follows:

Attendee	ICSC Membership	Lodging (Two Nights)	Meals	Event Registration	Travel²
Don Rust	-	-	-	\$95	\$45
Rick Farley	\$50	\$267	\$22	\$250 ¹	\$48
Luis Topete	\$50	\$200	-	\$95	\$5
Subtotals	\$100	\$467	\$22	\$440	\$98
TOTAL	\$1,127				

[1] Registration fee included a booth that will be reimbursed from the Recycling Market Development (RMDZ) Zone Incentive Fund(ZIF) grant.

[2] Costs shown include gasoline paid for at a gasoline station and bridge toll fees. Costs do not reflect cost of refueling at City corporation yard.

The City of Oroville's presence at this event gave regional recognition to the City. There was much discussion between staff and event attendees, as the City's current recognition due to the Oroville Dam incident immediately grabbed the attention of attendees. Staff is currently in the follow up process of reaching out to certain retailers/developers in an attempt to bring additional businesses into the City of Oroville.