



OROVILLE CITY COUNCIL

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

FEBRUARY 6, 2018
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

PG&E, Dan Blair – *Parking Lot A – Soils remediation Outline*

CONSENT CALENDAR

1. **APPROVAL OF THE January 16, 2018 REGULAR MEETING MINUTES OF THE OROVILLE CITY COUNCIL** – minutes attached

Information Technology Division

2. **DATA RECOVERY** – staff report

The Council will receive information regarding data that was inadvertently deleted from one of the storage

devices at the Police Department and data recovery was necessary to recover the lost data.

Council action requested: **For informational purposes only.**

Community Development Department

3. **ZC 17-01: REZONE OF 1355 WASHINGTON AVENUE FROM MXD TO MXC (2nd READING)** – staff report.

The Council will conduct a public hearing to review and consider approving a recommendation by the Oroville Planning Commission to Rezone the property identified as 1355 Washington Avenue (APN: 013-030-010) from Downtown Mixed Use (MXD) to Corridor Mixed Use (MXC). (**Donald Rust, Director of Community Development**).

Council action requested: **Waive the second reading, and introduce by title only, Ordinance No. 1826 – AN ORDINANCE OF THE OROVILLE CITY COUNCIL MAKING FINDINGS AND APPROVING THE REZONE OF 1355 WASHINGTON AVENUE (APN: 031-030-010) FROM DOWNTOWN MIXED USE (MXD) TO CORRIDOR MIXED USE (MXC)**

PUBLIC HEARINGS

Community Development Department

4. **POTENTIAL FEE INCREASE FOR TOBACCO RETAILER LICENSES** – staff report

The Council may review and consider approving a recommendation from the Oroville Planning Commission to increase the fee for a Tobacco Retail License from \$36 to \$238.64, for a total fee increase of \$202.64. (**Donald Rust, Director of Community Development**).

Council action requested: **Adopt Resolution No. 8685 – A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING A FEE INCREASE FOR TABACOO RETAIL LICENSES**

REGULAR BUSINESS

Public Works Department

5. **HWY 70 CORRIDOR PROJECT UPDATE** – staff report

The Council may receive an update regarding the status of the Highway 70 Corridor Project, followed by a short presentation, developed by the Butte County Association of Governments (BCAG) will be provided by Mike Massaro, Contract City Engineer. (**Mike Massaro, Contract City Engineer**)

Council action requested: **Informational only.**

6. **AMENDMENT TO THE AIRPORT PRECISION APPROACH PATH IIDICATORS AND RUNWAY END IDENTIFIER LIGHTS CONSTRUCTION CONTRACT WITH PACIFIC UNDERGROUND SERVICES, INC.** – staff report

The Council may consider an amendment to the construction contract with Pacific Underground Services, Inc. in the amount of \$3,615.00 for the Oroville Municipal Airport to furnish and install a Precision Approach Path Indicators (PAPI) and Runway End Identifier Lights (REIL) system for the Runway 02. FAA Grant # 3-06-0178-021-2016. (**Rick Farley, Enterprise Zone and Business Assistance Coordinator**)

Council action requested: **Adopt Resolution No. 8686 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROJECT CONTRACT WITH PACIFIC UNDERGROUND SERVICES, INC. IN THE AMOUNT OF \$3,615.00 – (Agreement No. 3190-1).**

7. AMENDMENT TO THE AIRPORT PIPELINE AND GRADING CONSTRUCTION CONTRACT WITH ALL-AMERICAN CONSTRUCTION, INC. – staff report

The Council may consider an amendment to the construction contract with All-American Construction, Inc. in the amount of \$7,223.93 for the Oroville Airport drainage and grading project. FAA Grant # 3-06-0178-021-2016. **(Rick Farley, Enterprise Zone and Business Assistance Coordinator)**

Council action requested: **Adopt Resolution No. 8687 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROJECT CONTRACT WITH ALL-AMERICAN CONSTRUCTION, INC. IN THE AMOUNT OF \$7,223.93 – (Agreement No. 3189-1).**

8. AMENDMENT TO THE FIXED BASE OPERATOR LEASE AGREEMENT WITH TOM HAGLER DBA: TABLE MOUNTAIN AVIATION – staff report

The Council will consider an Amendment to the Fixed Base Operator (FBO) Lease Agreement with Tom Hagler dba: Table Mountain Aviation, extending the lease for an additional five (5) years to November 1, 2021. **(Rick Farley, Enterprise Zone and Business Assistance Coordinator)**

Council action requested: **Adopt Resolution No. 8688 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE FIXED BASE OPERATOR LEASE AGREEMENT WITH TOM HAGLER DBA: TABLE MOUNTAIN AVIATION, EXTENDING THE LEASE FOR AN ADDITIONAL FIVE YEARS – (Agreement No. 1761-6).**

Finance Department

9. CALIFORNIA STATE DEPARTMENT OF FINANCE (DOF) APPROVAL OF THE LAST AND FINAL RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) – staff report

The Council may review and consider approving and accepting the unanticipated revenue in the amount of \$3,586,616 and allocate \$2,869,294 to be deposited into the City's new Section 115 Pension Trust account to mitigate future increases in pension costs. **(Ruth Wright, Finance Director).**

Council action requested: **Adopt Resolution No. 8689 A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING AND ACCEPTING THE UNANTICIPATED REVENUE IN THE AMOUNT OF \$3,586,616 AND ALLOCATE \$2,869,294 FROM THE CALIFORNIA STATE DEPARTMENT OF FINANCES APPROVAL OF THE LAST AND FINAL RECOGNIZED OBLIGATION PAYMENT SCHEDULE TO BE DEPOSITED INTO THE CITY'S NEW SECTION 115 PENSION TRUST ACCOUNT TO MITIGATE FUTURE INCREASES IN PENSION COSTS.**

Administration

10. AMENDED EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND DONALD L. RUST TO SERVE AS CITY ADMINISTRATOR – staff report

The Council will consider an amendment to the employment agreement between the City and Donald L. Rust for service as City Administrator. **(Scott E. Huber, City Attorney).**

Council action requested: **8Adopt Resolution No. 8690 - A RESOLUTION OF THE OROVILLE CITY**

COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDED EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND DONALD L. RUST TO SERVE AS CITY ADMINISTRATOR. (Agreement No. 3244-1).

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

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

CORRESPONDENCE

- Jeanne Checchi, RE: Marijuana Issue
- William Bynum, RE: Commercial Cannabis
- Tasha Levinson, RE: Cannabis Proposal
- Chris Samuel, RE: Cannabis – Moving Forward Together
- Pam Moody, RE: Cannabis Availability
- Elizabeth J. Colleran, RE: Cannabis
- Stephaine Tousley, RE: Cannabis Dispensaries
- Ceyhun Inci, RE: Cannabis Dispensaries
- Don Fultz, RE: Pot and Tax
- Deborah Penner, RE: Cannabis – Yes! From a health professional
- Gail D’Arcy, RE: Commercial Cannabis
- Ron Massey, RE: Dispensaries
- S. Bianco, RE: Cannabis Dispensary Decision
- Nicole Andrews, RE: I Support Commercial Cannabis
- Michael Lewis, RE: Commercial Cannabis
- Jaime Lopez, RE: Pro Cannabis Shops and Grow Warehouses
- Wm Daniel Webster, RE: Commercial Cannabis
- Gene Leis, RE: Cannabis
- Pam Leis, RE: Dispensary

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

This is the time the Mayor will invite anyone in the audience wishing to address the Council on a matter not listed on the agenda to step to the podium, state your name for the record and make your presentation. **Presentations are limited to 3 minutes.** Under Government Code Section 54954.2, The Council is prohibited from taking action except for a brief response by the Council or staff to a statement or question relating to a non-agenda item.

CLOSED SESSION

The Council will hold a Closed Session on the following:

1. Pursuant to Government Code section 54956.95, the Council will meet with the Acting City Administrator, Personnel Officer and City Attorney relating to Worker's Compensation Claim No. NCWA-79968.
2. 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 Firefighters' Association, Oroville Police Officers Association (Sworn and Non-Sworn), Oroville Public Safety Mid-Managers Association, Oroville Management and Confidential Association, and Oroville City Employees Association.
3. Pursuant to Government Code Section 54957(b), the Council will meet with Acting City Administrator, Personnel Officer, and City Attorney to consider the employment related to the following position: Deputy City Clerk.
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: City of Oroville v. Department of Water Resources, Butte County Superior Court, Case No. 18-CV-00163.
5. Pursuant to Government Code section 54956.9(d)(2), the Council will meet with the Acting City Administrator and City Attorney regarding potential exposure to litigation – two cases.

ADJOURNMENT

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on Tuesday, February 20, 2018, 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
JANUARY 16, 2018 – 5:30 P.M.**

The amended agenda for the January 16, 2018, 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, January 12, 2018, at 11:12 p.m..

The January 2, 2018 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 5:31 p.m.

ROLL CALL

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

Staff Present:

Donald Rust, Assistant City Administrator
Scott Huber, City Attorney
Karolyn Fairbanks, Treasurer
Dawn Nevers, SBF Program Specialist

Bill LaGrone, Director of Public Safety
Ruth Wright, Director of Finance
Amy Bergstrand, Management Analyst III

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Linda Dahlmeier.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

Trudy MacPhee – Item No. 1, 11& 12
Randy Chapman - Item No. 8
Celia Hirschman - Item No. 8 & 12
John Mitchell - Item No. 8 & 12
Stephanie Tousley – Item No. 8 &12
Genoa Widener – Item No. 10
Faith Henderson – Item No. 12
Pastor Steve Terry – Item No. 12
Chuck Reynolds – Item No. 12
Chris Jacobsen – Item No. 12
Chris Saraga – Item No. 12
Ken Malone – Item No. 12
Helen Crane – Item No. 12
Jessica Mackenzie – Item No. 12
Jackie Glover – Item No. 12
Kenneth J. Paul Sr. – Item No. 12
Norma Wilcox – Item No. 12
Dorinda Scofield – Item No. 12

Mark Mendez - Item No. 8
Tasha Levinson - Item No. 8 & 12
Bobby O'Reiley - Item No. 8, 10 & 12
Jeff Ballard - Item No. 8 & 12
Eric Smith - Item No. 8 & 12
Laura Page – Item No. 12
Mark Hicks – Item No. 12
Annie Terry – Item No. 12
David Pittman – Item No. 12
Mary Barr – Item No. 12
Bill Spear – Item No. 12
Deborah Sage – Item No. 12
Kris-Tina Kelley – Item No. 12
John Miller – Item No. 12
William Bynum – Item No. 12
Cindy Byrns – Item No. 12
Aramenta Hawkins – Item No. 12
Samual Monteon – Item No. 12

John Main – Item No. 12
Michael Tipiero – Item No. 12
Allan Dikes – Item No. 12
Ed Hall – Item No. 12
James Jones – Item No. 12

Judith Schroyder – Item No. 12
Michael Lewis – Item No. 12
Stan Greer – Item No. 12
Frank Johnson – Item No. 12
Nancy Richie – Item No. 12

PROCLAMATION / PRESENTATION

Claudia Stuart, Principal Planner, Butte County, gave a presentation on the ***Oroville Area Urban Greening Plan***.

Bruce Spangler, President of ***Explore Butte County***, gave a presentation updating the Council of the current progress of the Tourism Business Improvement District (TBID) marketing development.

CONSENT CALENDAR

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

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

Administration Department

2. **MINIMUM WAGE INCREASE; INFORMATION ONLY – staff report**

The Council received information regarding the State of California requiring a minimum wage increase on January 1, 2018, from \$10.50 per hour to \$11.00 per hour. **(Liz Ehrenstrom, Human Resources Manager)**

Council action: **For informational purposes only.**

Business Assistance & Housing Development

3. **FORECLOSURES FOR CITY PROPERTY LOCATED AT 1356 LINDEN 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 1365 Linden Avenue. **(Amy Bergstrand, Management Analyst III)**

Council action: **Adopt Resolution No. 8682 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE ACTING CITY ADMINISTRATOR AND/OR MAYOR TO EXECUTE ALL DOCUMENTS AND ANY AMENDMENTS THERETO NECESSARY TO INITIATE AND COMPLETE FORECLOSURE PROCEEDINGS ON REAL PROPERTIES LOCATED AT 1356 LINDEN AVENUE, OROVILLE - (APN 013-032-020).**

Finance

4. **\$60,000 PUBLIC SAFETY TRANSFER – staff report**

The Council considered the transfer of \$60,000 for Public Safety Code Enforcement from Fund 153 to the General Fund 100. **(Ruth Wright, Director of Finance & Bill LaGrone, Director of Public Safety).**

Council action: **Approve the Interfund Transfer of \$60,000 to the General Fund.**

5. INTEREST CHARGES ON ACCOUNTS RECEIVABLE – staff report

The Council considered charging interest on aged accounts receivables. **(Ruth Wright, Director of Finance).**

Council action: **Approve the start of charging interest at a rate of 10% per year on past due accounts receivables.**

6. COST ALLOCATION PLAN PROPOSAL – staff report

The Council considered a proposal for a Cost Allocation Plan from Willdan Financial Services. **(Ruth Wright, Director of Finance)**

Council action: **Approve the Cost Allocation Plan proposal from Willdan Financial Services.**

The motion to approve the Consent Calendar, with Item No. 1 removed, 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

1. APPROVAL OF THE JANUARY 2, 2018 REGULAR MEETING MINUTES OF THE OROVILLE CITY COUNCIL – minutes attached

Trudy MacPhee requested to speak on this item to correct her title at the Feather River Senior Citizen's Association.

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

Approve the January 2, 2018 City Council meeting minutes with corrections on page 4 under Correspondence.

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

PUBLIC HEARINGS – None

Business Assistance & Housing Development

7. CLOSEOUT OF COMMUNITY DEVELOPMENT BLOCK GRANT 14-CDBG-9893 – staff report

The Council conducted a public hearing relating to the performance and the final accomplishments of Community Development Block Grant (CDBG) No. 14-CDBG-9893 and program income related Supplemental programs and activities associated with the grant that expired on October 31, 2017. **(Amy Bergstrand, Management Analyst III)**

The Mayor opened the public hearing.

Hearing no comments, the Mayor closed the public hearing.

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

Authorize the closeout of Community Development Block Grant No. 14-CDBG-9893 which expired on October 31, 2017.

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

8. ZC 17-01: REZONE OF 1355 WASHINGTON AVENUE FROM MXD TO MXC (1ST READING) – staff report.

The Council conducted a public hearing to review and consider approving a recommendation by the Oroville Planning Commission to Rezone the property identified as 1355 Washington Avenue (APN: 013-030-010) from Downtown Mixed Use (MXD) to Corridor Mixed Use (MXC). **(Donald Rust, Director of Community Development)**.

The Mayor opened the public hearing.

Mark Mendez, applicant, and Randy Chapman, Planning Commissioner, answered

questions for the City council.

Tasha Levinson, Bobby O'Reiley, John Mitchell, Stephanie Tousley, and Eric Smith spoke in support of the zoning change for the proposed project

Celia Hirschman and Jeff Ballard expressed concerns for the anticipated traffic.

Hearing no further comments, the public hearing was closed.

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

Waive the first reading, and introduce by title only, Ordinance No. 1826 – AN ORDINANCE OF THE OROVILLE CITY COUNCIL MAKING FINDINGS AND APPROVING THE REZONE OF 1355 WASHINGTON AVENUE (APN: 031-030-010) FROM DOWNTOWN MIXED USE (MXD) TO CORRIDOR MIXED USE (MXC)

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 Works Department

9. REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) STREET REPLACEMENT PROJECT – staff report

Staff requested this item to be continued to the February 6, 2018 regular meeting of the Oroville City Council for consideration.

Community Development Department

10. LETTER TO THE FEDERAL ENERGY REGULATORY COMMISSION REGARDING ISSUANCE OF A NEW LICENSE FOR THE CALIFORNIA DEPARTMENT OF WATER RESOURCES' OROVILLE FACILITIES – (FERC NO. 2100). – staff report

The Council considered sending a letter to the Federal Energy Regulatory Commission (FERC) opposing the request from the California Department of Water Resources (DWR) to be issued a new license to continue operations of their Oroville facilities. **(Donald Rust, Acting City Administrator).**

Bobby O'Reiley and Genoa Widener spoke in support of the Council sending a letter to the Federal Energy Regulatory Commission.

Hearing no further discussion, a motion was made by Vice Mayor Goodson, seconded by Council Member Del Rosario, to:

Send a letter to the Federal Energy Regulatory Commission (FERC) opposing the request from the California Department of Water Resources (DWR) to be issued a new license to continue operations of their Oroville facilities.

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

Administration

11. GOALS & OBJECTIVES - staff report

The Council considered the development of comprehensive goals and objectives for the City of Oroville for the next few budget cycles. **(Donald Rust, Acting City Administrator).**

Trudy MacPhee provided comments to the Council regarding the proposed Goals and Objectives workshop.

Following discussion, the Council directed staff, to:

Move forward with the scheduling of a Goals & Objectives workshop via Doodle Poll for date selection and return to a future council meeting with workshop ideas from the League of California Cities: New Mayors & Council Members Academy.

12. PROPOSED AMENDMENTS TO THE CITY OF OROVILLE MUNICIPAL CODE REGARDING COMMERCIAL CANNABIS REGULATIONS AND POTENTIAL TAX ON ALL COMMERCIAL CANNABIS BUSINESSES – staff report

The Council reviewed and considered directing staff to pursue amendments to the City of Oroville Municipal Code regarding commercial cannabis regulations and pursuing a special or general tax applicable to all commercial cannabis businesses. **(Donald Rust, Acting City Administrator).**

Trudy MacPhee, Faith Henderson, Jessica Mackenzie, John Miller/George, Celia Hirschman, William Bynum, Norma Wilcox, Aramenta Hawkins, Tasha Levinson, Samuel Monteon, John Main, Judith Schroyder, Michael Tioiero, Michael Lewis, James Jones, and Stephanie Tousley spoke in support of the commercialization of cannabis in Oroville. Mark Hicks, Pastor Steve Terry, Annie Terry, Chuck Reynolds, John Mitchell, David Pittman, Chris Jacobsen, Eric Smith, Jeff Ballard, Mary Barr, Bill Spear, Ken Malone, Deborah Sage, Helen Crane, Jackie Glover, Kenneth J. Paul Sr., Cindy Byrns, Allan Dikes, Stan Greer, Ed Hall Frank Johnson and Nancy Ritchie spoke in opposition of the commercialization of cannabis in Oroville.

Chris Saraga, Khris-Tina Kelley, Bobby O'Reiley, and Dorinda Scofield had questions and encouraged the Council to conduct more research regarding the commercialization of cannabis in Oroville.

The City Council Convened to break at 9:35 p.m.

The City Council reconvened at 9:59 p.m.

Laura Page, staff member for Congressman, Doug LaMalfa, addressed the City Council on behalf of Congressman LaMalfa by reading correspondence provided to the Council.

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

- 1. Direct staff to move forward with bringing back the following items for Council action:**
 - A. An ordinance to establish comprehensive regulations related to the establishment, operation, cultivation, manufacturing/processing, sale, testing and distribution of commercial cannabis within the City of Oroville.**
 - B. An ordinance amending the City's Zoning Code establishing land use regulations for the cultivation, distribution, dispensing, manufacturing/processing, nursery, testing and transport of commercial cannabis within the City of Oroville.**
 - C. A resolution to approve contract with a consultant to provide guidance in the development of the regulatory fees for cannabis monitoring and compliance, to help develop a cannabis tax measure (ballot initiative), and to facilitate the community outreach process.**
- 2. Provide direction regarding a Special or General Election and a ballot measure to adopt an ordinance imposing a special or general tax on all commercial cannabis businesses.**
- 3. Hold a public forum for the community to ask questions and receive information.**

The motion was passed by the following vote:

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

COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS

Vice Mayor Goodson reported on the following:

- The January 15th, 2018 Dr. Martin Luther King Jr. pancake breakfast and scholarship award event held at the Southside Community Center.

Council Member Draper reported on the following:

- Corrected previous statement made at the December 19, 2017 City Council meeting regarding Item No. 9: Jamboree Housing.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

Donald Rust, Acting City Administrator reported on the following:

- Reminded the (4) attending Council Members of the upcoming league of CA Cities: New Mayors & Council Members Academy.
- Reported there is an upcoming meeting of the Homelessness Ad hoc Committee with Butte County and Council Members Hatley, Draper and Vice Mayor Goodson.
- Quote received to replace projectors in Council Chambers. The projectors will be replaced with updated flat screen televisions using the Technology Cost Recovery Fund which is restricted from use for salaries and benefits.
- The 5 minute public speaker card has been corrected to 3 minutes for public speakers.

CORRESPONDENCE

- Congress of the United States, House of Representatives, Congressman Doug LaMalfa, 1st District, California, RE: Marijuana Cultivation Ordinance
- Wayne Wilson, RE: Marijuana Shops
- David W. Pittman, Re: City Council Agenda Meeting January 16, 2018 Item # 12
- Steve Simpson, RE: Weed
- Senior District Coordinator, Laura Page, Congressman Doug LaMalfa, RE: The Negative Impacts of Marijuana

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

Trudy MacPhee provided comments to the council regarding AB 109.

Costel Angheluta discussed zoning for of his property 3387 Myers Street.

Bill Spear provided comments read an article from the Los Angeles Times.

Bobby O'Reily provided comments in support of the community.

Stephanie Tousley provided comments and concerns to the council.

John Mitchell expressed concerns for the community.

CLOSED SESSION

The Council held 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 Firefighters' Association, and Oroville Management and Confidential Association.

2. Pursuant to Government Code section 54956.9(d)(4), the Council will meet with the Acting City Administrator and City Attorney regarding potential initiation of litigation – one case (related to Oroville Spillway Incident).
3. Pursuant to Government Code section 54956.9(d)(2), the Council will meet with the Acting City Administrator and City Attorney regarding potential exposure to litigation – two cases.

Following Closed Session, Mayor Dahlmeier reported that direction had been given and no action had been taken.

ADJOURNMENT

The meeting was adjourned at 11:56 p.m. A regular meeting of the Oroville City Council will be held on Tuesday, February 6, 2018, at 5:30 p.m.

Donald Rust, Acting City Clerk

Linda L. Dahlmeier, Mayor

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: BILL LA GRONE, DIRECTOR OF PUBLIC SAFETY
TYSON PARDEE, MANAGER
INFORMATION TECHNOLOGY DIVISION**

RE: DATA RECOVERY

DATE: FEBRUARY 6, 2018

SUMMARY

The Council will receive information regarding data that was inadvertently deleted from one of the storage devices at the Police Department and data recovery was necessary to recover the lost data.

DISCUSSION

On the week of November 6th, 2017, the Police Department's internal network had an issue that prevented users from accessing the department's body camera server. To fix the issue the network storage device that held all of the body camera footage had to be restarted and the storage location re-mapped to the application server. Upon remapping the network storage location, the incorrect folder was utilized. A nightly task which cleaned up old data was then inadvertently allowed to run which removed all the data from the drive.

Due to the minimal funds allotted to the initial storage project backups were not part of the scope of work. Video data is already compressed and storing terabytes of video footage can be costly. Backing up the already compressed data is even more costly. An initial multi-terabyte drive was purchased but there was not money, at the time, to invest in a backup storage device.

A recovery was attempted by the Information Technology (IT) department but was unsuccessful. Due to the nature of the data a quick response was necessary so the drives were sent out immediately for data recovery. DriveSavers, Inc. was chosen for the recovery as it was the recommended company for the Buffalo Terastation brand of storage device owned by the Police Department.

After DriveSavers, Inc receive the hard drives they assessed the data to see if data recovery would be possible. Once it was determined that the data could be restored a decision was made by Bill LaGrone, Public Safety Director, to proceed with the data recovery.

Since this incident the cleanup script has been modified to prevent an incident like this from happening again. In addition, a synchronization location has been setup. This additional storage came out as the recovery of the data included a new hard drive. This is a synchronized copy only and not a true backup.

FISCAL IMPACT

Appropriation is available from the following:

General fund: Police Department \$8,139.32 – 100-2401-6360

RECOMMENDATIONS

For informational purposes only.

ATTACHMENTS

DriveSavers_Invoice



DriveSavers, Inc.
 400 Bel Marin Keys Blvd.
 Novato, CA 94949
 800.609.2301 • fax 415.883.0780

INVOICE

Invoice Number: 967286

Invoice Date:

Ship to:
 Tyson Pardee
 City of Oroville Police Dept
 2055 Lincoln St.
 Oroville, CA 95966

Phone: 530 308-1276

Bill to:
 Tyson Pardee
 City of Oroville Police Dept
 2055 Lincoln St.
 Oroville, CA 95966

Reference Number Provided: None

Terms	Purchase Order	Payment Method	Ship Via	Ship Date

Job Number	Service/Material Description	Serial No.	Materials Charge	Labor Charge
E 542222	Economy Service Data Recovery for 6 x 3TB Western Digital RAID	MULTIPLE		\$7,663.00
E 542222	New Drive Purchase: 8TB Buffalo External Drive	40396970700117	\$439.00	

ADDITIONAL ITEMS SHIPPED:

- RAID: 6 drives total:
 0. Western Digital WD30EFRX-68EUZN0 S/N: WCC4N5VSC8T8
 1. Western Digital WD30EFRX-68EUZN0 S/N: WCC4N2LZ043T
 2. Western Digital WD30EFRX-68EUZN0 S/N: WCC4N2LZ02V0
 3. Western Digital WD30EFRX-68EUZN0 S/N: WCC4N2LZ0DT6
 4. Western Digital WD30EFRX-68EUZN0 S/N: WCC4N5VSCPRH
 5. Western Digital WD30EFRX-68EUZN0 S/N: WCC4N4TLA2CT

Labor Subtotal	\$7,663.00
Materials Subtotal	\$439.00
Subtotal	\$8,102.00
8.50% Sales Tax	\$37.32
Shipping Charge	\$0.00
Invoice Total	\$8,139.32
Amount Paid	
Amount Due	\$8,139.32

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**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS

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

**RE: ZC 17-01: REZONE OF 1355 WASHINGTON AVENUE FROM MXD TO
MXC (2nd Reading)**

DATE: FEBRUARY 6, 2018

SUMMARY

The Council will conduct a public hearing to review and consider approving a recommendation by the Oroville Planning Commission to Rezone the property identified as 1355 Washington Avenue (APN: 013-030-010) from Downtown Mixed Use (MXD) to Corridor Mixed Use (MXC).

DISCUSSION

On December 14, 2017, the Oroville Planning Commission adopted Resolution No. P2017-16 (**Attachment I**), making findings and forwarding a recommendation to the City Council to approve the Rezone of 1355 Washington Avenue (APN: 013-030-010) from MXD to MXC. This property has a long history of issues with the State Water Control Board and has been sitting idle for many years. The new property owner intends to renovate the property into a drive-thru restaurant. However, the property has a zoning designation of MXD which permits restaurants by right, subject to a zoning clearance, but does not permit the approval of a drive-thru restaurant. This property is located at the northeastern edge of what is considered the City's downtown commercial district, on the east end of the roundabout at Montgomery Street, Table Mountain Boulevard and Washington Avenue.

The property has an existing structure approximately 970 square feet in size which the property owner intends to convert into a drive-thru restaurant. No application for a drive thru restaurant has been submitted as the property, as zoned, does not permit a drive-thru. Once the property is rezoned to MXC and the applicant can apply for the operation of a drive thru restaurant, the City will review the project specific impacts associated with the project as approval of a Conditional Use Permit would be required. The current zoning of MXD is a use that allows for a residential density more than double that of an MXC district, and may allow a Floor Area Ratio of up to 3.5 times that of an MXC district. Thus, the proposed Rezone would reduce the potential density of the site substantially.

	Downtown Mixed Use (MXD)	Corridor Mixed Use (MXC)
Residential Density	70 du/acre maximum	30 du/acre maximum
Non-Residential Density	FAR: 1.0 maximum	2.0 maximum ^[2]

[1] FAR = Floor Area Ratio; du = dwelling unit(s)

[2] A maximum FAR of 3.5 is permitted for projects that provide community benefits. See Section 17.26.010 (Incentives for community benefits).

ENVIRONMENTAL 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," Section 15301 "Existing Facilities," and Section 15303 "New Construction or Conversion of Small Structures."

General Rule; 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.

Existing Facilities; Title 14, CCR, §15301

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 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities mechanical equipment, or topographical features, involving negligible or not expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use.

New Construction or Conversion of Small Structures; Title 14, CCR, §15303

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.

The property has an existing structure approximately 970 square feet in size which the property owner intends to convert into a drive-thru restaurant. No application for a drive thru restaurant has been submitted as the property, as zoned, does not permit a drive-thru, although the intended restaurant use is permitted by right, subject to a zoning clearance. Once the property is rezoned to MXC and the applicant can apply for the operation of a drive thru restaurant at the subject project, the City will review the project specific impacts associated with the project as approval of a Conditional Use Permit would be required. The current zoning of MXD is a use that allows for a residential density more than double that of an MXC district, and may allow a Floor Area Ratio of up to 3.5 times that of an MXC district. As the building is existing and the proposed Rezone would reduce the potential density of the site substantially, this action has been found to be exempt from further CEQA review. **(Attachment H)**

The first reading at the January 16, 2018 Council meeting was approved by a unanimous decision.

FISCAL IMPACT

Costs associated with staff time and materials to process the Rezone and \$50.00 Butte County Clerks Filing Fee for filing the Notice of Exemption.

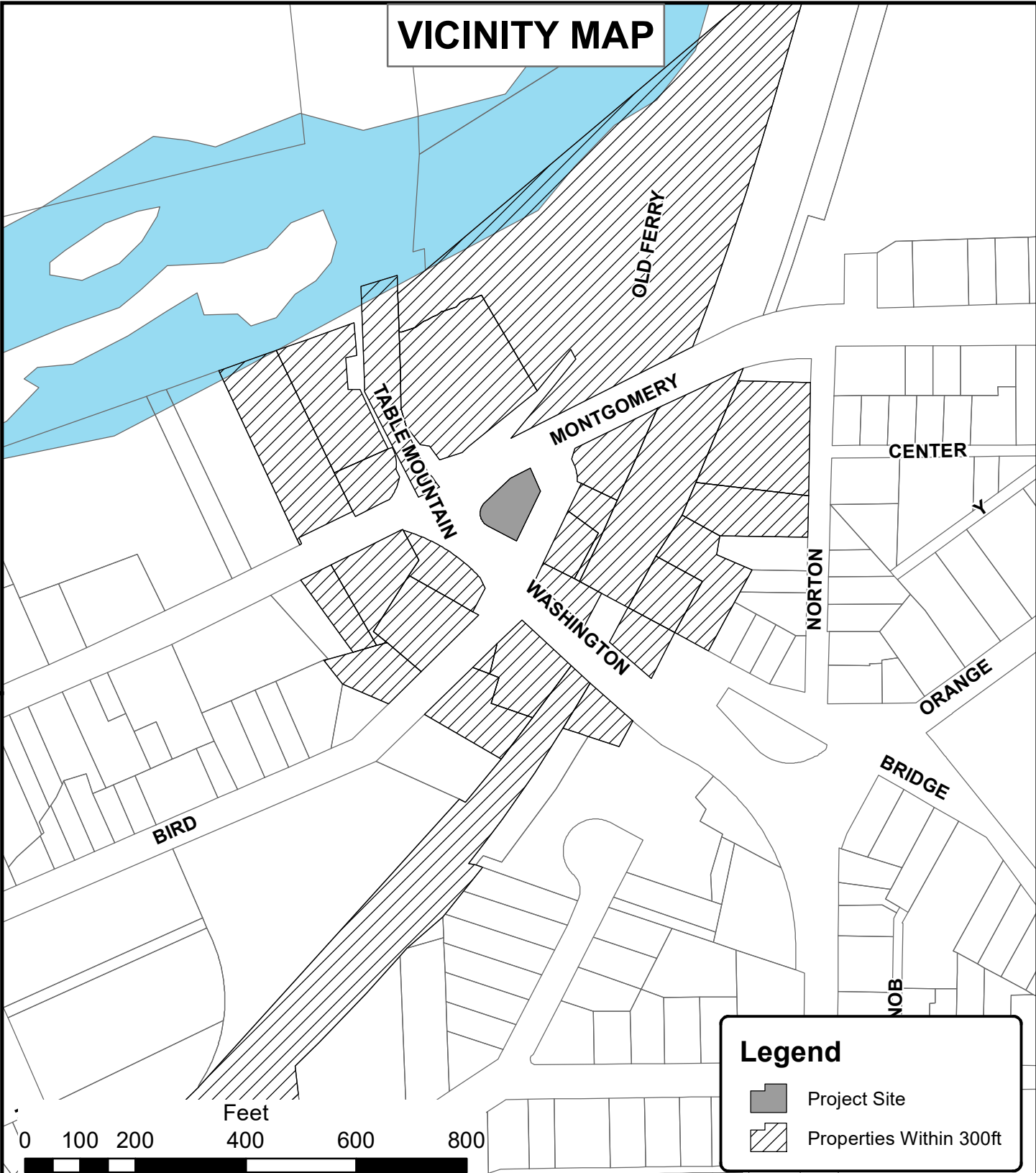
RECOMMENDATIONS

Waive the second reading, and introduce by title only, Ordinance No. 1826 – AN ORDINANCE OF THE OROVILLE CITY COUNCIL MAKING FINDINGS AND APPROVING THE REZONE OF 1355 WASHINGTON AVENUE (APN: 031-030-010) FROM DOWNTOWN MIXED USE (MXD) TO CORRIDOR MIXED USE (MXC)

ATTACHMENTS

- A – Vicinity Map
- B – Aerial Map
- C – Surrounding General Plan Land Uses
- D – Surrounding Zoning Districts
- E – Allowed Uses in Mixed Use Districts
- F – MXD Development Standards
- G – MXC Development Standards
- H – Notice of Exemption
- I – Resolution No. P2017-16
- J – Ordinance No. 1826
- K – Newspaper Notice

VICINITY MAP



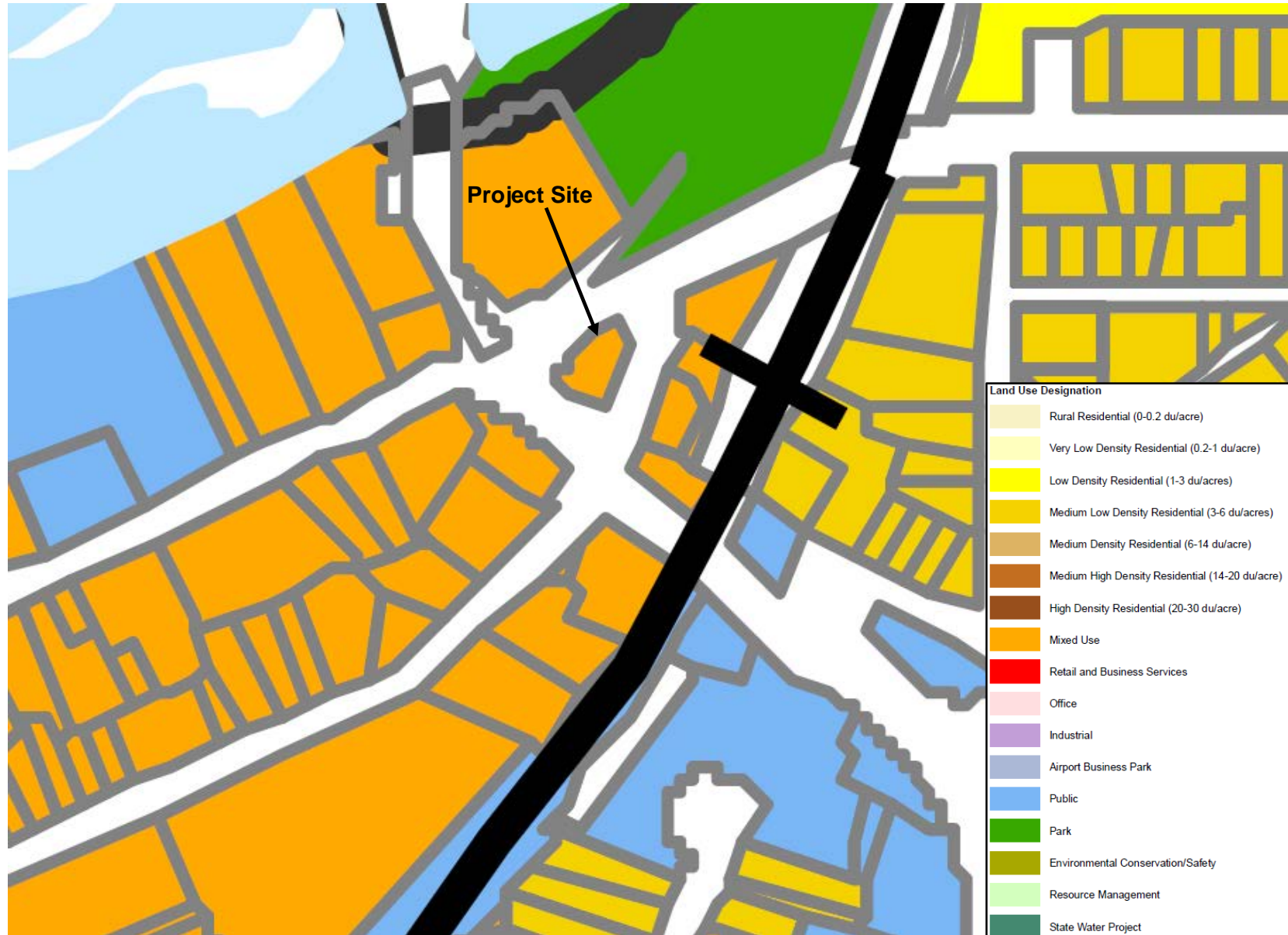
CITY OF OROVILLE PLANNING DIVISION

<i>Applicant:</i> City of Oroville		<i>Project Title:</i> ZC 17-01: Rezone from MXD to MXC		
<i>Project Location:</i> 1355 Washington Avenue (APN: 013-030-010)				
<i>General Plan:</i> Mixed Use	<i>Zoning Designation:</i> Downtown Mixed Use (MXD)	<i>Requested Entitlements:</i> Rezone from MXD to MXC		
<i>TRAKiT #:</i> Project#: PL1710-005		<i>Assessor's Parcel #:</i> 013-030-010		ZC 17-01

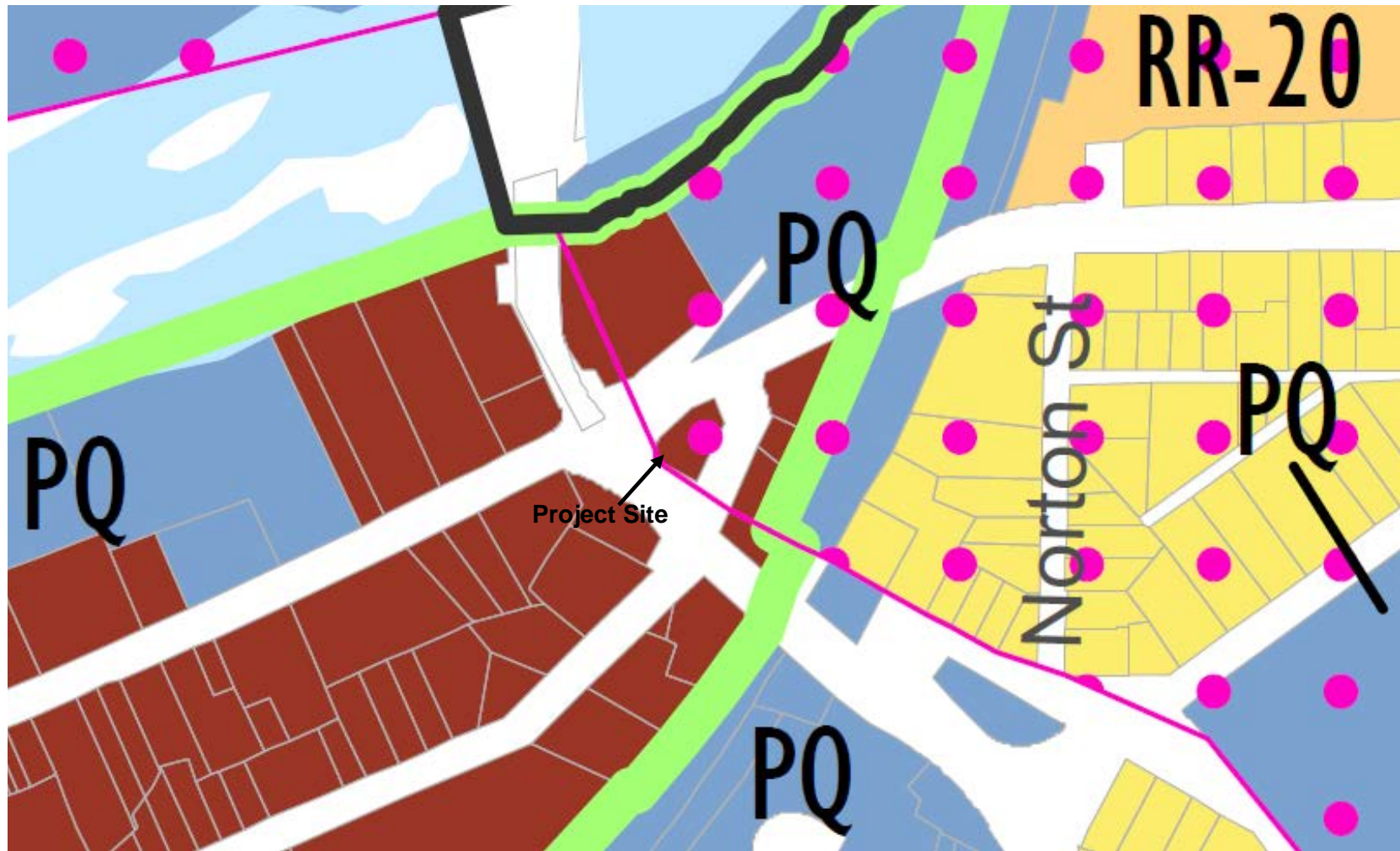
AERIAL MAP



GENERAL PLAN LAND USE DESIGNATIONS



ZONING DISTRICTS



<p>Residential Districts</p> <ul style="list-style-type: none"> Agricultural Residential (RA) Rural Residential 1 Acre (RR-1) Rural Residential 20,000 Square Feet (RR-20) Rural Residential 10,000 Square Feet (RR-10) Large-Lot Residential (RL) Single-Family Residential (R-1) 	<ul style="list-style-type: none"> Medium-Density Residential (R-2) High-Density Residential (R-3) Urban Density Residential (R-4) High-Density Residential/Professional (RP) <p>Commercial and Mixed-Use Districts</p> <ul style="list-style-type: none"> Neighborhood Commercial (CN) Limited Commercial (C-1) 	<ul style="list-style-type: none"> Intensive Commercial (C-2) Highway Commercial (CH) Commercial Light Manufacturing (CLM) Office (OF) Downtown Mixed Use (I-MXD) Neighborhood Mixed Use (I-MXN) Corridor Mixed Use (I-MXC) 	<p>Industrial Districts</p> <ul style="list-style-type: none"> Airport Business Park (ABP) Intensive Industrial (I-2) <p>Special Purpose Districts</p> <ul style="list-style-type: none"> Public or Quasi-Public Facilities (PQ) Open Space (OS) 	<p>Overlay Districts</p> <ul style="list-style-type: none"> Hillside Development Overlay (HD-O) Planned Development Overlay (PD-O) Downtown Historic Overlay (DH-O) Airport Influence Area Overlay (AIA-O) Mini-Storage Overlay (MS-O) 	<ul style="list-style-type: none"> Conditional Overlay (C-O) Foothill Overlay (F-O) Professional Office Overlay (PO-O) Specific Plan Area Overlay (SPA-O)
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17.34.020 Allowed uses in mixed-use districts.

Table 17.34.020-1 shows the uses allowed in the mixed-use districts. These uses include:

- A. **Permitted Use (P).** Uses shown with a “P” are permitted by-right with zoning clearance approval. See Section 17.48.030 (Zoning clearances).
- B. **Administrative Permit Required (AP).** Uses shown with an “AP” require an administrative permit. See Section 17.48.020 (Administrative permits).
- C. **Use Permit Required (UP).** Uses shown with a “UP” require a use permit. See Section 17.48.010 (Use permits).
- D. **Use-Specific Regulations (S).** Uses shown with an “S” must comply with specific regulations for that use. The table identifies the section number for the use-specific regulations.
- E. **Use Not Allowed (-).** Uses shown with a “-” or that are not listed, are not allowed.

**Table 17.34.020-1:
 Allowed Uses in Mixed-Use Districts**

Key				
P	Permitted use, subject to zoning clearance			
AP	Administrative permit required			
UP	Use permit required			
S	See use-specific regulations for permit requirement			
-	Use not allowed			

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Local Food Uses				
Neighborhood food and beverage sales	AP	AP	AP	17.16.220 (Neighborhood food and beverage sales)
Urban agriculture	S	S	S	17.16.230 (Urban agriculture)
Public Assembly				
Carnival, circus or fair	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Commercial recreational facility—indoor, 10,000 square feet or less of gross floor area	UP	UP	P	

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Commercial recreational facility—indoor, more than 10,000 square feet of gross floor area	UP	UP	UP	
Commercial recreational facility—outdoor	-	-	UP	
Concert or performance	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Library or museum	UP	UP	UP	
Meeting facility—10,000 square feet or less of gross floor area	P	P	P	
Meeting facility—more than 10,000 square feet of gross floor area	UP	UP	P	
Park or playground	UP	UP	UP	
School, public	UP	UP	UP	
School, private	UP	UP	UP	
Training facility	UP	UP	UP	
Residential [1]				
Caretaker residence	UP	UP	-	
Family day care, large	S	S	S	17.16.050 (Family day care homes)
Family day care, small	P	P	P	17.16.050 (Family day care homes)
Home occupation, low-impact	S	S	S	17.16.040 (Home occupation)
Home occupation, moderate-impact	S	S	S	17.16.040 (Home occupation)
Mixed-use development	P	P	P	17.16.030 (Mixed-use development)
Multiple-family dwellings [1]	-	P	P	
Residential care facility—6 units or fewer	P	P	P	
Residential care facility—7 units or more	UP	UP	-	
Retail				
Alcoholic beverage sales	UP	UP	UP	
Building supply	-	-	-	
Equipment and machinery sales or rental	-	-	-	
Drive-through establishment—pharmacy	-	-	UP	17.16.080 (Drive-through establishments)

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Drive-through establishment all other uses	-	-	UP	17.16.080 (Drive-through establishments)
Farmers market	AP	AP	AP	
Food and beverage sales—10,000 square feet or less of gross floor area	P	P	P	
Food and beverage sales—10,001 to 40,000 square feet of gross floor area	UP	P	P	
Food and beverage sales—more than 40,000 square feet of gross floor area	UP	UP	P	
Funeral merchandise sales	UP	UP	UP	
Gas station	-	-	UP	17.16.070 (Gas stations)
General retail—10,000 square feet or less of gross floor area	P	P	P	
General retail—10,001 to 40,000 feet of gross floor area	UP	P	P	
General retail—more than 40,000 square feet of gross floor area	-	UP	UP	
Marijuana dispensary	-	-	-	
Mobile food vendor	AP	AP	AP	17.16.150 (Mobile food vending)
Pet store	UP	UP	UP	17.16.120 (Animal keeping)
Plant nursery or garden supply store	UP	UP	P	
Restaurant or café	P	P	P	
Seasonal holiday agricultural sales	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Shopping center, 1,000 square feet or less of gross floor area	P	P	P	
Shopping center, 1,000 square feet or greater of gross floor area	P	UP	P	
Smoke shop	UP	UP	UP	17.36.010 (Allowed uses in industrial districts)
Vehicle sales—automobile, new	-	-	P	
Vehicle sales—all other	-	-	UP	

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Services				
Animal grooming	UP	UP	UP	17.16.120 (Animal keeping)
Animal keeping, noncommercial	P	P	P	17.16.120 (Animal keeping)
Bank or financial service	P	P	P	
Bed and breakfast	P	P	P	
Business support service	P	P	P	
Car wash	-	UP	UP	17.16.090 (Car and vehicle washes)
Catering service	P	P	P	
Child day care center	P	P	P	
Gym	P	P	P	
Hospital	-	-	-	
Hotel or motel	UP	-	UP	
Instructional or production studio	P	-	P	
Kennel	-	-	UP	17.16.120 (Animal keeping)
Mortuary	UP	-	UP	
Office—professional	P	P	P	
Office—all other	P	P	P	
Outpatient Services	UP	UP	UP	
Personal services—low-impact	P	P	P	
Personal services—moderate-impact	UP	UP	UP	
Temporary real estate office	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Temporary uses not listed here	S	S	S	17.16.060 (Temporary uses and buildings)
Veterinarian	UP	UP	P	17.16.120 (Animal keeping)
Manufacturing, Wholesale, Repair, and Storage				
Food or beverage production	UP	-	UP	
Landscape material sales	-	-	UP	
Manufacturing—20,000 square feet or less of gross floor area	UP	-	UP	

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Metalwork—10,000 square feet or less of gross floor area	UP	-	UP	
Mini-storage facility	-	-	-	17.44.060 (MS-O: mini-storage overlay)
Outdoor storage—250 square feet or less	-	-	P	17.16.140 (Outdoor storage)
Outdoor storage—more than 250 square feet	UP	UP	UP	17.16.140 (Outdoor storage)
Repair service, large equipment—20,000 square feet or less of gross floor area	-	-	UP	
Repair service, small appliances	P	P	P	
<i>Transportation and Infrastructure</i>				
Parking garage or lot as primary use	UP	UP	UP	
Public safety facility	UP	UP	UP	
Solar energy system, Tier 1	P	P	P	17.16.180 (Solar energy systems)
Solar energy system, Tier 2	AP	AP	AP	17.16.180 (Solar energy systems)
Solar energy system, Tier 3	UP	UP	UP	17.16.180 (Solar energy systems)
Utility building or substation	P	P	P	

[1] Residential uses in the downtown mixed-use district are permitted only on upper stories above ground floor commercial uses.

(Ord. 1819 § 8, 2017)

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17.34.030 Downtown mixed-use development standards.

The standards below apply to all primary buildings in the downtown mixed-use zoning district. Figure 17.34.030-1 shows the location of primary streets and secondary streets as referenced in these standards.

A. **Building Form and Placement.** All new buildings shall comply with the building form and placement standards in Table 17.34.030-1 and Figure 17.34.030-2.

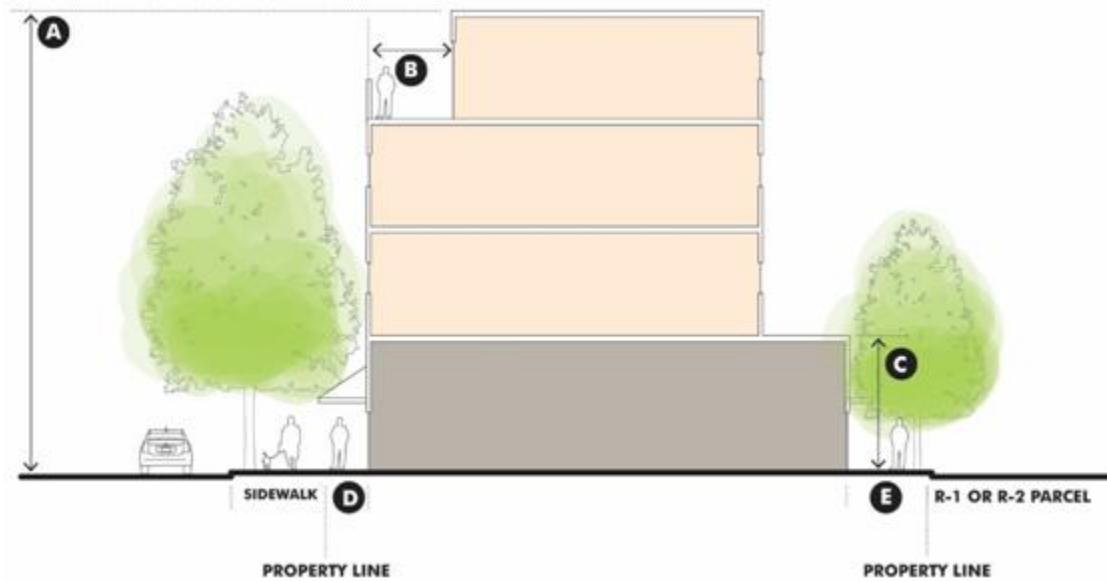


Figure 17.34.030-2 Development Standards in the Downtown Mixed-Use District

**Table 17.34.030-1:
 Development Standards in the Downtown Mixed-Use District**

Building Height	A	55 ft. and four stories maximum
Upper Floor Stepbacks	B	10 ft. min. above the third floor
Ground Floor Ceiling Height, Minimum	C	15 ft.
Floor Area Ratio		2.0 maximum [1]
Residential Density		70 du/acre maximum
Setbacks		
Front and Street Side	D	Buildings shall be set back from the front property line so that the combined width of the sidewalk and setback is a minimum of 10 ft. If the width of the adjacent front sidewalk is 10 ft. or greater, no front setback is required. In no case shall a building be set back more than 5 ft. from the back of the adjacent sidewalk.
Interior Side		

		10 ft. minimum for parcels adjacent to a residential zone; no required interior side rear setback for all other parcels
Rear	E	10 ft. minimum for parcels backing into a residential zone; no required rear setback for all other parcels

[1] A maximum FAR of 3.5 is permitted for projects that provide community benefits. See Section 17.26.010 (Incentives for community benefits).



Figure 17.34.030-1 Primary and Secondary Streets

B. **Public Realm.** The following standards support an active and inviting public realm in the downtown mixed-use zoning district. These standards are illustrated in Figure 17.34.030-3.



Figure 17.34.030-3 Downtown Mixed Public Realm Standards

1. **Building Entrances.** For buildings on a parcel abutting a primary street, the primary building entrance must face either:
 - a. The primary street sidewalk; or
 - b. A pedestrian-oriented outdoor space such as a public square, plaza, or courtyard.
2. **Building Width.** A building must occupy at least 50% of its parcel width.
3. **Storefront Width.** The maximum building/storefront width is 50 feet on a primary street and 100 feet on a secondary street. Larger buildings shall be divided into a pedestrian-scale rhythm with individual building bay widths.
4. **Ground-Floor Building Transparency.**
 - a. The ground-floor building walls of a non-residential use facing a primary street shall provide transparent windows or doors with views into the building for a minimum of 65% of the building frontage between 2½ and 7 feet above the sidewalk (see Figure 17.34.030-4). Ninety percent (90%) of the transparent windows or doors area shall remain clear to allow views into the building.
 - b. Exceptions to this transparency requirement may be allowed with a use permit if the planning commission finds that:
 - i. The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theatre; and
 - ii. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

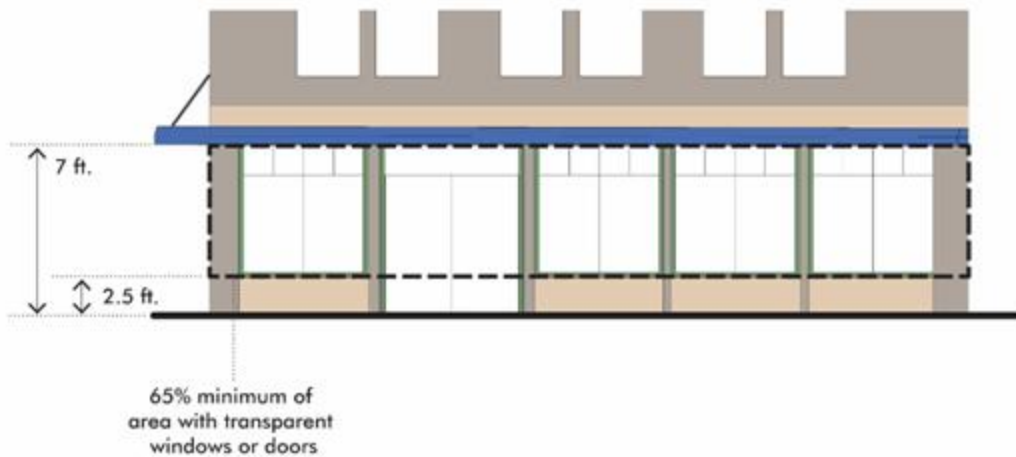


Figure 17.34.030-4 Ground-Floor Building Transparency

5. **Blank Walls.** The maximum length of an unarticulated/blank building wall is 10 feet on a primary street and 25 feet on a secondary street. Building articulation may be provided by:
 - a. Doors, windows, and other building openings.
 - b. Building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.
 - c. Varying wall planes, heights or contrasting materials and colors.
 - d. Awnings, canopies, or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.
6. **Parking Location and Buffers.**
 - a. Surface parking is prohibited between a building and a primary street property line. Surface parking shall be located to the rear or side of buildings.
 - b. Parking completely or partially underground may match the setbacks of the primary structure. The maximum height of a parking podium visible from a street is 5 feet from finished grade.
7. **Parking Buffers.**
 - a. Surface parking adjacent to a primary street frontage property line shall be screened along the public right-of-way with a decorative wall, hedge, trellis, or landscaping at least 3 feet in height.
 - b. A landscaped buffer at least 3 feet in width and 6 feet in height is required for a parking lot next to a residential zoning district.
 - c. Service loading areas shall be located to the side and rear of buildings, and shall be sufficiently screened from the public right-of-way by a 6-foot high solid wall or row of densely planted evergreen trees or similar landscaping.
8. **Parking Structures.** Parking structures facing a primary street shall incorporate commercial uses on the ground floor that fronts the sidewalk. Commercial uses shall comply with the public realm standards in this subsection B.
9. **Driveways and Curb Cuts.**

a. New driveways shall comply with the dimension standards shown in Table 17.34.030-2. The community development director may approve exceptions to these standards if necessary to accommodate shared or joint use of driveways and parking lots.

Table 17.34.030-2:

Driveway Dimension Standards

Driveway Type	Driveway Width	
	Minimum	Maximum
1-way	8 ft.	12 ft.
2-way	20 ft.	25 ft.

b. New driveways may not cross an existing public sidewalk along a primary street frontage. (Ord. 1819 § 8, 2017)

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17.34.040 Neighborhood and corridor mixed-use development standards.

A. **Building Form and Placement.** All new buildings in the neighborhood and corridor mixed-use districts shall comply with the building form and placement standards in Table 17.34.040-1.

Table 17.34.040-1:

Development Standards for Neighborhood and Corridor Mixed Use Districts

Development Standard	Zoning Districts	
	MXN	MXC
Residential density	30 du/ac maximum	
Height, maximum [1]	40 feet	60 feet
Setbacks, minimum [2]		
Front	None, except as required in [3] and [4]	
Side, interior lot	None, except as required in [5] and [6]	
Side, corner lot	None, except as required in [5] and [6]	
Rear	None, except as required in [7]	
Floor area ratio, maximum [8]	1.0	

[1] Maximum heights apply to main buildings or structures. Height restrictions for accessory structures are in Section 17.12.090 (Accessory buildings and swimming pools). Exceptions to height standards are in Section 17.12.030 (Height limits).

[2] See Section 17.12.040 (Setback requirements) for additional setbacks requirements.

[3] For sites next to a residential district, the front setback is the same as in that residential district. This requirement does not apply where a street separates the site from the residential district.

[4] The required minimum front setback along Oroville Dam Boulevard, Olive Highway, and Feather River Boulevard is 12 feet.

[5] For sites next to a residential district, the required minimum setback is 10 feet on the side next to the residential district.

[6] Where a side setback area provides access to a dwelling group, the required minimum side setback is 12 feet.

[7] The required minimum rear setback is 20 feet if the rear of the site abuts a residential district.

[8] See Section 17.44.040 (DH-O: Downtown historic overlay) regarding the maximum floor area ratio in downtown historic overlay (DH-O) district.

B. **Pedestrian Environment.** The following standards support a pedestrian-friendly environment in the neighborhood and corridor mixed-use zoning districts.

1. **Building Siting and Orientation.** The maximum length of an unarticulated/blank building wall visible from a public street is 50 feet. Building articulation may be provided by windows, doors, and other architectural elements that support an active building frontage.

2. **Pedestrian Orientation.**

a. Pedestrian connections shall be provided between parking areas and building entrances. Where walkways cross driveways, the project shall include design features for pedestrian safety, such as elevated crosswalks and textured pavement.

b. A pedestrian connection is required between an adjacent sidewalk and the building entrance.

3. **Parking.**

- a. One row of parking is permitted between buildings and the front street. The maximum width of this front parking area is 40 feet. All additional parking must be located to the side or rear of buildings.
- b. For horizontal mixed-use development, parking areas may not separate adjacent land uses on a site. Uninterrupted pedestrian connections between land uses are required.
- c. For parking areas adjacent to a public street, a 10-foot landscaped buffer is required between the parking area and the street. Landscaping shall be designed and maintained to allow for public views into the site. (Ord. 1819 § 8, 2017)

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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 17-01: Rezone of 1355 Washington Avenue from MXD to MXC

Project Location – Specific: 1355 Washington Avenue (APN: 013-030-010)

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: On December 14, 2017, the Oroville Planning Commission adopted Resolution No. P2017-16, making findings and forwarding a recommendation to the City Council to approve the Rezone of 1355 Washington Avenue (APN: 013-030-010) from Downtown Mixed Use (MXD) to Corridor Mixed Use (MXC). The property as an existing General Plan land use designation of Mixed Use which will remain. This property has a long history of issues with the State Water Control Board and has been sitting idle for many years. The new property owner intends to renovate the property into a drive-thru restaurant. However, the property has a zoning designation of MXD which permits restaurants by right, subject to a zoning clearance, but does not permit the approval of a drive-thru restaurant. This property is located at the northeastern edge of what is considered the City's downtown commercial district, on the east end of the roundabout at Montgomery Street, Table Mountain Boulevard and Washington Avenue.

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; Title 14, CCR, §15061(b)(3)
 - Existing Facilities; Title 14, CCR, §15301
 - New Construction or Conversion of Small Structures; Title 14, CCR, §15303
- Statutory Exemption: State code number:

Reasons why project is exempt: 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," Section 15301 "Existing Facilities," and Section 15303 "New Construction or Conversion of Small Structures."

General Rule; 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.

Existing Facilities; Title 14, CCR, §15301

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 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities mechanical equipment, or topographical features, involving negligible or not expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use.

New Construction or Conversion of Small Structures; Title 14, CCR, §15303

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.

The property has an existing structure approximately 970 square feet in size which the property owner intends to convert into a drive-thru restaurant. No application for a drive thru restaurant has been submitted as the property, as zoned, does not permit a drive-thru, although the intended restaurant use is permitted by right, subject to a zoning clearance. Once the property is rezoned to MXC and the applicant can apply for the operation of a drive thru restaurant at the subject project, the City will review the project specific impacts associated with the project as approval of a Conditional Use Permit would be required. The current zoning of MXD is a use that allows for a residential density more than double that of an MXC district, and may allow a Floor Area Ratio of up to 3.5 times that of an MXC district. As the building is existing and the proposed Rezone would reduce the potential density of the site substantially, this action has been found to be exempt from further CEQA review.

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

DECLARATION OF FEES DUE
(California Fish and Game Code Section 711.4)

FOR CLERK USE ONLY

NAME AND ADDRESS OF LEAD AGENCY/APPLICANTS

LEAD AGENCY: City of Oroville
1735 Montgomery Street
Oroville, CA 95965
(530) 538-2408

APPLICANTS: City of Oroville
1735 Montgomery Street
Oroville, CA 95965
(530) 538-2408

Project Title:

ZC 17-01: Rezone of 1355 Washington Avenue from MXD to MXC

FILING NO.

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION
 - A. Statutorily or Categorically Exempt:
 - General Rule; Title 14, CCR, §15061(b)(3)
 - Existing Facilities; Title 14, CCR, §15301
 - New Construction or Conversion of Small Structures; Title 14, CCR, §15303
\$50.00 (Fifty Dollars) Butte County Clerk's Fee
2. NOTICE OF DETERMINATION
 - A. Negative Declaration/ Mitigated Negative Declaration
\$2,216.25 (Two Thousand Two Hundred Sixteen Dollars and Twenty-Five cents) State Filing Fee
\$50.00 (Fifty Dollars) Butte County Clerk's Fee
 - B. Environmental Impact Report
\$3,078.25 (Three Thousand Seventy-Eight Dollars and Twenty-Five cents) State Filing Fee
\$50.00 (Fifty Dollars) Butte County Clerk's Fee
3. OTHER (Specify)
 - \$50.00 (Fifty Dollars) Butte County Clerk's Fee

This form must be completed and submitted with all environmental documents filed with the Butte County Clerk's Office.

All applicable fees must be paid at the time of filing any environmental documents with the Butte County Clerk's Office.

One original and two (2) copies of all necessary documents are required for filing purposes.

The \$50.00 (Fifty Dollars) handling fee is required per filing in addition to the filing fee specified in Fish and Game Code Section 711.4 (d).

Make checks payable to Butte County Clerk-Recorder.

RESOLUTION NO. P2017-16

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND SENDING A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE THE REZONE OF 1355 WASHINGTON AVENUE (APN: 031-030-010) FROM DOWNTOWN MIXED USE (MXD) TO CORRIDOR MIXED USE (MXC)

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 Code establishes for the zoning of property, provided that the Zoning Code shall be consistent with the General Plan; and

WHEREAS, the existing General Plan land use designation is Mixed Use and will remain Mixed Use; and

WHEREAS, the project site is currently zoned Downtown Mixed Use (MXD) would be rezoned to Corridor Mixed Use (MXC); 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 approval of the Rezone described herein, and also considered City staff's report regarding the Project.

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

1. 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," Section 15301 "Existing Facilities," and Section 15303 "New Construction or Conversion of Small Structures."
2. Based upon the evidence in the record before it, the following findings are adopted for the Rezone:
 - a. There is no evidence in the record before the Commission to support a finding that potentially significant adverse environmental effects are likely to occur as a result of approval of ZC 17-01, which determination reflects the Planning Commissioners' independent judgment and analysis.
 - b. This Rezone complies with all State and City regulations governing the use of land.
 - c. The Rezone is consistent with and will not impede implementation of Oroville's General Plan or Zoning policies.

3. A recommendation shall be forwarded to the Oroville City Council recommending approval of ZC 17-01.

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 14th of December 2017, by the following vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: COMMISSIONER MCDAVITT

ATTEST:

APPROVE:

DONALD L. RUST, DIRECTOR

DAMON ROBISON, CHAIRPERSON

**CITY OF OROVILLE
ORDINANCE NO. 1826**

AN ORDINANCE OF THE OROVILLE CITY COUNCIL MAKING FINDINGS AND APPROVING THE REZONE OF 1355 WASHINGTON AVENUE (APN: 031-030-010) FROM DOWNTOWN MIXED USE (MXD) TO CORRIDOR MIXED USE (MXC)

WHEREAS, 1355 Washington Avenue (APN: 031-030-010) has an existing General Plan land use designation of Mixed Use and will remain Mixed Use; and

WHEREAS, the project site is currently zoned Downtown Mixed Use (MXD) would be rezoned to Corridor Mixed Use (MXC); and

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

WHEREAS, at a noticed public hearing on December 14, 2017, the Oroville Planning Commission adopted Resolution No. P2017-16, making findings and sending a recommendation to the City Council to approve the rezone of 1355 Washington Avenue (APN: 031-030-010) from MXD to MXC; 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 Code establishes for the zoning of property, provided that the Zoning Code shall be consistent with the General Plan; 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," Section 15301 "Existing Facilities," and Section 15303 "New Construction or Conversion of Small Structures."

SECTION II. Based upon the evidence in the record before it, the following findings are adopted for the Rezone:

- a. There is no evidence in the record before the Council to support a finding that potentially significant adverse environmental effects are likely to occur as a result

of approval of ZC 17-01, which determination reflects the City Council's independent judgment and analysis.

- b. This Rezone complies with all State and City regulations governing the use of land.
- c. The Rezone is consistent with and will not impede implementation of Oroville's General Plan or Zoning policies.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on February 6, 2018, 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



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(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 Oroville City Council will hold a public hearing on the projects described below. Said hearing will be held at **6:30 p.m. on Tuesday, February 6, 2018** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **POTENTIAL FEE INCREASE FOR TOBACCO RETAILER LICENSES** – The Oroville City Council will review and consider approving a recommendation from the Oroville Planning Commission to increase the fee for a Tobacco Retailer License.
2. **ZC 17-01: REZONE OF 1355 WASHINGTON AVENUE FROM MXD TO MXC (2nd Reading)** – The Oroville City Council will conduct a public hearing to review and consider approving a recommendation by the Oroville Planning Commission to Rezone the property identified as 1355 Washington Avenue (APN: 013-030-010) from Downtown Mixed Use (MXD) to Corridor Mixed Use (MXC).

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 meetings.

Posted/Published: **Saturday, January 27, 2018**

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS

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

RE: POTENTIAL FEE INCREASE FOR TOBACCO RETAILER LICENSES

DATE: FEBRUARY 6, 2018

SUMMARY

The Council may review and consider approving a recommendation from the Oroville Planning Commission to increase the fee for a Tobacco Retail License from \$36 to \$238.64, for a total fee increase of \$202.64.

BACKGROUND

On September 22, 2017, staff met with members from the California Health Collaborative who were requesting the City consider restricting the sale of menthol cigarettes and other flavored tobacco products within the City limits.

On November 7, 2017, the Oroville City Council received a presentation from the Director of Program Services for the California Health Collaborative regarding flavored tobacco products in the City of Oroville. The Council gave direction to staff to amend Ordinance No. 1794 to restrict the sale of menthol cigarettes and other flavored tobacco products within the City, increase the fee for a Tobacco Retail License to recover City costs, and increase the fine for violations of the City's tobacco regulations.

On December 14, 2017, the Planning Commission reviewed and considered amending the City's Municipal Code to restrict the sale of menthol cigarettes and other flavored tobacco products within the City, increase the penalty for those found in violation of the City's tobacco retail ordinance, and to increase the fees for a Tobacco Retailer License. The Planning Commission continued this item to the subsequent Planning Commission meeting.

On January 18, 2018, the Planning Commission approved Resolution No. P2017-18, forwarding a recommendation to the City Council to increase the fee for a Tobacco Retailer License from \$36 to \$238.64, a \$202.64 fee increase. The Planning Commission continued the remainder of the items being considered to following Planning Commission meeting for further discussion.

DISCUSSION

Per Section 5.28.080 of the Oroville Municipal Code, the fee to issue or to renew a Tobacco Retailer's license shall be established from time to time by resolution of the City Council. The fee shall be calculated so as to recover the cost of administration and enforcement, including, for example, issuing a license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this chapter. All fees and interest upon proceeds of fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law.

ChangeLab Solutions has developed a tobacco retailer license fee calculator to help cities and counties determine the appropriate fee that adequately supports the costs associated with implementing and enforcing a tobacco retailer license program. Staff has used the calculator, provided by ChangeLab Solutions, to determine the appropriate fee adjustment. The resulting fee determination was \$238.64 for a tobacco retailer license, an increase of \$202.64 from the existing fee of \$36. **(Attachments A & B)**

FISCAL IMPACT

Fees that are collected through the Tobacco Retailer License are intended to cover the cost of City staff time spent on work tasks related to the implementation and enforcement of this City's tobacco retail ordinance.

RECOMMENDATIONS

Adopt Resolution No. XXXX – A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING A FEE INCREASE FOR TABACOO RETAIL LICENSES

ATTACHMENTS

- A – Tobacco Retailer License Fee Calculation
- B – Tobacco Retail License Fees of Other California Cities
- C – Planning Commission Resolution No. P2017-18
- D – Ordinance No. 1794
- E – Resolution No. 8685
- F – Newspaper Notice



(/)

Funding
Healthy
Changes
(/funding-
healthy-
changes)

Healthy
Planning
(/healthy-
planning)

**Tobacco
Control
(/tobacco-
control)**

Childhood
Obesity
(/childhood-
obesity)

Healthy
Housing
(/healthy-
housing)

Recent
Achievements
(/slideshow/recent-
achievements)

ATTACHMENT "A"

[ABOUT TOBACCO CONTROL \(/TOBACCO-CONTROL/ABOUT\)](#) [SERVICES \(/OUR-SERVICES\)](#)

[TOOLS \(/TOOLS-TOBACCO-CONTROL\)](#) [CONTACT US \(/CHANGELAB-SOLUTIONS-CONTACT-US\)](#)

[Home \(/\)](#) / [Tools \(/tools-tobacco-control\)](#) / [Tobacco Licensing Fee Calculator](#)

Tobacco Retailer Licensing Fee Calculator

Introduction
Instructions

Review & Download

Congratulations! You can now view the results of all your data entry.

How many retailers are in your jurisdiction?

Enter in the number of tobacco retailers in your jurisdiction. The calculator will set a fee per retailer.

Your summary

This page displays a summary of your total costs and also separates costs based on:

- Staff costs
- Non-staff costs
- Line item categories
- Department
- Individual Staff

Download

At the bottom of the page, you have the option to download both the summary and full budget in comma separated value format (CSV). Depending on your browser settings, these files will either open in Excel or another spreadsheet application, or you will need to save them and then open them from that application.

Thank you for using the ChangeLab Solutions Tobacco Retailer Licensing Fee Calculator! If you have questions about the calculator or need more information, please feel free to [contact us \(/http://changelabsolutions.org/tobacco-control-ask-us\)](#).

Did you forget something, or want to make changes?

Just click the **Previous** button at the bottom of the page or use the calculator navigation bar above to return to the appropriate pages to add to or edit your data.

How are staff costs calculated?

- **Overtime costs.** Overtime costs are calculated at an increased 50% hourly salary/wage rate. The hourly cost of annual benefits are not applied to overtime hours (they are only applied to regular hours).
- **Staff Cost Calculation.** The Staff Cost for each Line Item is calculated as follows.

$$\begin{aligned} & (\text{Regular Hours}) \times [(\text{Salary}) / (\text{Hrs Worked/Year})] + \\ & (\text{Overtime Hours}) \times (1.5) \times [(\text{Salary}) / (\text{Hrs Worked/Year})] + \\ & (\text{Regular Hours}) \times [(\text{Annual Benefits}) / (\text{Hrs Worked/Year})] + \end{aligned}$$

Staff Cost



<http://changelabsolutions.org/publications/trl-fee-calculator-checklist> **Have you downloaded our checklist**

<http://changelabsolutions.org/publications/trl-fee-calculator-checklist> **yet?**

It has been prepared to be used in conjunction with the fee calculator (though it can also be used separately as a reference without using the calculator). The [checklist \(/http://changelabsolutions.org/publications/trl-fee-calculator-checklist\)](http://changelabsolutions.org/publications/trl-fee-calculator-checklist) is designed to help jurisdictions think through all the costs associated with a TRL ordinance, including staff and non-staff costs.
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, join discussions on public health issues, show us change in your community, or make a donation.



<http://www.facebook.com/ChangeLabSolutions>
<http://www.twitter.com/ChangeLabWorks>



<http://www.youtube.com/ChangeLabSolutions>



<http://changelabsolutions.org/donate>

Per Retailer

How many tobacco retailers are within your jurisdiction?

37

Year 1

**Subsequent
Years**

	Year 1	Subsequent Years
Annual TRL Fee Per Retailer	\$ 238.64	\$ 238.64

Summary

	Year 1	Subsequent Years
Total Staff Costs	\$ 8,829.68	\$ 8,829.68
Total Non-staff Costs	\$ 0.00	\$ 0.00
Grand Total Cost	\$ 8,829.68	\$ 8,829.68

By Category

Name	Year 1	Subsequent Years
Establish, maintain, and administer TRL system	\$ 2,045.56	\$ 2,045.56
Enforcement: conducting compliance checks	\$ 3,428.34	\$ 3,428.34
Enforcement: after the compliance checks	\$ 2,837.14	\$ 2,837.14
Miscellaneous	\$ 518.81	\$ 518.81

By Department

	Year 1	Subsequent Years
Business License Department	\$ 2,203.32	\$ 2,203.32
Staff Assistant	\$ 2,203.32	\$ 2,203.32
Non-Staff Costs	\$ 0.00	\$ 0.00
Police Department	\$ 2,303.28	\$ 2,303.28
Detective	\$ 2,303.28	\$ 2,303.28
Non-Staff Costs	\$ 0.00	\$ 0.00
City Attorney's Office	\$ 692.00	\$ 692.00
City Attorney	\$ 692.00	\$ 692.00
Non-Staff Costs	\$ 0.00	\$ 0.00
Municipal Law Enforcement	\$ 2,892.75	\$ 2,892.75
Patrol	\$ 2,892.75	\$ 2,892.75
Non-Staff Costs	\$ 0.00	\$ 0.00
Planning Division	\$ 738.33	\$ 738.33
Associate Planner	\$ 738.33	\$ 738.33
Non-Staff Costs	\$ 0.00	\$ 0.00

[← Previous](#)

[↓ Summary Budget](#)

[↓ Full Budget](#)

Matrix of Strong Local Tobacco Retailer Licensing Ordinances



JUNE 2017

In order to reduce illegal sales of tobacco products to minors, many cities and counties in California have adopted strong local tobacco retailer licensing ordinances. This document highlights the 133 ordinances that are considered strong, as well as the fee and enforcement provisions. A strong local tobacco licensing law is defined as one that includes the following four components:

- Requirements that all retailers that sell tobacco products must obtain a license and renew it annually.
- A fee set high enough to sufficiently fund an effective program including administration of the program and enforcement efforts. An enforcement plan, that includes compliance checks, should be clearly stated.
- Coordination of tobacco regulations so that a violation of any existing local, state or federal tobacco regulation violates the license.
- A financial deterrent through fines and penalties including the suspension and revocation of the license. Fines and penalties should be outlined in the ordinance.

Below is a list of the 133 local ordinances in California that have met the requirements for a strong local tobacco retailer licensing ordinance along with basic information about the community population, license fee and designated

enforcement agencies. The jurisdictions are listed in alphabetical order under each county in order to make it easy to compare fee and enforcement details for similar jurisdictions.

For the table below, the agencies that enforce these ordinances have been categorized in the following way:

- **Law Enforcement:** Includes Police Departments and Sheriff Departments
- **Health Department:** Includes Environmental Health Services, Departments of Public Health, Health Services Department, and Health and Human Services Divisions.
- **City Officials:** Includes City Manager, City Attorney, and any authorized city official
- **Other:** Includes Community Development Services, Department of Finance, code enforcement agencies/ services, Administrative Services, Neighborhood Preservation Division, neighborhood services inspectors, Business License Division, and District Attorneys

Other documents on tobacco retailer licensing, including a fact sheet on the effectiveness of these ordinances, are available at: <http://Center4TobaccoPolicy.org/tobacco-policy/tobacco-retail-environment>

Community	Date Passed	Population	Fee	Designated Administration/Enforcement Agencies			
				Law Enforcement	Health Department	City Officials	Other
Alameda County							
Albany	February 2009	18,988	\$250	X			
Berkeley	December 2002	121,238	\$427*	X	X		
Hayward	July 2014	161,040	\$400				X
Oakland	April 2008	426,074	\$50**	X			
Union City	November 2010	73,452	\$665	X			
Butte County							
Oroville	March 2013	18,037	\$30			X	
Contra Costa County							
Concord	September 2006	128,370	\$160	X			
Contra Costa County	January 2003	173,454	\$287*		X		
El Cerrito	October 2015	24,600	\$485 (initial) \$439 (renew)	X			X
Richmond	June 2009	111,785	\$1,062**	X			
San Pablo	April 2004	31,053	\$170				X
Fresno County							
Firebaugh	August 2009	8,202	\$190	X			
Parlier	April 2012	15,500	\$200	X			
Imperial County							
Calexico	February 2004	40,921		X		X	
Kern County							
Arvin	September 2016	21,157	\$275-\$655		X		
California City	February 2007	14,248	\$275-\$655		X		
Delano	June 2008	53,152	\$275-\$655	X			
Kern County	November 2006	311,015	\$275-\$655		X		
McFarland	May 2007	14,919	\$275-\$655		X		
Shafter	November 2016	18,868	\$275-\$655		X		
Taft	August 2016	9,492	\$275-\$655		X		
Tehachapi	February 2007	12,280	\$275-\$655		X		
Wasco	March 2007	26,980	\$275-\$655		X		

Community	Date Passed	Population	Fee	Designated Administration/Enforcement Agencies			
				Law Enforcement	Health Department	City Officials	Other
Los Angeles County							
Baldwin Park	October 2008	75,537	\$342	X			X
Beverly Hills	August 2010	34,646		X			
Burbank	February 2007	105,033	\$300**	X			
Calabasas	June 2009	24,202	No Fee Planned*				X
Carson	November 2006	93,674	\$500	X			X
Cerritos	January 2008	50,039	\$50*	X			
Compton	July 2007	100,050	\$500	X			X
Culver City	July 2009	40,103	\$235	X			X
Duarte	May 2013	22,033	\$100	X			
El Monte	November 2011	114,268	\$300	X			X
El Segundo	June 2010	16,717	\$250	X			
Gardena	July 2008	60,721	\$120 **	X			X
Glendale	September 2007	201,748	\$255	X			
Hawaiian Gardens	July 2011	14,753	\$246				X
Hawthorne	July 2009	87,662	\$375	X			X
Huntington Park	November 2011	59,383					
Inglewood	October 2007	114,900	\$350	X			X
La Canada Flintridge	June 2009	20,497	\$50*	X		X	
Lancaster	June 2006	157,820	\$261	X			
Lawndale	October 2009	33,365	\$150				X
Lomita	May 2007	20,403	\$150	X			X
Long Beach	February 2008	480,173	\$442	X	X	X	
Los Angeles (City)	September 2005	4,041,707	\$300		X	X	X
Los Angeles County	December 2007	1,053,030	\$235	X	X		
Lynwood	October 2012	71,997	TBD			X	
Malibu	November 2011	12,742	No Fee Planned *				X
Montebello	September 2009	63,917	\$300	X			
Monterey Park	April 2010	61,606	\$40*	X			
Palmdale	January 2010	158,605	\$350			X	
Pasadena	February 2004	143,333	\$225	X	X		
San Fernando	October 2008	24,486	\$250				X
San Gabriel	March 2010	41,020	\$300	X			
Santa Monica	November 2008	93,834	\$135			X	

Community	Date Passed	Population	Fee	Designated Administration/Enforcement Agencies			
				Law Enforcement	Health Department	City Officials	Other
Sierra Madre	November 2006	11,010	\$30	X			
South Pasadena	February 2009	25,992	\$150				X
Temple City	December 2012	36,389	\$320 (initial) \$75 (renew)	X			
Marin County							
Marin County	May 2012	69,214	\$25		X		
Mill Valley	September 2012	14,910	\$25	X			
Novato	January 2017	54,522	\$50 or less			X	
San Rafael	August 1991	60,842	\$48 (initial) \$10 (renew)				X
Mendocino County							
Fort Bragg	December 2012	7,772	\$183				X
Mendocino County	April 2010	59,668	\$290		X		
Ukiah	December 2012	16,314	\$35	X			X
Willits	October 2003	4,928	\$75		X		
Modoc County							
Alturas	February 2017	2,660	\$100				X
Monterey County							
Carmel-By-The-Sea	June 2013	3,842	\$286	X	X		
Monterey	November 2014	28,828	\$286	X	X		
Monterey County	May 2012	107,009	\$286	X	X		
Salinas	January 2015	162,470	\$286	X	X		
Nevada County							
Grass Valley	November 2009	12,859	\$100	X			
Nevada City	November 2006	3,208	\$100	X			
Orange County							
Santa Ana	October 2006	341,341	\$635	X	X		
Riverside County							
Banning	August 2006	31,068	\$350		X		
Beaumont	December 2006	46,179	\$350		X		
Calimesa	June 2007	8,637	\$350		X		
Canyon Lake	June 2009	10,891	\$350				X
Coachella	July 2007	45,551	\$350		X		
Corona	October 2005	167,759	\$350		X		
Desert Hot Springs	August 2007	29,111	\$350		X		

Community	Date Passed	Population	Fee	Designated Administration/Enforcement Agencies			
				Law Enforcement	Health Department	City Officials	Other
Eastvale	October 2010	64,613	\$350		X		
Hemet	March 2008	81,868	\$350		X		
Jurupa Valley	September 2011	101,315	\$350		X		
Lake Elsinore	August 2007	62,092	\$350		X		
Menifee	December 2009	90,660	\$350		X		
Moreno Valley	September 2007	206,750	\$350		X		
Murrieta	May 2006	114,914	\$350		X		
Norco	March 2006	26,882	\$350		X		
Perris	August 2008	75,739	\$350		X		
Riverside (City)	May 2006	326,792	\$350		X		
Riverside County	January 2010	373,755	\$350		X		
San Jacinto	June 2006	47,925	\$350		X		
Temecula	June 2006	111,024	No Fee Planned*	X			
Wildomar	July 2008	35,782	\$350		X		
Sacramento County							
Elk Grove	September 2004	171,059	\$270	X			
Rancho Cordova	February 2005	73,872	\$287	X			
Sacramento (City)	March 2004	493,025	\$300	X			X
Sacramento County	May 2004	584,729	\$324	X	X		
San Benito County							
Hollister	May 2006	36,677	\$269	X			X
San Diego County							
El Cajon	June 2004	102,803	\$675				X
San Marcos	July 2016	94,042	\$190	X			
Solana Beach	July 2009	13,527	\$110 **				X
Vista	May 2005	101,797	\$250	X			
San Francisco County							
San Francisco	November 2003	874,228	\$175 **	X	X		
San Luis Obispo County							
Arroyo Grande	February 2005	17,736	\$208	X			
Grover Beach	September 2005	13,438	\$224	X			
San Luis Obispo (City)	August 2003	46,724	\$278	X			
San Luis Obispo County	October 2008	120,549	\$342	X			

Community	Date Passed	Population	Fee	Designated Administration/Enforcement Agencies			
				Law Enforcement	Health Department	City Officials	Other
San Mateo County							
Pacifica	February 2008	38,124	\$300	X			X
Santa Barbara County							
Carpinteria	April 2013	13,943	\$379	X	X		
Goleta	May 2014	31,760	\$534	X	X		
Santa Barbara County	November 2010	143,439	\$409*	X	X		
Santa Clara County							
Campbell	December 2012	42,726	\$51	X			
Gilroy	November 2014	55,936	\$100	X			
Los Gatos	May 2017	31,314	TBD			X	
Morgan Hill	April 2014	44,145	\$125				
Santa Clara County	November 2010	87,764	\$425	X	X		
Saratoga	June 2015	30,569	\$50*	X			X
Santa Cruz County							
Santa Cruz (City)	October 2012	65,070	\$425	X			
Santa Cruz County	April 2011	136,193	\$318	X	X		
Scotts Valley	December 2015	12,163	\$150	X			
Watsonville	October 2012	53,015	\$255-\$382				X
Sonoma County							
Healdsburg	November 2014	11,800	\$445	X			
Sonoma	June 2015	10,989	\$246	X			
Sonoma County	April 2016	151,371	\$350		X		
Stanislaus County							
Riverbank	July 2010	24,610	\$25-\$200	X			X
Ventura County							
Oxnard	February 2012	207,772	\$51*				X
Yolo County							
Davis	August 2007	68,740	\$344		X		X
Winters	January 2016	7,255	\$344		X		X
Woodland	June 2015	59,616	\$360				X
Yolo County	May 2006	30,122	\$344		X		X

*City or County fee does not fully cover administration and enforcement of the tobacco retailer license. Rather, the fee is supplemented with another stable source of funds, such as Master Settlement Agreement (MSA) funds or general funds.

** Fees may have additional restrictions, charges or may be combined with another fee.

Sources: Population figures are from California Department of Finance, E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — Jan. 1, 2016 and 2017.

RESOLUTION NO. P2017-18

A RESOLUTION OF INTENTION OF THE OROVILLE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL INCREASE THE FEE OF A TABACOO RETAIL LICENSE

WHEREAS, on September 22, 2017, staff met with members from the California Health Collaborative who were requesting the City consider restricting the sale of menthol cigarettes and other flavored tobacco products within the City limits; and

WHEREAS, on November 7, 2017, the Oroville City Council received a presentation from the Director of Program Services for the California Health Collaborative regarding flavored tobacco products in the City of Oroville. The Council gave direction to staff to amend Ordinance No. 1794 to restrict the sale of menthol cigarettes and other flavored tobacco products within the City, increase the fee for a Tobacco Retail License to recover City costs, and increase the fine for violations of the City's tobacco regulations; and

WHEREAS, on December 14, 2017, the Planning Commission reviewed and considered amending the City's Municipal Code to restrict the sale of menthol cigarettes and other flavored tobacco products within the City, increase the penalty for those found in violation of the City's tobacco retail ordinance, and to increase the fees for a Tobacco Retailer License. The Planning Commission continued this item to the subsequent Planning Commission meeting; and

WHEREAS, the fee to issue or to renew a Tobacco Retailer's license shall be established from time to time by resolution of the City Council. The fee shall be calculated so as to recover the cost of administration and enforcement, including, for example, issuing a license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program approved by the City. All fees and interest upon proceeds of fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law; 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 approval of the fee increase for the Tobacco Retailer License as described herein, and also considered City staff's report regarding the proposed fee increase.

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

SECTION I. The Planning Commission hereby forwards a recommendation to the Oroville City Council to increase the fee for a Tobacco Retailer License to \$238.64. The current fee for a Tobacco Retailer License is \$36. Approval of this request would be a fee increase of \$202.64.

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 18th day of January, 2018 by the following vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: COMMISSIONERS BRAND, CHAPMAN, McDAVITT

ATTEST:

APPROVE:

DONALD L. RUST, SECRETARY

DAMON ROBISON, CHAIRPERSON

CITY OF OROVILLE
ORDINANCE NO. 1794

AN ORDINANCE OF THE OROVILLE CITY COUNCIL ADDING CHAPTER 12A TO THE CODE OF THE CITY OF OROVILLE AND AMENDING CHAPTER 26 AND 14 OF THE CODE OF THE CITY OF OROVILLE RELATING TO THE USE, SALE AND DISTRIBUTION OF TOBACCO AND OTHER NICOTINE RELATED SUBSTANCES AND PRODUCTS AND THE ESTABLISHMENT AND LOCATION OF SMOKE SHOPS WITHIN THE CITY LIMITS

WHEREAS, based in part on the information contained in this section, the City Council finds that the failure of tobacco retailers to comply with all tobacco control laws, particularly laws prohibiting the sale of tobacco products to minors, presents an imminent threat to the public health, safety, and welfare of the residents of the City of Oroville; and

WHEREAS, the City Council finds that a local licensing system for tobacco retailers is appropriate to ensure that retailers comply with tobacco control laws and business standards of the City of Oroville, to protect the health, safety, and welfare of our residents; and

WHEREAS, the California Legislature has recognized the danger of tobacco use and has made reducing youth access to tobacco products a high priority, as evidenced by the fact that:

- The Legislature has declared that smoking is the single most important source of preventable disease and premature death in California (Cal. Health & Safety Code § 118950);
- State law prohibits the sale or furnishing of cigarettes, tobacco products, and smoking paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco products by minors (Cal. Pen. Code § 308);
- State law requires that tobacco retailers check the identification of tobacco purchasers who reasonably appear to be under 18 years of age (Cal. Bus. & Prof. Code § 22956) and provides procedures for using minors to conduct onsite compliance checks of tobacco retailers (Cal. Bus. & Prof. Code § 22952);
- State law prohibits the sale of tobacco products and paraphernalia through self-services displays with limited exceptions for tobacco stores (Cal. Bus. & Prof. Code § 22960, 22962);
- State law prohibits the sale of "bidis" (hand-rolled filter-less cigarettes imported primarily from India and Southeast Asian countries) except in adult-only establishments (Cal. Pen. Code § 308.1); and
- State law prohibits the manufacture, distribution, or sale of cigarettes in packages of less than 20 and prohibits the manufacture, distribution, or sale of "roll-your-own" tobacco in packages containing less than 0.60 ounces of tobacco (Cal. Pen. Code § 308.3); and

WHEREAS, state law requires all tobacco retailers to be licensed by the Board of Equalization primarily to curb the illegal sale and distribution of cigarettes due to tax evasion and counterfeiting (Cal. Bus. & Prof. Code § 22970.1, 22972); and

WHEREAS, state law explicitly permits cities and counties to enact local tobacco retail

licensing ordinances, and allows for the suspension or revocation of a local license for a violation of any state tobacco control law (Cal. Bus. & Prof. Code § 22971.3); and

WHEREAS, California courts in such cases as *Cohen v. Board of Supervisors*, 40 Cal. 3d 277 (1985), and *Bravo Vending v. City of Rancho Mirage*, 16 Cal. App. 4th 383 (1993), have affirmed the power of the City to regulate business activity in order to discourage violations of law; and

WHEREAS, a requirement for a tobacco retailer license will not unduly burden legitimate business activities of retailers who sell or distribute cigarettes or other tobacco products to adults. It will, however, allow the City to regulate the operation of lawful businesses to discourage violations of federal, state, and local tobacco-related laws; and

WHEREAS, the City has a substantial interest in promoting compliance with federal, state, and local laws intended to regulate tobacco sales and use; in discouraging the illegal purchase of tobacco products by minors; in promoting compliance with laws prohibiting sales of cigarettes and tobacco products to minors; and in protecting children from being lured into illegal activity through the misconduct of adults; and

WHEREAS, pursuant to Article V of the Oroville City Charter, amendments to the City's Municipal Code may be initiated by the Oroville City Council; and

WHEREAS, on April 3, 2012, the City of Oroville City Council directed City staff to research and prepare a tobacco shop ordinance and development standards; and

WHEREAS, on October 2, 2012, the City of Oroville City Council authorized City staff to include electronic cigarettes into the City's regulations regarding tobacco and nicotine products; and

WHEREAS, the Oroville City Council held a noticed public hearing regarding a proposal to amend certain sections of the City of Oroville's Municipal Code to provide clarification and direction regarding the use, sell and distribution of tobacco and other nicotine related substances and products and the establishment and location of smoke shops; and

WHEREAS, at a noticed public hearing before the Oroville City Council the described Code amendments were considered and no adverse comments were received from the public about the described amendments; and

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

SECTION I. Chapter 12A of the Oroville Municipal Code is hereby adopted to read as follows:

12A-1. DEFINITIONS. The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

- (a) "Arm's Length Transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this chapter is not an Arm's Length Transaction.

- (b) "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- (c) "Proprietor" means a Person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a Person has a ten percent (10%) or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a Person can or does have or share ultimate control over the day-to-day operations of a business.
- (d) "Self-Service Display" means the open display or storage of Tobacco Products or Tobacco Paraphernalia in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of Self-Service Display.
- (e) "Smoking" (Refer to Chapter 14, Article 1, §14-21(a)(13) for definition)
- (f) "Tobacco Paraphernalia" means cigarette papers or wrappers, pipes, holders of Smoking materials of all types, cigarette rolling machines, vaporizers and any other item designed for the Smoking, preparation, storing, or consumption of Tobacco Products. For the purpose of this chapter, electronic cigarette supplies are considered tobacco paraphernalia.
- (g) "Tobacco Product" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence. For the purpose of this chapter, electronic cigarettes are considered a tobacco product.
- (h) "Tobacco Retailer" means any Person who sells, offers for sale, or exchanges for any form of consideration, tobacco, Tobacco Products or Tobacco Paraphernalia. "Tobacco Retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, Tobacco Products, or Tobacco Paraphernalia sold, offered for sale, exchanged, or offered for exchange.

12A-2. REQUIREMENTS AND PROHIBITIONS

- (a) TOBACCO RETAILER LICENSE REQUIRED. It shall be unlawful for any Person to act as a Tobacco Retailer in the City of Oroville without first obtaining and maintaining a valid Tobacco Retailer's license pursuant to this chapter for each location at which that activity is to occur. Tobacco Retailing without a valid Tobacco Retailer's license is a nuisance as a matter of law.
- (b) LAWFUL BUSINESS OPERATION. In the course of Tobacco Retailing or in the operation of the business or maintenance of the location for which a license is issued, it shall be a violation of this chapter for a licensee, or any of the licensee's agents or employees, to violate any local, state, or federal law applicable to Tobacco Products, Tobacco Paraphernalia, or Tobacco Retailing.

- (c) **DISPLAY OF LICENSE.** Each Tobacco Retailer license shall be prominently displayed in a publicly visible location at the licensed location.
- (d) **POSITIVE IDENTIFICATION REQUIRED.** No Person engaged in Tobacco Retailing shall sell or transfer a Tobacco Product or Tobacco Paraphernalia to another Person who appears to be under the age of twenty-seven (27) years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under state law to purchase and possess the Tobacco Product or Tobacco Paraphernalia.
- (e) **MINIMUM AGE FOR PERSONS SELLING TOBACCO.** No Person who is younger than the minimum age established by state law for the purchase or possession of Tobacco Products shall engage in Tobacco Retailing.
- (f) **SELF-SERVICE DISPLAYS PROHIBITED.** Tobacco Retailing by means of a Self-Service Display is prohibited.
- (g) **FALSE AND MISLEADING ADVERTISING PROHIBITED.** A Tobacco Retailer or Proprietor without a valid Tobacco Retailer license, including, for example, a person whose license has been revoked:
 - (1) Shall not display any advertisement relating to Tobacco Products or Tobacco Paraphernalia that promotes the sale or distribution of such products from the Tobacco Retailer's location or that could lead a reasonable consumer to believe that such products can be obtained at that location.

12A-3. LIMITS ON ELIGIBILITY FOR A TOBACCO RETAILER LICENSE.

- (a) No license issued may authorize Tobacco Retailing at any location other than a fixed location. For example, Tobacco Retailing by Persons on foot or from vehicles is prohibited.

12A-4. APPLICATION PROCEDURE.

- (a) Application for a Tobacco Retailer's license shall be submitted in the name of each Proprietor proposing to conduct retail tobacco sales and shall be signed by each Proprietor or an authorized agent thereof.

It is the responsibility of each Proprietor to be informed regarding all laws applicable to Tobacco Retailing, including those laws affecting the issuance of a Tobacco Retailer's license. No Proprietor may rely on the issuance of a license as a determination by the City of Oroville that the Proprietor has complied with all laws applicable to Tobacco Retailing. A license issued contrary to this chapter, contrary to any other law, or on the basis of false or misleading information supplied by a Proprietor shall be revoked.

All applications shall be submitted on a form supplied by the City of Oroville and shall contain the following information:

- (1) The name, address, and telephone number of each Proprietor of the business seeking a license.
- (2) The business name, address, and telephone number of the single fixed location

for which a license is sought.

- (3) A single name and mailing address authorized by each Proprietor to receive all communications and notices (the "Authorized Address") required by, authorized by, or convenient to the enforcement of this chapter. If an Authorized Address is not supplied, each Proprietor shall be understood to consent to the provision of notice at the business address specified in subparagraph (2) above.
 - (4) Proof that the location for which a Tobacco Retailer's license is sought has been issued a valid state tobacco retailer's license by the California Board of Equalization.
 - (5) Whether or not any Proprietor or any agent of the Proprietor has admitted violating, or has been found to have violated, this chapter and, if so, the dates and locations of all such violations within the previous five years.
 - (6) Such other information as the Department deems necessary for the administration or enforcement of this chapter as specified on the application form required by this section.
- (b) A licensed Tobacco Retailer shall inform the Department in writing of any change in the information submitted on an application for a Tobacco Retailer's license within ten (10) business days of a change.
 - (c) All information specified in an application pursuant to this section shall be subject to disclosure under the California Public Records Act (California Government Code section 6250 *et seq.*) or any other applicable law, subject to the laws' exemptions.

12A-5. ISSUANCE OF LICENSE. Upon the receipt of a complete application for a Tobacco Retailer's license and the license fee required by this chapter, the City shall issue a license unless substantial evidence demonstrates that one or more of the following bases for denial exists:

- (a) The information presented in the application is inaccurate or false. Intentionally supplying inaccurate or false information shall be a violation of this chapter.
- (b) The application seeks authorization for Tobacco Retailing for a Proprietor to whom this chapter prohibits a license to be issued.
- (c) The application seeks authorization for Tobacco Retailing that is prohibited pursuant to this chapter (e.g., mobile vending), that is unlawful pursuant to this Code (e.g., zoning ordinance, building code, and business license tax ordinance), or that is unlawful pursuant to any other law.

12A-6. LICENSE RENEWAL AND EXPIRATION.

- (a) **RENEWAL OF LICENSE.** A Tobacco Retailer's license is invalid if the appropriate fee has not been timely paid in full or if the term of the license has expired. The term of a Tobacco Retailer license is one (1) year. Each Tobacco Retailer shall apply for the renewal of his or her Tobacco Retailer's license and submit the license fee no later than thirty (30) days prior to expiration of the term.
- (b) **EXPIRATION OF LICENSE.** A Tobacco Retailer's license that is not timely renewed

shall expire at the end of its term. To renew a license not timely renewed pursuant to subparagraph (a), the Proprietor must:

- (1) Submit the license fee and application renewal form; and
- (2) Submit a signed affidavit affirming that the Proprietor:
 - (i) has not sold and will not sell any Tobacco Product or Tobacco Paraphernalia after the license expiration date and before the license is renewed.

12A-7. LICENSES NONTRANSFERABLE.

- (a) A Tobacco Retailer's license may not be transferred from one Person to another or from one location to another. A new Tobacco Retailer's license is required whenever a Tobacco Retailing location has a change in Proprietor(s).
- (b) Notwithstanding any other provision of this chapter, prior violations at a location shall continue to be counted against a location and license ineligibility periods shall continue to apply to a location unless:
 - (1) the location has been fully transferred to a new Proprietor or fully transferred to entirely new Proprietors; and
 - (2) the new Proprietor(s) provide the City with clear and convincing evidence that the new Proprietor(s) have acquired or is acquiring the location in an Arm's Length Transaction.

12A-8. FEE FOR LICENSE. The fee to issue or to renew a Tobacco Retailer's license shall be established from time to time by resolution of the City Council. The fee shall be calculated so as to recover the cost of administration and enforcement of this chapter, including, for example, issuing a license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this chapter. All fees and interest upon proceeds of fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law.

12A-9. COMPLIANCE MONITORING.

- (a) Compliance checks shall be conducted so as to allow the City to determine, at a minimum, if the Tobacco Retailer is conducting business in a manner that complies with laws regulating youth access to Tobacco. When the Department deems appropriate, the compliance checks shall determine compliance with other laws applicable to Tobacco Retailing.

12A-10. REVOCATION OF LICENSE.

- (a) **REVOCATION OF LICENSE FOR VIOLATION.** In addition to any other penalty authorized by law, a Tobacco Retailer's license shall be revoked if any court of competent jurisdiction determines, or the City finds based on a preponderance of the evidence, after the licensee is afforded notice and an opportunity to be heard, that the licensee, or any of the licensee's agents or employees, has violated any of the requirements, conditions, or prohibitions of this chapter or has pleaded guilty, "no

contest" or its equivalent, or admitted to a violation of any law.

(b) NEW LICENSE AFTER REVOCATION.

- (1) After revocation for a first violation of this chapter, no new license may be issued for the location until ten (10) days have passed from the date of revocation.
- (2) After revocation for a second violation of this chapter, no new license may be issued for the location until sixty (60) days have passed from the date of revocation.
- (3) After revocation for a third violation of this chapter, no new license may be issued for the location until one (1) year has passed from the date of revocation.
- (4) After revocation for a fourth or subsequent violation of this chapter, no new license may be issued for the location until five (5) years have passed from the date of revocation.

(c) APPEAL OF REVOCATION. A decision of the City to revoke a license may be appealed as specified in the Chapter 26, §26-56.100 of this Code.

(d) REVOCATION OF LICENSE WRONGLY ISSUED. A Tobacco Retailer's license shall be revoked if the City finds, after the licensee is afforded notice and an opportunity to be heard, that one or more of the bases for denial of a license under this Code existed at the time application was made or at any time before the license issued. Such a revocation shall be without prejudice to the filing of a new license application.

12A-11. TOBACCO RETAILING WITHOUT A LICENSE.

(a) In addition to any other penalty authorized by law, if a court of competent jurisdiction determines, or the Department finds based on a preponderance of evidence, after notice and an opportunity to be heard, that any Person has engaged in Tobacco Retailing at a location without a valid Tobacco Retailer's license, either directly or through the Person's agents or employees, the Person shall be ineligible to apply for, or to be issued, a Tobacco Retailing license as follows:

- (1) After a first violation of this section, no new license may be issued for the Person or the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until thirty (30) days have passed from the date of the violation.
- (2) After a second violation of this section, no new license may issued for the Person or the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until ninety (90) days have passed from the date of the violation.
- (3) After a third or subsequent violation of this section at a location, no new license may be issued for the Person or the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until five (5) years have passed from the date of the violation.

12A-12. ENFORCEMENT.

- (a) Violations of this chapter are punishable by a civil fine not less than two hundred fifty dollars (\$250) and not exceeding one thousand dollars (\$1,000) per violation (California Government Code Section 36901).
- (b) Violations of this chapter are hereby declared to be a public nuisance.

SECTION II. Chapter 26 of the Code of the City of Oroville is hereby amended as follows:

- (1) The following definitions will be added to §26-04.020 as follows:

Smoke Shop: Any establishment whose primary business purpose is to sell, offer for sale, or exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia. Such businesses include head shops, hookah shops and lounges, tobacco shops, and other uses of like kind character.

Tobacco Paraphernalia: Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, vaporizers and any other item designed for the smoking, preparation, storing, or consumption of tobacco products. For the purpose of this chapter, electronic cigarette supplies are considered tobacco paraphernalia.

Tobacco Product: Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence. For the purpose of this chapter, electronic cigarettes are considered a tobacco product.

- (2) Table 26-33.010-1 will be amended to include the following:

Land Use	CN	C-1	C-2	CN	CLM	OF	MXD	MXN	MXC	Use-Specific Regulations
Retail										
<u>Smoke Shop</u>	<u>UP</u>	<u>UP</u>	<u>UP</u>	<u>UP</u>	<u>UP</u>	<u>UP</u>	<u>UP</u>	<u>UP</u>	<u>UP</u>	<u>26-36.010-1</u>

- (3) Table 26-36.010-1 will be amended to include the following:

Land Use	ABP	M-1	M-2	Use-Specific Regulations
Retail				
<u>Smoke Shop</u>	<u>=</u>	<u>UP</u>	<u>UP</u>	<u>26-36.010-1</u>

- (4) §26-16.190 will be added as follows:

A. Purpose.

These regulations are intended to allow persons to establish smoke shops in the City of Oroville in a manner that protects the City’s public health, safety and welfare by limiting the number of smoke shops in the City limits with respect to the City’s population size.

B. Applicability.

1. A total of one smoke shop is allowed within City limits for every 4,000 City residents.
2. In the event that the number of existing smoke shops per every 4,000 City residents exceeds the above limit, no additional smoke shops will be allowed within City limits until the number of smoke shops fall below the above threshold as a result of:
 - Population growth within the City that would allow for an additional smoke shop to locate within City limits per the threshold above; or
 - The number of smoke shops within City limits decreases to a level that would allow for an additional smoke shop to locate within City limits per the threshold above.

Table 26-16.190-1: Number of Smoke Shops Allowed

<u># of City Residents (Range)</u>	<u># of Smoke Shops Allowed</u>
<u>X</u>	<u>Z</u>
<u>0 to 4,000</u>	<u>1</u>
<u>4,001 to 8,000</u>	<u>2</u>
<u>8,001 to 12,000</u>	<u>3</u>
<u>12,001 to 16,000</u>	<u>4</u>
<u>16,001 to 20,000</u>	<u>5</u>
<u>Etc.</u>	<u>=</u>

* $X / 4,000 = Z$. If Z is not a whole number, round up to the next whole number.

C. General Regulations.

Smoke shops will be subject to all provisions within Chapter 12A of the Oroville Municipal Code.

D. Permit Required

All smoke shops are required to obtain a use permit that may include conditions necessary to ensure that the use operates in a manner that provides adequate protection of public health, safety and welfare.

E. Criteria to Be Considered.

In determining whether to grant a use permit for a smoke shop and what appropriate conditions should, if any, be imposed, the Planning Commission shall consider the following issues, and make appropriate findings, based on substantial evidence, for each issue:

1. The nature of all land uses within 500 feet of the proposed smoke shop, and in particular, the location of similar nearby uses and the location of residences, parks, schools and houses of worship.
2. Appropriate measures to provide proper maintenance of the building exterior, including provisions to keep the premises free of litter and debris.
3. Lighting of exterior areas, including parking lots, to discourage loitering outside of the building.
4. Protection of adjacent properties from illegal activity.
5. Hours of operation.
6. Prevention of adverse effects of the use on the value of adjacent properties.

SECTION III. Chapter 14 of the Code of the City of Oroville is hereby amended as follows:

(1) Chapter 14, Article 1, §14-21(a)(13) will be amended as follows:

“Smoking” means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, weed, plant or other combustible substance in any manner or in any form. For the purposes of this chapter, the use of electronic cigarettes and the inhalation of their nicotine vapor shall also be classified as “smoking.”

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting held this 19th day of March, 2013, by the following vote:

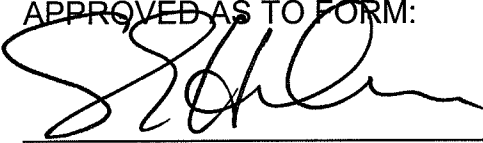
AYES: Council Members Andoe, Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox,
Mayor Dahlmeier

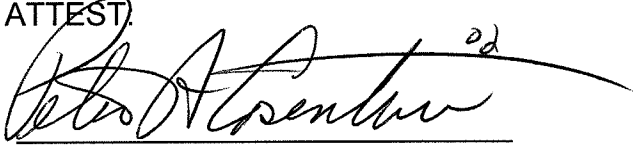
NOES: None

ABSTAIN: None

ABSENT: None


Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

ATTEST:

Peter Cosentini, Interim City Clerk

RESOLUTION NO. 8685

**A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING A FEE INCREASE FOR
TABACOO RETAIL LICENSES**

WHEREAS, on September 22, 2017, staff met with members from the California Health Collaborative who were requesting the City consider restricting the sale of menthol cigarettes and other flavored tobacco products within the City limits; and

WHEREAS, on November 7, 2017, the Oroville City Council received a presentation from the Director of Program Services for the California Health Collaborative regarding flavored tobacco products in the City of Oroville. The Council gave direction to staff to amend Ordinance No. 1794 to restrict the sale of menthol cigarettes and other flavored tobacco products within the City, increase the fee for a Tobacco Retail License to recover City costs, and increase the fine for violations of the City's tobacco regulations; and

WHEREAS, on December 14, 2017, the Planning Commission reviewed and considered amending the City's Municipal Code to restrict the sale of menthol cigarettes and other flavored tobacco products within the City, increase the penalty for those found in violation of the City's tobacco retail ordinance, and to increase the fees for a Tobacco Retailer License. The Planning Commission continued this item to the subsequent Planning Commission meeting; and

WHEREAS, on January 18, 2018, the Planning Commission forwarded a recommendation to the City Council to increase the fee for a Tobacco Retailer License from \$36 to \$238.64, a \$202.64 fee increase, and continued the remainder of the items being considered to following Planning Commission meeting for further discussion; and

WHEREAS, the fee to issue or to renew a Tobacco Retailer's license shall be established from time to time by resolution of the City Council. The fee shall be calculated so as to recover the cost of administration and enforcement, including, for example, issuing a license, administering the license program, retailer education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program approved by the City. All fees and interest upon proceeds of fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law; 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 approval of the fee increase for a Tobacco Retailer License as described herein, and also considered City staff's report regarding the proposed fee increase.

NOW, THEREFORE, BE IT RESOLVED by the Oroville City Council as follows:

1. The City Council hereby approves the fee increase for a Tobacco Retailer License from \$36 to \$238.64, for a total fee increase of \$202.64.
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 February 6, 2018, 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



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(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 Oroville City Council will hold a public hearing on the projects described below. Said hearing will be held at **6:30 p.m. on Tuesday, February 6, 2018** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **POTENTIAL FEE INCREASE FOR TOBACCO RETAILER LICENSES** – The Oroville City Council will review and consider approving a recommendation from the Oroville Planning Commission to increase the fee for a Tobacco Retailer License.
2. **ZC 17-01: REZONE OF 1355 WASHINGTON AVENUE FROM MXD TO MXC (2nd Reading)** – The Oroville City Council will conduct a public hearing to review and consider approving a recommendation by the Oroville Planning Commission to Rezone the property identified as 1355 Washington Avenue (APN: 013-030-010) from Downtown Mixed Use (MXD) to Corridor Mixed Use (MXC).

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 meetings.

Posted/Published: **Saturday, January 27, 2018**

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: MIKE MASSARO, CITY ENGINEER
PUBLIC WORKS DEPARTMENT**

RE: HWY 70 CORRIDOR PROJECT UPDATE

DATE: FEBRUARY 6, 2018

SUMMARY

The Council may receive an update regarding the status of the Highway 70 Corridor Project, followed by a short presentation, developed by the Butte County Association of Governments (BCAG) will be provided by Mike Massaro, Contract City Engineer.

BACKGROUND

The Highway 70 Corridor project has been in development since 1988 with the intent to provide 4 lanes of travel from Marysville to Chico.

The recent approval of Senate Bill 1, the Road Repair and Accountability Act of 2017, will provide the funds to complete the vision.

DISCUSSION

SB1, the Road Repair and Accountability Act of 2017, was signed into law on April 28, 2017. This legislative package invests \$54 billion over the next decade to fix roads, freeways and bridges in communities across California and puts more dollars toward transit and safety.

A small portion of this money will be funneled to the City of Oroville's Local Transportation Fund for pavement repair and restoration and will have a small impact. A much larger portion of money from the Act will flow to Caltrans and Butte County and will have a larger impact on the region. One of the largest effects will be implementation of the HWY 70 corridor project.

This project was originally defined in 1988 as part of the California Transportation Blueprint, with the intent of converting the 2-lane rural highway to a 4-lane highway system to more efficiently connect Sacramento to Chico and points in between.

There are 7 segments to the project with sections 1, 2, and 3 lying in Butte County. If BCAG's State Transportation Improvement Program (STIP) are approved by the

California Transportation Commission (CTC), then Construction is anticipated to begin on Sections 1 and 2 in 2020 and Section 3 in 2023. All three segments would have 4 travel lanes with center turn lane and paved shoulder.

FISCAL IMPACT

None.

RECOMMENDATIONS

Information only.

ATTACHMENTS

A – Presentation Slides



STATE ROUTE 70

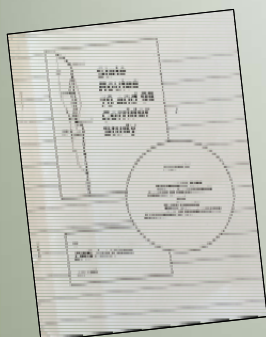
COMPLETING THE VISION

1/4/2018

1



BACKGROUND



- ❖ **1988** – California Transportation Commission (CTC) placed the State Routes 70 and 99 Corridor on their “*Special Studies List*” asking for a corridor study to be prepared to determine which of the two routes should be the focus for future highway investments to provide an expressway for ultimate conversion to freeway, to connect Sacramento and Chico. *The preferred corridor would then serve as a basis for future transportation investments by Caltrans and the Metropolitan Planning Organizations in the corridor.*
- ❖ **1990** – The *State Routes 70 and 99 Corridor Study* was completed by the Butte County Association of Governments (BCAG), the Sacramento Area Association of Governments (SACOG) and Caltrans District 3, and was adopted by BCAG and SACOG Boards in 1990. Since its adoption, the Study has served as the *vision* for transportation investments in the State Routes 70 and 99 Corridors as was envisioned by the CTC in 1988.

1/4/2018

2

Completing The Vision

The Vision

In 1988 the California Transportation Commission (CTC) placed the State Routes 70 and 99 Corridor on their "Special Studies List" asking for a corridor study to be prepared to determine which of the two routes should be the focus for future highway investments to provide an expressway for ultimate conversion to freeway, to connect Sacramento and Chico. This corridor study would then serve as a basis for future transportation investments by Caltrans and the Metropolitan Planning Organizations in the corridor.

The State Routes 70 and 99 Corridor Study was prepared by the Butte County Association of Governments (BCAG), the Sacramento Area Association of (SACOG) and Caltrans District 3, and was adopted by BCAG and SACOG in 1990.

The Corridor

The preferred alignment chosen from the State Routes 70 and 99 Corridor Study to connect Chico and Sacramento was the State Route 70 Corridor. While the State Route 70 Corridor was the preferred alignment or "Focus Route" for a mainline connection between Sacramento and Chico, other transportation improvements along the State Routes 99 and 65 Corridors were also identified by the Study.

Since adoption of the Corridor study in 1990 over \$543 million in transportation investments have been completed with \$291 million programmed for a total of nearly \$834 million. The following section identifies the transportation investments made to date followed by the projects remaining to complete the CTC's commitment to the corridor.

Focus on Future Investments

The remaining projects identified below would fulfill the original commitment from the 1988 California Transportation Blueprint to connect California's remaining urbanized areas to the continuous 4-lane highway system. The total distance of existing 2-lane highway that needs to be upgraded to 4 lanes is approximately 21 miles in 8 Segments 1, 2, and 3 are programmed into the 2018 STIP. The remaining investment needed to complete the vision is \$36 million for the Yuba County portion.

INVESTMENTS TO DATE

- SR 99 Auxiliary Lane - Chico**
Cost - \$32 Million
This project added a third lane from State Route 32 to East First Avenue.
- SR 99 Butte Creek Bridge**
Cost - \$13 Million
This project replaced obsolete bridge.
- SR 140 Interchange Project**
Cost - \$139 Million
This project links SR 99 and SR 70 from Chico to Oroville providing 4 lanes of continuous freeway.
- SR 70 Ophi Road Project**
Cost - \$19 Million
This project provides an additional 2 miles of 4-lanes from SR 162 to Ophi Rd in Oroville.
- SR 70 Passing Lanes Project**
Cost - \$14.5 Million
This project constructed 2 additional lanes on SR 70 to serve as passing lanes from South of Oroville near East Gridley.
- SR 70 Safety Project**
Cost - \$101.7 Million
This project will widen State Route 70 from Lauriaten Road to South Hamlet Creek Bridge.

FUTURE INVESTMENT PROJECTS

2018 RTP Recommendation - RFP funds within BCAG's STIP fund estimate

- 1 Segment 1 - SR 70 from Ophi Rd. to Palermo Rd. (Passing Lane)**
Estimated Cost - \$48.4 Million (\$24M SHOPP Safety/\$7.2M IIP - \$7.2M RFP)
Widen from 2 lanes to 4 lanes. This project was programmed in the 2014 STIP cycle. Construction is recommended for the FY19/20 in the 2018 SHOPP/STIP.
- 2 Segment 2 - SR 70 from Palermo Rd. to Cox Lane (Passing Lane)**
Estimated Cost - \$43 Million (\$20.8M SHOPP Safety/\$6.6M IIP - \$6.6M RFP)
Widen from 2 to 4 lanes from the terminal of Segment 1 to a completed SR 70 Project in 2013. This project was deprogrammed due to funding shortfalls in 2016 STIP.
- 3 Segment 3 - SR 70 from near East Gridley Rd. to South Butte/Yuba County Line**
Estimated Cost - \$76 Million (\$51.2M SHOPP Safety/\$10.9M RFP - \$10.9M RFP)
This segment represents the last segment to widen to 4 lanes in Butte County.

Yuba County Projects Remaining

- 4 SR 70 - Butte/Yuba County Line to north of Woodruff Lane**
Estimated Cost - \$83 Million (\$70M SHOPP Safety/\$7.5M IIP - \$7.5M RFP)
Project TBD. Scope of the project is to continue the same design for SR 70 in widening from 2 lanes to a 4-lane facility with a continuous left turn lane.
- 5 SR 70 - North of Woodruff Lane to north of Woodruff Lane**
Estimated Cost - \$45 Million (\$44M SHOPP Safety/\$10.5M RFP - \$10.5M RFP)
Project TBD. Widen from 2 to 4 lanes. Estimated cost if combined with SHOPP project.

1/4/2018 Total RFP Safety Needs Needed - Yuba County = \$138M

CURRENT SAFETY ISSUES

- ❖ 13 - Fatalities since January 2017
- ❖ 35 - Fatalities since January 2010
- ❖ 40 Collisions & 140 Serious Injuries since 2004
- ❖ Inadequate evacuation route
- Caltrans District 3 has implemented all viable safety measures to reduce accidents & fatalities on the corridor.
- Caltrans has determined that State Highway Operation & Protection (SHOPP) funds are eligible to fund a portion of the "safety improvements" on the entire corridor.

1/4/2018

HIGHWAY 70 FATALITIES MARYSVILLE TO OROVILLE 2010 - 2017

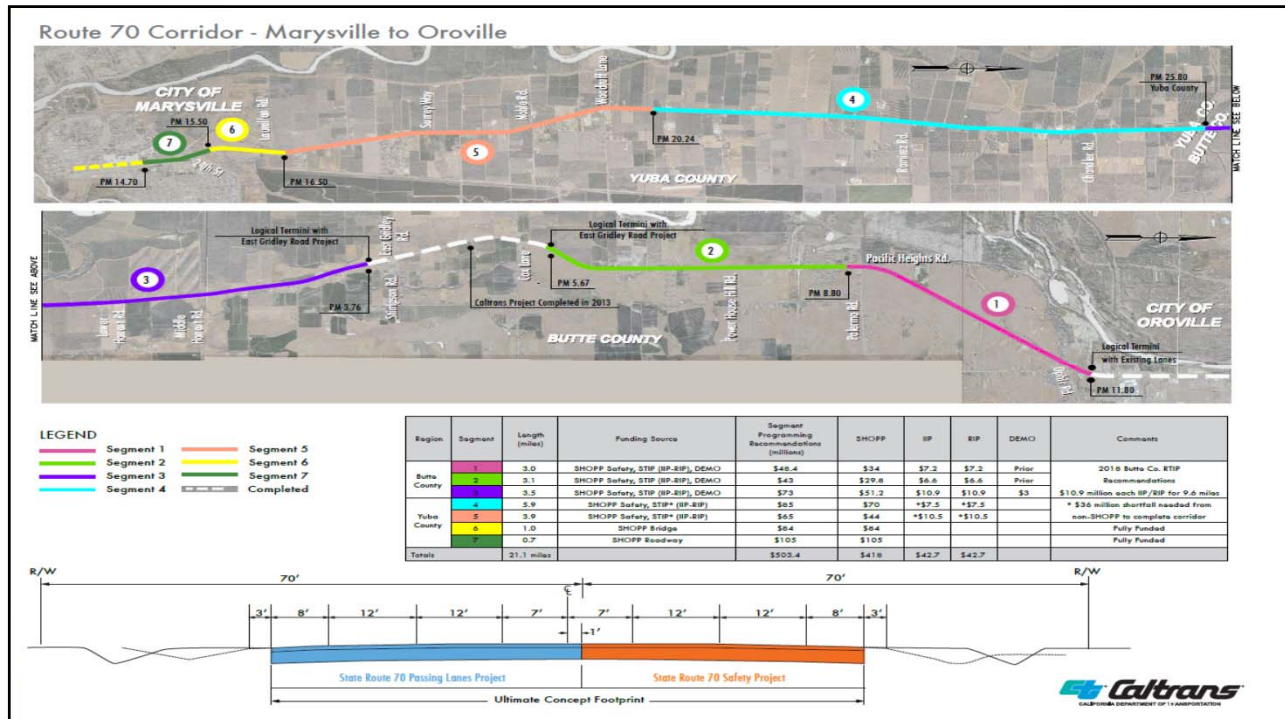
Last Updated: August 8, 2017



REMAINING CORRIDOR PROJECTS

1/4/2018

5





PROJECT STATUS

Segment 1 – currently programmed in 2016 STIP, fully funded. BCAG is developing the required environmental documents which will be completed BY spring 2018. Construction of Segment 1 is scheduled to begin spring 2020.

Segment 2 –partially funded in 2016 STIP. BCAG is developing the required environmental documents for Segment 2 which will be complete by spring 2018. Now that SHOPP funds will be used to fund a portion of each project on the corridor, there is sufficient funds saved on Segment 1 to fully fund Segment 2. BCAG will recommend full funding of Segment 2 in the 2018 STIP. Construction of Segment 2 would start in spring 2020.

Segment 3 – is not currently funded in the 2016 STIP. Based on BCAG’s 2018 STIP funding allocation and available SHOPP funding, BCAG will recommend full funding of Segment 3 in the 2018 STIP. Staff is currently working with Caltrans to secure funds to prepare the required environmental documents which could get underway this fall. If approved for funding in the 2018 STIP, Segment 3 could start construction in 2023.

Segment 4 – is currently funded with SHOPP funds to construct three-lanes and widen shoulders. No STIP funds are yet programmed to this project to widen to five-lanes.

Segment 5 – is currently funded with SHOPP funds to construct three-lanes and widen shoulders. No STIP funds are yet programmed to this project to widen to five-lanes.

Segment 6 – is fully funded in the SHOPP program to rehabilitate bridge.

Segment 7 – is fully funded in the SHOPP program to rehabilitate roadway.



2018 STIP RECOMMENDATIONS

BCAG will make the following 2018 STIP recommendations in their 2018 Regional Transportation Improvement Program (RTIP) for consideration of approval by the California Transportation Commission:

	FUNDING (Millions)		
	SHOPP	STIP	TOTAL
1) Segment 1 - Full funding for five-lanes, construction start 2020	\$ 34.0	\$ 14.4	\$ 48.4
2) Segment 2 - Full funding for five-lanes, construction start 2020	\$ 29.8	\$ 13.2	\$ 43.0
3) Segment 3 - Full funding for five-lanes, construction start 2023	\$ 10.9	\$ 21.6	\$ 73.0
	\$ 74.7	\$ 49.2	\$ 92.13

➤ **BCAG 2018 RTIP Commitment** = **\$24,700,000**

➤ **Commitment Needed from Caltrans & CTC in 2018 STIP** = **\$24,700,000**



FUTURE FUNDING NEED FOR THE SR 70 CORRIDOR

- ❖ If the California Transportation Commission (CTC) approves the 2018 STIP recommendations proposed by BCAG and Caltrans, then the remaining funding need for the SR 70 corridor will be \$36 million. This is the cost to add capacity to Segments 4 and 5.
- ❖ The BCAG Board of Directors has approved shifting **\$2 million in STIP funding from Butte County to Yuba County** to assist with funding Segments 4 and 5.
- ❖ BCAG will be submitting a **\$36 million** federal funding request under the recently established **Infrastructure for Rebuilding America (INFRA)** Program in November to seek the remaining funds to complete the State Route 70 corridor.



STATE ROUTE 70 VIDEO

Go to the BCAG website.

<http://www.bcag.org/Projects/State-Route-70-corridor/index.html>

Click on the link to view BCAG's SR 70 Video



Oroville/BCAG Coordination

- Oroville City Engineer sits on the BCAG Technical Advisory Council (TAC) – Monthly Meetings
- Funding support for signalization and roundabout projects, transit center, park n ride
- Technical and lobbying support for grant funded programs like Safe Routes to School (SRTS) and Active Transportation Projects (ATP).



QUESTIONS & COMMENTS

How you can help!

BCAG would appreciate your individual, group, company, agency support with a simple letter in which we can include as part of the federal grant application process. You can email your support to staff at BCAG to Mr. Ivan Garcia, Programming Manager at igarcia@bcag.org.

If you would like a presentation or would like to talk more about the projects or process, please send us an email.

Sign up to stay in touch! Sign up to receive updates and information about the status of the State Route 70 Corridor Project and ways you can become engaged to help complete the project. [Click here](#).

Thank you

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS

**FROM: RICK FARLEY, ENTERPRISE ZONE AND BUSINESS ASSISTANCE
COORDINATOR
DON RUST, PUBLIC WORKS DIRECTOR**

**RE: AMENDMENT TO THE AIRPORT PRECISION APPROACH PATH
INDICATORS AND RUNWAY END IDENTIFIER LIGHTS
CONSTRUCTION CONTRACT WITH PACIFIC UNDERGROUND
SERVICES, INC.**

DATE: FEBRUARY 6, 2018

SUMMARY

The Council may consider an amendment to the construction contract with Pacific Underground Services, Inc. in the amount of \$3,615.00 for the Oroville Municipal Airport to furnish and install a Precision Approach Path Indicators (PAPI) and Runway End Identifier Lights (REIL) system for the Runway 02. FAA Grant # 3-06-0178-021-2016.

DISCUSSION

On August 16, 2016, the City awarded Pacific Underground Services, Inc. a contract in the amount of \$138,420 for Installation of a PAPI and REIL system at the Oroville Municipal Airport for Runway 2/20. The project cost is being reimbursed 90% (\$124,578) by a FAA airport improvement grant. During the construction of the new PAPI and REIL system for runway 2/20 work was needed to be done to install additional ground rods at the REIL and at the existing pull box adjacent to the Runway 20 PAPI and modifications had to be made in the field to the layout of the Runway 20 PAPI duct. The record drawings were different from what was found in the field. It was, therefore, necessary to reroute the duct line to avoid conflicts. This was unknown at the time the contract was let.

The additional cost incurred was \$3,615.00. The FAA will fund 90% of this amount which is \$3,253.50. The City's net cost portion from the airport fund will be \$361.50 once the FAA reimbursement is received.

FISCAL IMPACT

Funding of \$361.50 is available in the Airport Fund. Appropriations are available in the Airport Fund, an Enterprise Fund, 420-4201-6360, with an available balance of \$37,002.

RECOMMENDATION

Adopt Resolution No. 8686 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROJECT CONTRACT WITH PACIFIC UNDERGROUND SERVICES, INC. IN THE AMOUNT OF \$3,615.00 – (Agreement No. 3190-1).

ATTACHMENT(S)

Resolution No. 8686
Agreement No. 3190-1

**CITY OF OROVILLE
RESOLUTION NO. 8686**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROJECT CONTRACT WITH PACIFIC UNDERGROUND SERVICES, INC IN THE AMOUNT OF \$3,615.00 FOR THE OROVILLE AIRPORT RUNWAY 02 PRECISION APPROACH PATH INDICATORS (PAPI) AND RUNWAY END IDENTIFIER LIGHTS (REIL) PROJECT

(Agreement No. 3190-1)

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 Project Contract with Pacific Underground Services. A copy of the Agreement is attached to this Resolution.

3. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on February 6, 2018 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

AMENDED AGREEMENT TO AGREEMENT NO. 3190
BETWEEN THE CITY OF OROVILLE AND ALL-AMERICAN CONSTRUCTION INC.

(Agreement No. 3190-1)

This Agreement (Amendment) dated February 6, 2018 is to Agreement No. 3190 between **City of Oroville**, a municipal corporation ("City") and **Pacific Underground Services, Inc.** ("Contractor").

In consideration of the terms and conditions herein, the City and Pacific Underground Services, Inc. agree that Agreement No. 3190 shall be amended as follows:

1. Additional services to be added for airport PAPI and REIL in the amount of \$3,615.00.
2. Conflicts between the Agreement and this Amendment shall be controlled by this Amendment. All other provisions within Agreement No. 3190 shall remain in full force and effect.

CITY OF OROVILLE

PACIFIC UNDERGROUND SERVICES, INC.

Linda L. Dahlmeier, Mayor

Randy Orrick, President

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

Agreement No. 3190-1

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS

**FROM: RICK FARLEY, ENTERPRISE ZONE AND BUSINESS ASSISTANCE
COORDINATOR
DON RUST, PUBLIC WORKS DIRECTOR**

**RE: AMENDMENT TO THE AIRPORT PIPELINE AND GRADING
CONSTRUCTION CONTRACT WITH ALL-AMERICAN
CONSTRUCTION, INC.**

DATE: FEBRUARY 6, 2018

SUMMARY

The Council may consider an amendment to the construction contract with All-American Construction, Inc. in the amount of \$7,223.93 for the Oroville Airport drainage and grading project. FAA Grant # 3-06-0178-021-2016.

DISCUSSION

On August 16, 2016, the City awarded All-American Construction, Inc. a contract in the amount of \$200,319 for a drainage and grading project at the Oroville Municipal Airport. The cost is being reimbursed 90% (\$180,287) by a FAA airport improvement grant. During the construction of the new drainage for runway 2/20 work was needed to be done to old drainage pipes that was unknown at the time the contract was let.

The extra work that was done was to repair the existing old storm drain pipes. Just prior to starting the new construction, the contractor noticed two areas that were over the existing storm drains that looked like little sink holes. After showing these areas to the airport engineer, the engineer recommended to expose the pipes in each location to further investigate the problem and what might be the best solution for fixing. After exposing the pipes, the engineer recommended the following action that the contractor completed. Cover the existing holes in the damaged pipes with a sheet metal sleeve. The sheet metal served as a form to prevent the concrete that was poured over the damaged pipe from entering the pipe and creating any blockage. The concrete was poured around the pipes about 6' thick with welded wire mesh reinforcement. The pipes were then backfilled after the concrete had cured. The additional cost incurred was \$7,223.93. The FAA will fund 90% of this amount which is \$6,501.54. The City's net cost portion from the airport fund will be \$722.39 once the FAA reimbursement is received.

CC - 7

FISCAL IMPACT

Funding of \$722.39 is available in the Airport Fund. Appropriations are available in the Airport Fund, an Enterprise Fund, 420-4201-6360, with an available balance of \$37,002.

RECOMMENDATION

Adopt Resolution No. 8687 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROJECT CONTRACT WITH ALL-AMERICAN CONSTRUCTION, INC. IN THE AMOUNT OF \$7,223.93 – (Agreement No. 3189-1).

ATTACHMENT(S)

Resolution No. 8687
Agreement No. 3189-1

**CITY OF OROVILLE
RESOLUTION NO. 8687**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROJECT CONTRACT WITH ALL-AMERICAN CONSTRUCTION, INC. IN THE AMOUNT OF \$7,223.93 FOR THE ADDITIONAL WORK REQUIRED TO COMPLETE THE AIRPORT DRAINAGE AND GRADING PROJECT.

(Agreement No. 3189-1)

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 project contract with All-American Construction, Inc. A copy of the Agreement is attached hereto as Exhibit "A."
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 February 6, 2018 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

AMENDED AGREEMENT TO AGREEMENT NO. 3189
BETWEEN THE CITY OF OROVILLE AND ALL-AMERICAN CONSTRUCTION INC.

(Agreement No. 3189-1)

This Agreement (Amendment) dated February 6, 2018 is to Agreement No. 3189 between **City of Oroville**, a municipal corporation ("City") and **All-American Construction, Inc.** ("Contractor").

In consideration of the terms and conditions herein, the City and All-American Construction, Inc. agree that Agreement No. 3189 shall be amended as follows:

1. Additional services to be added for airport drainage and grading in the amount of \$7,223.93.
2. Conflicts between the Agreement and this Amendment shall be controlled by this Amendment. All other provisions within Agreement No. 3189 shall remain in full force and effect.

CITY OF OROVILLE

ALL-AMERICAN CONSTRUCTION, INC.

Linda L. Dahlmeier, Mayor

Jason Stokes, President

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

Agreement No. 3189-1

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS

**FROM: RICK FARLEY, ENTERPRISE ZONE AND BUSINESS ASSISTANCE
COORDINATOR
DON RUST, PUBLI WORKS DIRECTOR**

**RE: AMENDMENT TO THE FIXED BASE OPERATOR LEASE AGREEMENT
WITH TOM HAGLER DBA: TABLE MOUNTAIN AVIATION**

DATE: FEBRUARY 6, 2018

SUMMARY

The Council will consider an Amendment to the Fixed Base Operator (FBO) Lease Agreement with Tom Hagler dba: Table Mountain Aviation, extending the lease for an additional five (5) years to November 1, 2021.

DISCUSSION

Background

There has been an independent FBO at Oroville Airport since at least 1988. Oroville Aviation operated as the City's FBO from February 1988 to February 2005 when they went out of business. Table Mountain Aviation (TMA) was formed in April 2006 by Chris Jones with Tom Hagler as the Maintenance Chief. Tom purchased TMA in 2007 and Tom Hagler's first FBO lease was executed on September 18, 2007 for a three-year term. On September 7, 2010, the lease was extended through December 31, 2010, and on December 7, 2010 the lease was again extended through November 31, 2011. These short lease extensions were designed to allow the City to make long term planning decisions regarding the future of the FBO while allowing Mr. Hagler to continue providing FBO services. On November 1, 2011, lease was extended for another five (5) years to November 1, 2016. Tom has continued to operate under the terms of the expired lease for the past 14 months. This 5-year lease extension amendment will cover the expired lease term and add an additional four years. Mr. Hagler plans to retire when this lease expires.

RFP Process

The Request for Proposals (RFP) was distributed to eight interested parties, five of which are existing FBO's at surrounding general aviation airports. Mr. Hagler was the only one to respond to the RFP.

CC - 8

The RFP required the following responses:

- An offer of mandatory and optional FBO services as listed in the RFP.
- A commitment for a jet fuel truck and full-service jet fueling.
- A monthly lease rate to the City for the FBO building and maintenance hangar.
- A revenue sharing percentage for T-hangar rental and tie down fees.

The City received only one RFP response and that was from Table Mountain Aviation (TMA). Staff reviewed the submittal and concluded that it was fully responsive.

There are only three (3) changes proposed to the lease agreement:

1. The lease will be extended for an additional five (5) years to November 1, 2021;
2. Either party to this agreement may cancel and terminate this agreement at its election by giving the other party six (6) month notice;
3. Full-service Jet A will cost 25 cents per gallon more than self-service Jet A.

The City will continue to purchase the fuel, post the retail fuel prices for Avgas and Jet A and collect the self-service retail fuel purchase revenue.

The current FBO services being provided by TMA are summarized below.

Current Services and Lease Terms

Operating hours: FBO open: Monday – Friday: 8:00 AM – 5:00 PM
Saturday – 9:00 AM – 3:00 PM
One full-time mechanic and one part-time counter assistant

- Leasing FBO building and maintenance hangar for \$699 per month
- Manage assigned T-hangar buildings G and H and collect T-hangar rent
- Collect tie-down fees from the ramp area near the FBO
- Payment to City of 15% of T-hangar and tie-down fees
- Public information
- Car rental coordination
- Maintenance of the FBO building and associated facilities
- Payment of FBO building utilities
- Self service fueling assistance
- Aircraft ramp services
- Aircraft repair and maintenance
- Aircraft parts sales
- Flight lessons

- Aircraft rental
- TMA to provide a minimum 2,000-gallon Jet A fuel truck
- TMA to provide full service jet fueling
- TMA to provide after-hours jet fueling service (call out fee applies)
- TMA to monitor jet fuel tank levels and report to City twice per week
- TMA to inform City when fuel deliveries are needed
- City to pay for wholesale fuel deliveries
- City to receive 100% of retail self-service jet fuel purchase income
- City to pay TMA 45% of monthly full-service retail purchase profit
- Leasing FBO building and maintenance hangar for \$699 per month (no change)
- Manage assigned T-hangars and collect T-hangar rent
- Collect tie-down fees
- Payment to City of 15% of T-hangar and tie-down fees (no change)
- Weekly inspections of area and runway lighting systems; report outages to City
- Monitor on-airport activities
- Contact City for light outages and unusual/unauthorized activities

Financial Analysis

The proposed terms for the FBO building monthly lease are unchanged. TMA will continue to pay the City \$699 per month for the use of the FBO building, maintenance hangar and tie-down area with an annual CPI adjustment. The Agreement will continue to have a cost of living inflation factor for the monthly lease rate. TMA will continue to pay the City 15% of gross revenue for the control of T-Hangar buildings G and H. The City's annual revenue from TMA for the FBO building lease rate and T-Hangar and tie-down rental sharing is about \$13,200. This revenue, which is deposited into the Airport fund and should remain relatively stable in the future.

FISCAL IMPACT

No change except for the increased revenue from Jet A fuel sales.

RECOMMENDATION(S)

Adopt Resolution No. 8688 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE FIXED BASE OPERATOR LEASE AGREEMENT WITH TOM HAGLER DBA: TABLE MOUNTAIN AVIATION, EXTENDING THE LEASE FOR AN ADDITIONAL FIVE YEARS – (Agreement No. 1761-6).

ATTACHMENT(S)

Resolution No. 8688
Agreement No. 1761-6

**CITY OF OROVILLE
RESOLUTION NO. 8687**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROJECT CONTRACT WITH ALL-AMERICAN CONSTRUCTION, INC. IN THE AMOUNT OF \$7,223.93 FOR THE ADDITIONAL WORK REQUIRED TO COMPLETE THE AIRPORT DRAINAGE AND GRADING PROJECT.

(Agreement No. 3189-1)

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 project contract with All-American Construction, Inc. A copy of the Agreement is attached hereto as Exhibit "A."
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 February 6, 2018 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

AMENDED AGREEMENT TO AGREEMENT NO. 3189
BETWEEN THE CITY OF OROVILLE AND ALL-AMERICAN CONSTRUCTION INC.

(Agreement No. 3189-1)

This Agreement (Amendment) dated February 6, 2018 is to Agreement No. 3189 between **City of Oroville**, a municipal corporation (“City”) and **All-American Construction, Inc.** (“Contractor”).

In consideration of the terms and conditions herein, the City and All-American Construction, Inc. agree that Agreement No. 3189 shall be amended as follows:

1. Additional services to be added for airport drainage and grading in the amount of \$7,223.93.
2. Conflicts between the Agreement and this Amendment shall be controlled by this Amendment. All other provisions within Agreement No. 3189 shall remain in full force and effect.

CITY OF OROVILLE

ALL-AMERICAN CONSTRUCTION, INC.

Linda L. Dahlmeier, Mayor

Jason Stokes, President

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

Agreement No. 3189-1

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS

**FROM: RUTH WRIGHT, FINANCE DIRECTOR
FINANCE DEPARTMENT**

**RE: CALIFORNIA STATE DEPARTMENT OF FINANCE (DOF) APPROVAL
OF THE LAST AND FINAL RECOGNIZED OBLIGATION PAYMENT
SCHEDULE (ROPS)**

DATE: FEBRUARY 6, 2018

SUMMARY

The Council may review and consider approving and accepting the unanticipated revenue in the amount of \$3,586,616 and allocate \$2,869,294 to be deposited into the City's new Section 115 Pension Trust account to mitigate future increases in pension costs.

DISCUSSION

The Department of Finance (DOF) has approved the Successor Agency's Last and Final Recognized Obligation Payment Schedule (ROPS) for the time period of January 1, 2018 through June 30, 2031. This report is being provided as a summary of the approval and their determination.

California Health & Safety Code Section 34177(o), requires successor agencies to adopt a Recognized Obligation Payment Schedule (ROPS) before each fiscal period. Pursuant to Health and Safety Code Section 34191.6 beginning in January 1, 2016, successor agencies may submit a Last and Final ROPS for approval if all of the following conditions are met: 1) the remaining debt is limited to administrative costs and payments pursuant to enforceable obligations with defined payment schedules, 2) all remaining obligations have been previously listed on a ROPS and approved for payment by DOF pursuant to HSC Section 34177, and 3) the Successor Agency is not party to outstanding or unresolved litigation. The Oroville Successor Agency met all the conditions to submit a Last and Final ROPS.

The Last and Final ROPS is a schedule of necessary payments for each enforceable obligation of the former Oroville Redevelopment Agency for each fiscal year period until the final enforceable obligation is paid and retired, in this case FY 2030-31. It replaces the annual ROPS that have been due each year on February 1, and has the advantage of removing future ROPS preparation and filings, thereby reducing the administrative burden on a successor agency, Oversight Board, County, and DOF. Additionally, the Dissolution Act allows for a different payment formula for City loans which can be more favorable under a Last and Final ROPS.

The Oversight Board to the Oroville Successor Agency approved the Last and Final ROPS on October 11, 2017, and submitted it to DOF for their review and determination. DOF has up to 100 days to review the Last and Final ROPS and their final determination letter was received on January 19, 2018. The Last and Final ROPS begins with the FY 18-19 period, not the 17-18B period as originally submitted. Future disbursements of Redevelopment Property Tax Trust Fund (RPTTF) revenue to pay ROPS enforceable obligations by the Auditor-Controller will continue to be on June 1 for A periods and January 2 for B periods. The successor agency may submit up to two requests to amend a Last and Final ROPS and cannot include any new items.

LAST AND FINAL ROPS ENFORCEABLE OBLIGATIONS

The majority of the enforceable obligations on the Last and Final ROPS remain unchanged from prior ROPS. The remaining enforceable obligations listed on the Last and Final ROPS are as follows:

- Bond fiscal agent fees;
- Administrative cost allowance;
- Robert Taylor Participation Agreement;
- City of Oroville Loan;
- Debt service payments on the 2015 Tax Allocation Refunding Bonds (TARB); and
- 2015 TARB Continuing Disclosure Fee

The Robert Taylor Participation Agreement will be paid off and retired in the ROPS 21-22A period, the City of Oroville Loan will be paid off and retired in the ROPS 22-23B period, and the remaining debt service payments, fiscal agent fees, and continuing disclosure fees for the 2015 Tax Allocation Refunding Bonds will be paid off and retired in the ROPS 30-31B period. After that, all Successor Agency enforceable obligations will be paid and the redevelopment agency would be completely dissolved with no further action needed by the Successor Agency or the City.

Bond Fiscal Agent Fees

The bond fiscal agent fees are paid annually to Union Bank. The Successor Agency will receive \$3,000 per fiscal year to pay these fees until the bonds are paid off in FY 30-31, for a total enforceable obligation of \$39,000. This amount was determined after discussions with the Union Bank representative on anticipated fees.

Administrative Cost Allowance

The Successor Agency has historically received the full allowable \$250,000 each fiscal year for the administrative allowance. With a Last and Final ROPS, the recurring administrative cost allowance is significantly reduced to match the significantly reduced administrative duties of the Successor Agency. DOF has approved \$5,000 per year through FY 30-31, for a total enforceable obligation of \$65,000. The administrative allowance will be used by Successor Agency staff to maintain bond payments, fiscal agent fees, and reporting requirements.

Robert Taylor Agreement

Per the original Owners Participation Agreement between the Oroville Redevelopment Agency and the Robert M. Taylor Corporation, payments will continue to be made until the completion of the 35-year term, with the last payment being made in the ROPS 21-22A period. The annual payment is just over \$2,200 per year for a total enforceable obligation of \$9,001.

City of Oroville Loan

The Successor Agency recommended filing a Last and Final ROPS so that the City may receive repayment of the City loan that was entered into between the City of Oroville and the former Oroville Redevelopment Agency (RDA) in 1987 and subsequently validated in 1995. The original principal loaned to the RDA totaled \$1.8 million and the RDA made interest payments each year, and repaid the total outstanding principal and interest due of \$1,852,500 in January 2012. However, DOF disallowed the January 2012 loan repayment through the due diligence review process, and required the City to return the \$1,852,500 to the Butte County Auditor-Controller for distribution to affected taxing entities. Although the Successor Agency disputed DOF's determination, it returned the funds to the Auditor-Controller on December 20, 2013 under protest.

As an added incentive for successor agencies to file a Last and Final ROPS, the formula to determine the maximum amount of funds available for repayment of City loans and other approved deferrals or loans is materially different and in many cases much greater. It is not based on the 2012-13 base year residual, and is instead a simple 15 percent of the residual RPTTF in each six-month period. Agencies may estimate future property taxes available and calculate repayment amounts for each ROPS period. In addition, HSC 34191.6 allows agencies filing a Last and Final ROPS to apply a 4 percent interest rate on the outstanding loan amount calculated on an annual basis until fully paid.

With the new calculation, the total principal payment on the loan will be the original \$1,800,000, and the total interest payment on the loan will be \$1,786,616 for a total enforceable obligation amount of \$3,586,616 to be paid back to the City through RPTTF. Attached is the repayment schedule for the City of Oroville loan, which details the payment amounts by fiscal year A and B periods. 20 percent of the funds must be set-aside for housing, and the remaining will go to the City's General fund. The first payment of \$468,662 will occur with the ROPS 18-19A RPTTF distribution, and the final payment will be distributed with the ROPS 22-23B period.

2015 Tax Allocation Refunding Bonds Debt Service Payment

The Successor Agency will continue to make bond debt service payments as scheduled in the bond debt service schedule. The final payment will be made in the ROPS 30-31B period, for a total remaining enforceable obligation of \$20,896,000.

2015 TARB Continuing Disclosure Fee

The Successor Agency will be required to continue to file a Continuing Disclosure report for the duration of the 2015 bond. RSG, Inc. is under contract to complete this work through June 2018. Successor Agency staff recommends renewing their contract to continue this through the end of the requirement in FY 30-31. DOF has approved a total

enforceable obligation of \$80,500 for this item.

FISCAL IMPACT

\$3,586,616 of the original RDA loan and interest paid back to the City of Oroville from the California State Department of Finance over the period of 5 years starting June 2018. \$2,869,294 will go to the City's General Fund and \$717,322 will go the City's Housing Fund and can only be used for future projects to be determined at a later date.

RECOMMENDATION

Adopt Resolution No. 8689 A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING AND ACCEPTING THE UNANTICIPATED REVENUE IN THE AMOUNT OF \$3,586,616 AND ALLOCATE \$2,869,294 FROM THE CALIFORNIA STATE DEPARTMENT OF FINANCES APPROVAL OF THE LAST AND FINAL RECOGNIZED OBLIGATION PAYMENT SCHEDULE TO BE DEPOSITED INTO THE CITY'S NEW SECTION 115 PENSION TRUST ACCOUNT TO MITIGATE FUTURE INCREASES IN PENSION COSTS.

ATTACHMENTS

Resolution no. 8689

A - DOF Last and Final ROPS Determination Letter

B - City of Oroville Loan Repayment Schedule

C - DOF Approved Last and Final ROPS



January 19, 2018

Mr. Jim Simon, Consultant
City of Oroville
309 W. Fourth Street
Santa Ana, CA 92701

Dear Mr. Simon:

Subject: Last and Final Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34191.6 (b) the City of Oroville Successor Agency (Agency) submitted a Last and Final Recognized Obligation Payment Schedule (Last and Final ROPS) to the California Department of Finance (Finance) on October 11, 2017. Finance has completed its review of the Agency's Last and Final ROPS.

HSC section 34191.6 (c) authorizes Finance to make amendments or changes to the Last and Final ROPS if the changes are agreed to in writing by the Agency. The Agency has agreed in writing to the following changes made by Finance to the Agency's Last and Final ROPS:

- Item No. 4 – Fiscal Agent Fees and Arbitrage Rebate Services. Annual fiscal agent fees and arbitrage rebate services totaling \$8,200 have been adjusted by \$5,200 to \$3,000. As a result, total Redevelopment Property Tax Trust Fund (RPTTF) funding for this item has been reduced from \$114,800 to \$39,000.
- Item No. 12 – Agency Administrative Cost Allowance (ACA). While the total administrative costs claimed are within the fiscal year administrative cap pursuant to HSC section 34171 (b) (2), the amount appears excessive given the number and nature of obligations listed on the Last and Final ROPS. Therefore, with the Agency's concurrence, the total ACA in the amount of \$95,000 has been adjusted by \$30,000 to \$65,000 for the remaining Last and Final ROPS periods.
- Item No. 21 – City of Oroville Loan. The Agency initially miscalculated the outstanding loan principal and interest amounts. Subsequently, pursuant to HSC section 34191.6 (b) (2), the Agency recalculated the outstanding loan principal and interest amounts. As a result, total RPTTF funding for this item has been adjusted from \$2,175,312 to \$3,586,616.
- The Agency agreed to withdraw all funding requested for the period January 1, 2017 through June 30, 2017 (ROPS17-18B), and agreed to the Last and Final ROPS funding to begin with the July 1, 2018 through December 31, 2018 (ROPS 18-19A). Therefore, total RPTTF and the ACA for this period has been adjusted from \$1,857,043 and

\$15,000 to \$0 and \$0, respectively. Adjustments specific to each ROPS period are reflected in the approved Last and Final ROPS RPTTF Distribution table.

Finance is approving the Agency's Last and Final ROPS with the above amendments and changes. These changes are reflected in the approved Last and Final ROPS.

The Agency's maximum approved RPTTF distribution for the Last and Final ROPS is \$23,062,626 as summarized in the Approved RPTTF Distribution table:

Approved Last and Final ROPS RPTTF Distributions							
ROPS Period	A Periods			B Periods			Annual Total
	RPTTF	Admin RPTTF	A Period Total	RPTTF	Admin RPTTF	B Period Total	
Total requested	1,453,180	80,000	1,533,180	21,822,436	15,000	21,837,436	\$23,370,616
Total adjustments	1,029,066	(15,000)	1,014,066	(1,307,056)	(15,000)	(1,322,056)	(307,990)
Totals	2,482,246	65,000	2,547,246	20,515,380	0	20,515,380	\$23,062,626
Total RPTTF approved for distribution							
ROPS 18-19	470,824	5,000	475,824	1,843,649	0	1,843,649	2,319,473
ROPS 19-20	483,540	5,000	488,540	1,859,235	0	1,859,235	2,347,775
ROPS 20-21	496,518	5,000	501,518	1,871,610	0	1,871,610	2,373,128
ROPS 21-22	509,014	5,000	514,014	1,885,052	0	1,885,052	2,399,066
ROPS 22-23	522,350	5,000	527,350	1,713,844	0	1,713,844	2,241,194
ROPS 23-24	0	5,000	5,000	1,612,344	0	1,612,344	1,617,344
ROPS 24-25	0	5,000	5,000	1,614,944	0	1,614,944	1,619,944
ROPS 25-26	0	5,000	5,000	1,609,194	0	1,609,194	1,614,194
ROPS 26-27	0	5,000	5,000	1,608,044	0	1,608,044	1,613,044
ROPS 27-28	0	5,000	5,000	1,610,594	0	1,610,594	1,615,594
ROPS 28-29	0	5,000	5,000	1,611,894	0	1,611,894	1,616,894
ROPS 29-30	0	5,000	5,000	359,863	0	359,863	364,863
ROPS 30-31	0	5,000	5,000	1,315,113	0	1,315,113	1,320,113
Total approved RPTTF	2,482,246	65,000	2,547,246	20,515,380	0	20,515,380	\$ 23,062,626

Please refer to the approved Last and Final ROPS schedule used to calculate the total RPTTF approved for distribution:

<http://www.dof.ca.gov/redevelopment/ROPS>

This is Finance's determination related to the enforceable obligations reported on the Last and Final ROPS. HSC section 34191.6 (c) (2) allows agencies to submit no more than two requests to amend the approved Last and Final ROPS.

ROPS distributions occur twice annually, one distribution for the July 1 through December 31 (ROPS A period) and one distribution for the January 1 through June 30 (ROPS B period). The Agency will receive RPTTF distributions up to the maximum approved amount on the Last and Final ROPS.

The Agency shall not expend more than the amount approved for each enforceable obligation listed and approved on the Last and Final ROPS. All unspent RPTTF received for enforceable obligations by the Agency should be retained for distribution to the affected taxing entities pursuant to HSC section 34191.6 (d) (2) (G). Further, any revenues, interest, and earnings of

the Agency not authorized for use pursuant to the approved Last and Final ROPS shall be remitted the County Auditor-Controller (CAC) pursuant to HSC section 34191.6 (c) (3). Pursuant to HSC section 34187 (e), once an agency has retired or paid off all enforceable obligations and all real property has been disposed of, the Agency is required to dispose of all remaining assets and remit any proceeds to the CAC for distribution to the affected taxing entities.

The amount available from the RPTTF is the same as the amount of property tax increment available prior to the enactment of redevelopment dissolution law. Therefore, as a practical matter, the ability to fund the items on the Last and Final ROPS with property tax is limited to the amount of funding available to the Agency in the RPTTF. However, HSC section 34191.6 (c) (5) provides mechanisms for the Agency to pay enforceable obligations if insufficient RPTTF is available on an approved Last and Final ROPS.

HSC section 34187 (b) defines the process of final dissolution of the Agency. When all enforceable obligations have been retired or paid off, all real property has been disposed of, and all outstanding litigation has been resolved, the Agency shall, within 30 days of meeting these conditions, submit to the Oversight Board (OB) a request to formally dissolve. The OB shall approve the request within 30 days and submit the request for Finance's review and approval.

Pursuant to HSC section 34191.6 (c), Last and Final ROPS approved less than 15 days before the date of the RPTTF distribution shall not be effective until the subsequent RPTTF distribution period. The most recent annual ROPS 17-18 approval would remain effective through June 30, 2018.

Please direct inquiries to Nichelle Jackson, Supervisor, or Satveer Ark, Lead Analyst, at (916) 322-2985.

Sincerely,



ERIKA LI
Program Budget Manager

cc: Mr. Rick Farley, Business Assistance Coordinator, City of Oroville
Ms. Maria Solis, Auditor - Accountant, Butte County

Maximum City Loan Repayment

City Loan Repayment Schedule

	Actual Residual RPTTF	15% Max Payment Amount		Remaining Principal Balance	Interest Rate ¹	Interest Owed	Remaining Interest Balance	Principal Payment	Interest Payment	Total Payment	20% Housing Set-Aside	Remaining to City GF
18-19A	3,124,150	468,622	FY 1995-96	1,800,000	4%	72,000	72,000					
18-19B	1,569,034	235,355	FY 1996-97	1,800,000	4%	72,000	144,000					
FY 18-19	4,693,184	703,978	FY 1997-98	1,800,000	4%	72,000	216,000					
			FY 1998-99	1,800,000	4%	72,000	288,000					
19-20A	3,208,706	481,306	FY 1999-00	1,800,000	4%	72,000	360,000					
19-20B	1,635,604	245,341	FY 2000-01	1,800,000	4%	72,000	432,000					
FY 19-20	4,844,310	726,646	FY 2001-02	1,800,000	4%	72,000	504,000					
			FY 2002-03	1,800,000	4%	72,000	576,000					
20-21A	3,295,012	494,252	FY 2003-04	1,800,000	4%	72,000	648,000					
20-21B	1,727,443	259,116	FY 2004-05	1,800,000	4%	72,000	720,000					
FY 20-21	5,022,455	753,368	FY 2005-06	1,800,000	4%	72,000	792,000					
			FY 2006-07	1,800,000	4%	72,000	864,000					
21-22A	3,378,108	506,716	FY 2007-08	1,800,000	4%	72,000	936,000					
21-22B	1,810,388	271,558	FY 2008-09	1,800,000	4%	72,000	1,008,000					
FY 21-22	5,188,497	778,275	FY 2009-10	1,800,000	4%	72,000	1,080,000					
			FY 2010-11	1,800,000	4%	72,000	1,152,000					
22-23A	3,482,331	522,350	FY 2011-12	1,800,000	4%	72,000	1,224,000					
22-23B	1,914,898	287,235	FY 2012-13	1,800,000	4%	72,000	1,296,000					
	5,397,229	809,584	FY 2013-14	1,800,000	4%	72,000	1,368,000					
			FY 2014-15	1,800,000	4%	72,000	1,440,000					
			FY 2015-16	1,800,000	4%	72,000	1,512,000					
			FY 2016-17	1,800,000	4%	72,000	1,584,000					
			FY 2017-18	1,800,000	4%	72,000	1,656,000					
			FY 2018-19	1,800,000	4%	72,000	1,728,000					
			<i>A Period</i>					468,622		468,622	93,724	374,898
			<i>B Period</i>					235,355		235,355	47,071	188,284
			FY 2019-20	1,096,022	4%	43,841	1,771,841					-
			<i>A Period</i>					481,306		481,306	96,261	385,045
			<i>B Period</i>					245,341		245,341	49,068	196,273
			FY 2020-21	369,376	4%	14,775	1,786,616					-
			<i>A Period</i>					369,376	124,876	494,252	98,850	395,401
			<i>B Period</i>						259,116	259,116	51,823	207,293
			FY 2021-22	-		-	1,402,624					-
			<i>A Period</i>						506,716	506,716	101,343	405,373
			<i>B Period</i>						271,558	271,558	54,312	217,247
			FY 2022-23	-		-	624,349					-
			<i>A Period</i>						522,350	522,350	104,470	417,880
			<i>B Period</i>						102,000	102,000	20,400	81,600
			FY 2023-24	-		-	-					-
			TOTAL PAID					1,800,000	1,786,616	3,586,616		

¹ Per HSC 34191.6 allows agencies filing a Last and Final ROPS to apply a four percent interest rate on the outstanding loan amount calculated on an annual basis until fully paid.

**Last and Final Recognized Obligation Payment Schedule (ROPS) - Summary
Filed for the July 1, 2017 through June 30, 2048 Period**

Successor Agency:	<u>Oroville</u>
County:	<u>Butte</u>
Initial ROPS Period	<u>ROPS 17-18A</u>
Final ROPS Period	<u>ROPS 46-47B</u>

Requested Funding for Enforceable Obligations	Total Outstanding Obligation
A Enforceable Obligations Funded as Follows (B+C):	\$ -
B Bond Proceeds	-
C Other Funds	-
D Redevelopment Property Tax Trust Fund (RPTTF) (E+F):	\$ 23,062,626
E RPTTF	22,997,626
F Administrative RPTTF	65,000
G Total Outstanding Enforceable Obligations (A+D):	\$ 23,062,626

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (o) of the Health and Safety code, I hereby
certify that the above is a true and accurate Recognized Obligation
Payment Schedule for the above named agency.

Name	Title
/s/ _____	
Signature	Date

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

FROM: SCOTT E. HUBER, CITY ATTORNEY

**RE: AMENDED EMPLOYMENT AGREEMENT BETWEEN THE CITY OF
OROVILLE AND DONALD L. RUST TO SERVE AS CITY
ADMINISTRATOR**

DATE: FEBRUARY 6, 2018

SUMMARY

The Council will consider an amendment to the employment agreement between the City and Donald L. Rust for service as City Administrator.

DISCUSSION

Following the departure of the prior City Administrator in March 2015, Donald Rust has served as Acting City Administrator, in addition to his duties as Community Development Director. Mr. Rust has also served in the capacity of Public Works Director and Parks and Trees Director, following the vacancy in those positions. In June 2, 2015, the Council appointed Mr. Rust as Assistant City Administrator.

Pursuant to the February 21, 2017 employment agreement between the City and Rust, an evaluation was recently completed of Mr. Rust's performance for the prior year. Following that performance evaluation, the Council gave direction to place on the agenda consideration of an amendment to the employment agreement to appoint Mr. Rust as City Administrator. No other changes or amendments to the employment agreement are proposed. Pursuant to the City Charter, this action would require 5 affirmative votes for approval.

FISCAL IMPACT

No fiscal impact. No salary or benefit modifications are proposed.

RECOMMENDATION

1. Adopt Resolution No. 8690 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDED EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND DONALD L. RUST TO SERVE AS CITY ADMINISTRATOR. (Agreement No. 3244-1).

ATTACHMENTS

- Resolution 8690
- Amended Employment Agreement 3244-1

**OROVILLE CITY COUNCIL
RESOLUTION NO. 8690**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND DONALD L. RUST TO SERVE AS CITY ADMINISTRATOR

(Agreement No. 3244-1)

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

1. The Mayor is hereby authorized and directed to execute an employment agreement between the City of Oroville and Donald L. Rust. A copy is attached hereto as Exhibit "A".
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on February 6, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Bill LaGrone, Acting Personnel Officer

**AMENDMENT TO THE EMPLOYMENT AGREEMENT
BETWEEN THE CITY OF OROVILLE AND
DONALD L. RUST**

(Agreement No. 3244-1)

This Amendment dated February 6, 2018, is to the Employment Agreement between the City of Oroville ("City") and Donald L. Rust ("Rust").

A copy of the Agreement and all prior amendments are attached as Exhibit "A".

In consideration of the terms and conditions herein, the City and Rust agree that the employment agreement shall be amended as follows:

1. SECTION 1 IS REPLACED WITH THE FOLLOWING:

City hereby agrees to employ Rust as the City Administrator and Director of Community Development of City to perform the functions and duties specified for the positions in the City Charter, Municipal Code of the City, the approved job descriptions and such other legally permissible and proper duties and functions as the Council shall from time to time assign to him. At its sole discretion, the Council may remove the duties of Public Works Director and/or Parks and Trees responsibilities from Rust by providing him with no less than 60 days' written notice. Rust shall continue to serve as City Administrator and Director of Community Development after the expiration of 60 days following notice by the City to him.

2. Conflicts between this Amended Agreement and Agreement No. 3244, including all prior amendments shall be controlled by this Amendment. All other provisions within Agreement No. 3244 not modified by this amendment shall remain in full force and effect.

This Amendment is approved by the City Council of the City of Oroville at a regular meeting held February 6, 2018.

CITY OF OROVILLE

DONALD L. RUST

By: _____
Linda Dahlmeier, Mayor

By: _____
Donald Rust,
City Administrator

APPROVED AS TO FORM:

By: _____
Scott E. Huber, City Attorney

EXHIBIT "A"

OROVILLE CITY COUNCIL
RESOLUTION NO. 8586

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND DONALD L. RUST

(Agreement No. 1974-7)

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

1. The Mayor is hereby authorized and directed to execute an Employment Agreement between the City of Oroville and Donald L. Rust. The Amendment is attached hereto as Exhibit "A".
2. The City Clerk shall attest to the adoption of this Resolution.


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

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


NOES: None

ABSTAIN: None


ABSENT: None


Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:


Scott E. Huber, City Attorney

ATTEST:


Jamie Hayes, Assistant City Clerk

**EMPLOYMENT AGREEMENT BETWEEN
THE CITY OF OROVILLE AND DONALD L. RUST**

This employment agreement ("Agreement") is made and entered into on February 21, 2017, by and between the City of Oroville ("City") and Donald L. Rust ("Rust") both of whom understand as follows:

Witnesseth:

WHEREAS, City desires to employ the services of Rust as its Assistant City Administrator and Community Development Director; and

WHEREAS, it is the desire of the City Council ("Council") of the City to provide certain benefits, to establish wages, hours, terms and conditions of employment for Rust; and

WHEREAS, Rust desires to accept employment as the Assistant City Administrator and Community Development Director of the City.

Now, therefore, in consideration of the mutual covenants herein contained, the parties agree that this Agreement supersedes in total any prior employment agreements between the parties, and further agree as follows:

Section 1. Duties:

City hereby agrees to employ Rust as the Assistant City Administrator and Director of Community Development of City to perform the functions and duties specified for the positions in the City Charter, Municipal Code of the City, the approved job descriptions and such other legally permissible and proper duties and functions as the Council shall from time to time assign to him. At its sole discretion, the Council may remove the duties of Assistant City Administrator, Public Works Director and/or Parks and Trees responsibilities from Rust by providing him with no less than 60 days' written notice. Rust shall continue to serve as Director of Community Development after the expiration of 60 days following notice by the City to him.

Section 2. Term; Termination; Severance Compensation:

- A.** The term of this Agreement shall be February 21, 2017 through February 21, 2022. Rust agrees to remain in the employ of City until February 21, 2022 and shall not become employed by any other city until the expiration date of this agreement, subject to the provisions of Subsection 2.B of this Agreement.
- B.** As an at will employee, City may terminate this agreement at any time with or without cause. If the City discharges Rust from his position, without cause, as Assistant City Administrator and Director of Community Development, the City shall pay Rust a lump-sum cash payment equal to six months salary. In addition, Rust shall also be compensated for all vested accrued leave time, which is currently defined as all accumulated and unused vacation and administrative leave. The City shall not contribute any payment towards continued health insurance (i.e. COBRA) or any other benefits contained in this Agreement, including but not limited to vehicle allowance and technology allowance. However, in the event Rust is discharged for cause or for conviction of a crime, City shall have no obligation to pay any severance compensation except for any vested benefits. In any event, if the City chooses to

terminate the agreement, Rust shall have the opportunity to retire from City employment through PERS, in lieu of termination.

- C. On or before August 21, 2021, Rust shall give written notice to City if he wishes to extend the agreement. Thereafter the Council shall determine, within 30 days, whether or not it wishes to continue and/or extend the agreement and shall give written notice to Rust of its decision. If the Council approves the continuation and/or extension, the parties shall meet in an effort to agree upon the terms of a new or extended agreement. If the Council disapproves the continuation and/or extension, or if the parties fail to agree upon the terms of a new or extended agreement, this agreement shall terminate as outlined in Paragraph 2.A, and thereafter Rust shall not be entitled to any compensation except for any accrued vested benefits as listed above.

Section 3. Random Drug Testing Policy:

Rust agrees to comply with the City of Oroville's Substance Abuse Policy Statement, as outlined in the City of Oroville's Policy and Procedures.

Section 4. Non-Industrial Injury/ Illness:

If Rust becomes permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of four successive weeks beyond any accrued leave, City shall have the option to terminate the agreement, subject to the severance pay provisions of Section 2.C.; provided, however City shall be required to comply with the provisions of the Americans with Disabilities Act and the Californian Fair Employment and Housing Act.

Section 5. Salary:

- A. The following salary range is applicable to Rust following the effective date of this Amendment:

A	B	C	D	E	F	G	H
\$111,933	\$117,529	\$123,406	\$129,576	\$136,055	\$142,857	\$150,000	Bonus*

*SSI up to 10% Bonus must be approved by City Council

Rust shall be at Step E upon approval of this Agreement.

- B. Rust shall receive a 2% salary increase upon 25 years of service with the City and will receive an additional 2% salary increase upon 29 years of service.

Section 6. Performance Evaluation:

- A. The Council shall direct the City Administrator to complete a performance evaluation of Rust prior to February 21 of each year of this contract and during any extension period of this contract. Such review and evaluation shall be in accordance with specific criteria developed jointly by the City Administrator and Rust. Such criteria may be added to or deleted from, as the City Administrator may determine from time to time, in consultation with Rust. The City Administrator's evaluation of Rust will be shared with the Mayor and Council. The Mayor and Council may add additional comments to Rust's final evaluation.

- B. The Council and Rust shall define the criteria that they determine necessary for the proper operation of the City departments overseen by Rust and the attainment of the Council's goals and objectives, and shall further establish a relative priority among them. All such goals and objectives shall be reduced to writing. The goals and objectives shall be reasonably attainable within the time and budgetary resources allocated to Rust to achieve them.

Section 7. Hours of Work; Administrative Leave:

Rust shall be employed on a full-time basis, and for optimal customer service should perform such work during City Hall's normal business hours. However, it is recognized that Rust shall be required to devote a great deal of time outside of normal office hours on business of City, and to that end he shall be allowed to take 85 hours per calendar year of Administrative Leave. Such leave may be taken upon approval of the City Administrator. Rust shall have the option to cash out up to 20 hours of administrative leave per calendar year. In the event another department head for the City receives greater benefits than those provided by this Section, Rust shall automatically receive the same benefit as the other department head.

Section 8. Bereavement Leave:

When compelled to be absent from work by reason of death of an immediate family member, or where death appears imminent, Rust, after completing six (6) months of employment with the City shall be entitled to receive up to five (5) days Bereavement Leave, which shall not be charged against Rust's sick leave. Rust, desiring such leave, shall notify in writing the City Administrator of the time of absence needed and the expected date of return to work.

The immediate family is defined as spouse; natural, step or legal child; parent; brother; sister; grandparent; grandchild; mother-in-law or father-in-law.

Section 9. Automobile Allowance:

City shall provide an automobile allowance to Rust in the amount of \$300/month to compensate him for the use of his private vehicle for City business. If the City requires Rust to travel outside a 50-mile radius of the City of Oroville, Rust shall be reimbursed at the current City allowed mileage rate for any mileage outside the 50-mile radius. Rust and City may agree to provide him with a City vehicle in lieu of such automobile allowance. In the event another department head for the City receives greater benefits than those provided by this Section, Rust shall automatically receive the same benefit as the other department head.

Section 10. Vacation and Sick Leave:

Rust shall accumulate sick leave at the rate of one (1) workday for each month of employment, beginning the first calendar month following employment. Rust shall be permitted to accumulate an unlimited amount of sick leave.

Rust shall accumulate vacation leave at the rate of 20 working days of vacation per year. Rust shall be permitted to accumulate an unlimited amount of vacation leave.

Section 11. Medical, Vision, Life, Disability and Dental Insurance:

The City shall pay one hundred percent (100%) of the premiums for Medical, Dental, Vision, Long-Term Disability and Life Insurance for Rust and his eligible dependents.

Section 12. Holidays: Rust is authorized to celebrate the following holidays:

- | | |
|---------------------------|--|
| 1. New Year's Day | 7. Labor Day |
| 2. Martin Luther King Day | 8. Veteran's Day |
| 3. Lincoln's Birthday | 9. Thanksgiving Day |
| 4. President's Day | 10. The Day After Thanksgiving Day |
| 5. Memorial Day | 11. Last Work Day Before Christmas Day |
| 6. Independence Day | 12. Christmas Day |

Section 13. Technology Fee:

City shall provide a technology allowance to Rust in the amount of \$100/month to compensate him for the use of his private cell phone and laptop/tablet for City business. In the event another department head for the City receives greater benefits than those provided by this Section, Rust shall automatically receive the same benefit as the other department head.

Section 14. Retirement:

Rust will pay a total of 12% of eligible salary toward the employee share of his CalPERS retirement contributions. In the event that any legislation mandates that the employee share increase above 12% during the term of this agreement or any extensions, Rust and City agree to negotiate terms for the implementation of any increase.

The City shall provide the single highest year benefit calculation and the 1959 Survivor Benefit at the 4th level for Rust.

Sick Leave Conversion at the Time of Retirement:

Upon retirement, pursuant to PERS, from City employment only, the City shall pay monthly premium benefits (Medical, Dental, Vision, Long-Term Disability and Life Insurance) for Rust at the rate of one month premium for each three (3) days of accrued but unused sick leave remaining on the books at the date of retirement.

At the end of such premium payments, Rust shall have the option of continuing insurance coverage at his own expense, consistent with current City policy and Federal law. If a retired Rust becomes deceased before his benefit has been completely utilized, the remaining benefits shall be available to the surviving eligible family members.

Rust shall have the option, upon retirement, to convert sick leave for PERS retirement credit or use sick leave balance for medical insurance credit, as outlined above or may use a portion of his Sick Leave Credit between the two programs, subject to PERS requirements.

Section 15. Deferred Compensation Plan:

The City shall provide a Deferred Compensation Plan for Rust. The City shall contribute 3% of Rust's base salary to Rust's Deferred Compensation Plan. In addition, the City shall match the first 2% that Rust contributes to Rust's Deferred Compensation Plan.

Section 16. Outside Employment:

During the term of the agreement, and any extensions thereof, Rust shall not accept any outside employment of any kind or character without having first obtained the prior approval of the Council.

Section 17. Dues and Subscriptions:

City agrees to budget for and to pay for professional dues and subscriptions of Rust necessary for his continuation and full participation in national, regional, state and local associations and organizations as are desirable for his continued professional participation, growth and advancement, and for the good of the City; provided, however, the amount of such dues and subscriptions shall not exceed the amount appropriated therefore in the annual budget.

Section 18. Professional Development:

- A. City agrees to budget for and to pay for travel and subsistence expenses of Rust for professional and official travel, meetings, and occasions to continue the professional development of Rust, and to adequately pursue necessary official functions for City and such other national, regional, state and local governmental groups and committees thereof which Rust serves as a member; provided, however, the amount of such travel and subsistence shall not exceed the amount appropriated therefore in the annual budget.
- B. City also agrees to budget for and to pay for travel and subsistence expenses of Rust for short courses, institutes and seminars that are necessary for his professional development, and for the good of the City; provided, however, the amount of such travel and subsistence shall not exceed the amount appropriated therefore in the annual budget.
- C. City will make available for Rust to be reimbursed up to a maximum of \$1,500 per fiscal year for tuition, books and/or other related educational expenses based upon all of the following criteria being satisfied:

Reimbursement will be provided only under the following circumstances:

- 1. Rust must be taking course work provided by a community college, college, or university or other educational institution, which is recognized and published by the U.S. Secretary of Education, in pursuit of a BA, BS, MA, MS.
- 2. Prior to enrollment, Rust must submit a plan to obtain the desired job-related degree to the City Administrator.
- 3. Prior to reimbursement for the completed course, the member must submit documentation proving class completion with a grade of "B" or higher or a "Pass" grade for Pass/Fail courses and shall provide receipts for tuition, books and/or any other expenses Rust desires reimbursement for.

Section 19. General Expenses:

City recognizes that certain expenses of a non-personal and generally job-affiliated nature shall be incurred by Rust, and hereby agrees to reimburse or to pay such general expenses up to an amount not to exceed the amount provided for such purposes in the Community Development Director portion of the annual City budget. The Finance Department is hereby authorized to disburse such monies in accordance with adopted City expense reimbursement policies.

Section 20. Civic Club Membership:

City recognizes the desirability of representation in and before local civic and other organizations, and Rust is authorized to become a member of such civic clubs or organizations. During the term of the agreement, City, at its sole discretion, may elect to pay some or all of Rust's civic club membership expenses.

Section 21. Indemnification:

In addition to the requirements of state and local law, City shall defend, save harmless, and indemnify Rust against any tort, professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Rust's duties as the Community Development Director, except for any civil action or proceeding brought against Rust for actual fraud, corruption or actual malice. City, at its sole discretion, shall compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

Section 22. Bonding:

City shall bear the full cost of any fidelity or other bonds required of Rust under any law or ordinance.

Section 23. Other Terms and Conditions of Employment:

- A. The Council may fix other terms and conditions of employment, as it may determine from time to time relating to the performance of Rust, following consultations with him, provided such terms and conditions are not inconsistent with or in conflict with the provisions of the agreement, the City Charter, the Code of the City of Oroville, or any other law.
- B. It is understood and agreed by City and Rust that Rust is an "at will" employee of the City appointed by the Council under the provisions of the City Charter. As such, Rust serves at the pleasure of City and is not subject to the provisions of the City of Oroville Personnel Rules and Regulations.

Section 24. Notices:

Notices pursuant to the agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

- A. TO CITY: Mayor, City of Oroville, 1735 Montgomery Street, Oroville, CA 95965

B. TO RUST: Donald L. Rust, at his permanent residence address on record with the City of Oroville

Alternatively, notices required pursuant to the agreement may be personally served to the same persons as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the United States Postal Service.

Section 25. General Provisions:

- A. The text herein shall constitute the entire agreement between the parties.
- B. The agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Rust.
- C. The agreement shall not be assigned by Rust or City.
- D. The agreement shall not be modified without the written consent of Rust and City.
- E. If any provision, or any portion thereof contained in the agreement is held unconstitutional, invalid or unenforceable, the remainder of the agreement or portion thereof shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Approved by the City Council of the City of Oroville at a meeting held February 21, 2017.

CITY OF OROVILLE

DONALD L. RUST



Linda L. Dahlmeier, Mayor



Donald L. Rust

APPROVED AS TO FORM:



Scott E. Huber, City Attorney

Dawn Nevers

From: Linda Dahlmeier
Sent: Wednesday, January 24, 2018 1:49 PM
To: Dawn Nevers
Subject: Fwd: Marijuana issue

Correspondence for agenda

Mayor Linda Dahlmeier

Begin forwarded message:

From: Jeanne Cecchi <jeannececchi@comcast.net>
Date: January 24, 2018 at 1:39:33 PM PST
To: "ldahlmeier@cityoforoville.org" <ldahlmeier@cityoforoville.org>, "ahatley@cityoforoville.org" <ahatley@cityoforoville.org>, "jberry@cityoforoville.org" <jberry@cityoforoville.org>, Scott Thomson <sthomson@cityoforoville.org>
Subject: Marijuana issue

I'm writing to you to try and encourage you to right the wrong that happened at the last Council meeting. I am specifically addressing those of you who were brave and thoughtful enough to speak to those of us attending and express your opinion. Three members did not have the courtesy to inform the audience why they were betraying the City or what they thought about the many people that poured their hearts out to you all.

I could not attend the subsequent "informational" meeting but when I saw a clip on the news of the audience I spotted an Oroville resident who had spoken to you all that night, whose family had been here for over 100 years. He, and many others pleaded with you about the problems they see happening already with marijuana; especially young people who are not interested in working or going to school, the increase in crime and theft. I saw a face in disbelief that this could possibly be happening in our small, family-oriented town, still trying to recover from dam and fire catastrophes. It stuck with me. It made me sit down and write to you.

Three of the council were so anxious to pass this that they couldn't even wait until the proper time to make a motion, anxious to leave without a word of explanation. Two of you spoke of being in law enforcement and knowing it was not the right thing to do but you throw your hands up for the sake of money. Not caring enough about the reputation of the city, not in interest of the young people, not the chaos that will occur with the shortage of our police force, not the addiction and gateway issues—just for the MONEY. Can you really feel good about that decision? What if drug money were not available and was not an option—would you just quit? Why not work harder on budgeting; fix the pension problem. What if murder for hire were deemed legal by the state? And it could pay the bills.....

Go tour the towns that succumbed to drug money – Eureka for one. No tax base left. No money for schools, road or building repair...once in awhile a sack of cash is left at the school. Just a drive-thru shell of a town.

Although it was not emphasized at all, only brought out as an afterthought after the question came up – one of your choices could have been JUST SAY NO.

Dawn Nevers

From: Willam Bynum <loftinbynum@gmail.com>
Sent: Wednesday, January 31, 2018 2:55 PM
To: CityHall_CityClerk
Cc: Willam Bynum
Subject: Commercial Cannabis

Follow Up Flag: Follow up
Flag Status: Flagged

To: Members of the Oroville City Council

I am writing to let you know that I am in favor of moving forward with regulations for commercial cannabis grows and dispensaries and a proposed general or special sales tax. As I said at the last city council meeting, marijuana is legal and it should be regulated and taxed. It would help our citizens by providing a safe environment for the dispensing of the product and it would help our city by providing much needed revenue.

Please continue to move forward with this endeavor.

Thank you,

William Bynum
1537 Lone Tree Road
Oroville, CA 95965
530-403-7401

Dawn Nevers

From: Tasha Levinson <tdian@sbcglobal.net>
Sent: Wednesday, January 31, 2018 3:28 PM
To: CityHall_CityClerk
Subject: Cannabis Proposal

I am writing to let you know that I am in favor of moving forward with regulations for commercial cannabis grows and dispensaries and a proposed general or special sales tax. To me it seems that illegality is causing huge problems and I feel that we need to try an entirely new approach if we ever hope to gain a handle on these problems. Thank you for your attention.

Tasha Levinson
1453 Bridge Street
Oroville, CA 95966

Dawn Nevers

From: Chris Samuel <chris@organicgraceco.com>
Sent: Wednesday, January 31, 2018 3:31 PM
To: CityHall_CityClerk
Subject: Moving Forward Together

Categories: Yellow Category

To Whom it May Concern,

Having been in Butte county for 10 years, and been a part of this movement toward legitimate, legal cannabis, I very much appreciate the willingness of the Oroville City Council to consider the legalization and regulation of this industry and all those involved.

Only positive outcomes can come from taking the business out of the shadows. The citizens who don't understand this will see the results after a few years of improved safety, commerce and community.

Thank You again,
Chris Samuel

Get [Outlook for iOS](#)

Dawn Nevers

From: Pam Moody <pj2moody@gmail.com>
Sent: Wednesday, January 31, 2018 3:32 PM
To: CityHall_CityClerk
Subject: Cannabis availability

Categories: Yellow Category

Thank you for being a forward thinking body of government. I am a retired retail business owner of 21+ years,. I have employed many people, paid my taxes and am an active part of the community. Through no fault of my own I endured a sudden onset of adult brain seizures, and, was forced out of business. Now, I use cannabis as my medicine. It calms my seizures and prevents me from taking hard prescriptions.

I have no access to my medicine, and I am forced to use black market cannabis. I would much prefer to take medicine that is professionally produced, tested, and available to me, without feeling like a criminal.

I would appreciate your continuing on the path to regulate and provide much needed pathway to legitimizing my illness cures. Thank you.

Dawn Nevers

From: Elizabeth <drfeline51@gmail.com>
Sent: Wednesday, January 31, 2018 3:36 PM
To: CityHall_CityClerk
Cc: Jessica MacKenzie
Subject: Cannabis

Categories: Yellow Category

As a Butte county business owner, I applaud the approval of legal cannabis in Oroville. I also own a business in Portland OR a legal dispensary is less than a block from my business. It is a quiet orderly place where commerce occurs with calm and little impact. The legalization provides much needed oversight of an emerging industry and much-needed revenue for the city as it has in communities in many states. How much better our infrastructure and schools and essential resources would be with taxation, regulation and oversight.

Elizabeth J. Colleran DVM, MS
Feline Diplomate ABVP
www.Chicocats.com

Dawn Nevers

From: Stephanie Tousley <stephanie.tousley@gmail.com>
Sent: Wednesday, January 31, 2018 4:15 PM
To: CityHall_CityClerk
Subject: Cannabis Dispensaries

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Dear City Council

I am writing to let you know that I am in favor of moving forward with regulations for commercial cannabis grows and dispensaries and a proposed general or special sales tax. As I said at the last city council meeting, marijuana is legal and it should be regulated and taxed. It would help our citizens by providing a safe environment for the dispensing of the product and it would help our city by providing much needed revenue.

Please continue to move forward with this endeavor.

Thank you,

--

Best Wishes,
Stephanie Tousley
1189 Montgomery St
Oroville, CA 95965

Dawn Nevers

From: Ceyhun INCI <inciceyhun@gmail.com>
Sent: Wednesday, January 31, 2018 4:36 PM
To: CityHall_CityClerk
Subject: Cannabis Dispensary

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Dear City Council

I am writing to let you know that I am in favor of moving forward with regulations for commercial cannabis grows and dispensaries and a proposed general or special sales tax. As I said at the last city council meeting, marijuana is legal and it should be regulated and taxed. It would help our citizens by providing a safe environment for the dispensing of the product and it would help our city by providing much needed revenue.

Please continue to move forward with this endeavor.

Thank you,
Ceyhun Inci
1189 Montgomery St
Oroville, CA 95965

Dawn Nevers

From: Don Fultz <dnfultz@yahoo.com>
Sent: Wednesday, January 31, 2018 4:48 PM
To: CityHall_CityClerk
Subject: pot and tax

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

I am writing to let you know that I am in favor of moving forward with regulations for commercial cannabis grows and dispensaries and a proposed general or special sales tax. As I said at the last city council meeting, marijuana is legal and it should be regulated and taxed. It would help our citizens by providing a safe environment for the dispensing of the product and it would help our city by providing much needed revenue.

Please continue to move forward with this endeavor.

Thank you,

Don Fultz
1950 Arnold ave
Oroville, CA 95966
530-534-9316

Dawn Nevers

From: Deborah Penner <deborahpennerdc@gmail.com>
Sent: Wednesday, January 31, 2018 5:04 PM
To: CityHall_CityClerk
Subject: Cannabis-Yes! From a health professional.

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Dear Oroville County Clerk and City Council;

I am aware that initiative was taken by the Oroville City Council to explore cannabis commerce in Oroville. I want to congratulate those who support this move! It shows you are intelligent, caring, and forward thinking.

My name is Dr. Deborah Penner. I was born in Enloe Hospital and raised on a Mennonite farm in Capay Rancho NW of Chico. I completed 4 years at Chico State University with a pre-law major, but realizing that conflict was not my best suite, changed direction and pursued my doctorate in Chiropractic at Western States University in Portland, Oregon.

As of this time I have been in practice for 32 years. My place of business is Chico Creek Wellness on First Street in down town Chico.

In addition to providing the community with Chiropractic care for decades, my primary focus and passion has been metabolic medicine; specifically, the use of whole foods and herbal formulations to achieve healing and optimal health.

I work with people suffering with chronic pain and can tell you that an astonishing number of people in our county are grappling with opioid addiction, including many outstanding citizens considered pillars of our community.

I also work with many people who are struggling with anxiety and depression. The drugs people are prescribed to manage their emotional concerns are marginally effective at best and ALL come with negative side effects such as weight gain, brain fog, sexual dysfunction, even suicidal ideations. None of them are intended for long term use, but are nevertheless, are being so prescribed.

Additionally, I work with people coping with insomnia. Profound insomnia is a sure route to physical and mental break down. The long term side effects of prescription and the over the counter drugs that people are taking to help themselves sleep are appalling, and in many cases, increase the probability of early onset dementia.

Then, there are those grappling with the diagnosis of epilepsy. The current medical solution to a seizure disorder is anti-seizure drugs. These drugs are often marginally effective, are generally prescribed for life, and incur very unwelcome side effects.

I am a compulsive student. I love knowledge! Towards that end have spent countless hours over the years pursuing a deeper understanding of physiology and biochemistry. One of the topics I have had my eye on for decades is the endocannabinoid system and the use of cannabis as a medicinal.

The most all encompassing regulatory system at work in the human body and brain is the endocannabinoid system. All of us produce at least 420 cannabinoids necessary for life. Just like a Vitamin C deficiency causes scurvy, a cannabinoid deficiency will cause deviations from the healthy norm: Immune compromise leading to infection or cancer; mental aberrations causing anxiety, depression, and mental illness; metabolic imbalances leading to elevated inflammation driving heart disease, arthritis, diabetes...the list is long and painful to recite.

In my office, I stock a pharmacy of whole food medicinals and herbals which help people tremendously without side effects. However, I am well aware that there is no herb in existence that is as profoundly helpful to human health as Cannabis.

I wish to emphasize that while some elements present in certain cannabis strains are psychologically active (THC), the preponderance of cannabis components, such as the cannabinoids, are not!

Cannabinoids are the most powerful anti-inflammatory elements known to man and they work without the nasty side effects of NSAIDS which cause gastritis, as well as kidney and liver damage.

Quite the opposite, cannabinoids lend protection to organ tissues, supporting the health of the heart, brain, liver, kidneys, indeed every tissue of the body.

Cannabinoids offer powerful and effective treatment for epilepsy and other seizure disorders. Again, without any negative side effects.

Cannabinoids are anti-cancer. They support immune regulation and clinical documentation of cancer remission in the medical literature is growing exponentially. Again, without negative side effects such as losing your hair or vomiting your guts out!

For those who do pursue chemotherapy, cannabis offers relief from the inevitable discomfort and nausea sure to follow.

Attached below is a link to an amazing conversation between two brilliant medical minds who have been engaged in cannabis research for decades. One is a physician and university professor of phyto-chemistry in Australia (which legalized medical cannabis nation wide this spring). The other doctor hails from Sonoma county and has an impressive history of cannabis research and clinical experience. Please take a listen. I know you will be amazed at the knowledge you acquire!

<http://media.kzyx.org/mp3/Mendo%20Currents/Thursday%20Morning%20PA%20with%20L%20Dechter%20talking%20with%20Jeffery%20Hergenrather%20and%20Justin%20Sinclair.mp3>

Please don't cave in to the naïve, uninformed, and fearful people who oppose the decision to pursue the legalization and regulation of cannabis in Oroville. It's a win-win for everyone, especially those who are suffering.

To Health,

Dr. Deborah Penner

Dawn Nevers

From: Gail D'Arcy <gaildarcy@yahoo.com>
Sent: Wednesday, January 31, 2018 5:49 PM
To: CityHall_CityClerk
Subject: Fwd: Commercial Cannabis

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Please accept this forward from Mr. Bynum to members of our City Council because I feel his words are well spoken and express my views completely.

Thank you for your consideration. Marijuana is here, it is legal. It seems better to have a little more control over and to receive some revenues from these circumstances than not.

Respectfully yours, Gail D'Arcy
Oroville

> To: Members of the Oroville City
> Council
> I am writing to let you know that I am in favor of moving forward with
> regulations for commercial cannabis grows and dispensaries and a
> proposed general or special sales tax. As I said at the last city
> council meeting, marijuana is legal and it should be regulated and
> taxed.
> It would help our citizens by providing a safe environment for the
> dispensing of the product and it would help our city by providing much
> needed revenue.
> Please continue to move forward with this endeavor.
> Thank you,
> William Bynum1537 Lone Tree
> RoadOroville, CA 95965530-403-7401
>
>

Dawn Nevers

From: Ron Massey <ramassey@gmail.com>
Sent: Wednesday, January 31, 2018 6:21 PM
To: CityHall_CityClerk
Subject: Dispensaries

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

I would like to express my whole hearted support for the decision to allow Cannabis related businesses to operate locally.

Adding tax revenue, providing safe access and eliminating the black market by allowing legitimate business seems like an obvious choice. I realize that some uninformed people may disagree.

I want to keep this short but this decision has the support of my entire family.

Regards,

Ron Massey
Oroville (county) resident.



Virus-free. www.avg.com

Dawn Nevers

From: S Bianco <lazuleye@gmail.com>
Sent: Wednesday, January 31, 2018 7:17 PM
To: CityHall_CityClerk
Subject: Cannabis dispensary decision

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Oroville's decision to allow dispensaries and other cannabis commerce is the right move for the city. By getting ahead of other local jurisdictions in permitting commerce, Oroville will reap the economic benefits that Chico and Paradise are slow to realize.

A study shows that legal cannabis sales/use does not lead to an increase in crime and may be associated with a decrease.

Results did not indicate a crime exacerbating effect of MML on any of the Part I offenses. Alternatively, state MML *may* be correlated with a reduction in homicide and assault rates, net of other covariates.

A study of CO and WA after legalization found little negative impact on various public health measures.

For example

- no significant change in marijuana use among teens since voters passed legalization measures.
- "Arrests in all states and Washington, D.C. for the possession, cultivation and distribution of marijuana have plummeted since voters legalized the adult use of marijuana," the DPA finds, citing official state and municipal numbers. The reduction in arrests is "saving those jurisdictions millions of dollars and preventing the criminalization of thousands of people."
- traffic fatality rate has remained statistically consistent with pre-legalization levels, is lower in each state than it was a decade prior, and is lower than the national rate....

I think Oroville deserves more positive attention and positioning within the county. The social services and public benefits from an increased revenue source are important.

I'm not a cannabis grower and only use cannabis occasionally for insomnia and pain. I'm not a recreational smoker (or drinker) and don't have any vested interest in having a dispensary in the area. But I know it is a good thing and not something to shun or avoid because of fear-mongering by emotionally-distraught people.

I'm a scientist and look at the data. And the numbers and study reports indicate that there are significant benefits to opening the city up to legal sales. It will happen in other county jurisdictions sooner or later and Oroville is smart to get in first.

Congratulations!

S.Bianco

Dawn Nevers

From: Nicole A <lotusjewel1@hotmail.com>
Sent: Wednesday, January 31, 2018 7:25 PM
To: CityHall_CityClerk
Subject: I support cannabis commerce

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Hello City of Oroville,

I am in total support of the city's potential move to allow and regulate the cannabis industry. This is the way forward to improving our town and being able to weed out(no pun intended) the criminal element from the legitimate business enterprise allowed under state law.

Looking forward to the future,
Nicole Andrews

Sent from my iPhone

Dawn Nevers

From: Michael Lewis <mkljes@gmail.com>
Sent: Wednesday, January 31, 2018 7:57 PM
To: CityHall_CityClerk
Subject: Commercial Cannabis

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Dear Oroville City Council,
I commend you on your recent action regarding the regulation and control of cannabis. After 60 plus years of prohibition it has become apparent that bans don't work. People in Butte County need and deserve to have places they can go to obtain clean, tested and safe cannabis.

Thank you for your courage.
Michael Lewis

Dawn Nevers

From: Jaime Lopez <j.aimel@yahoo.com>
Sent: Wednesday, January 31, 2018 9:36 PM
To: CityHall_CityClerk
Subject: Pro cannabis shops and grow warehouses

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

To city council,

I do not use cannabis but I do see a pro tax purpose for the city of Oroville plus we have enough land here to allow warehouse grows.

The state of Calif is currently working on the banking issue.

Thank you Jaime Lopez

Sent from Yahoo Mail on Android

Dawn Nevers

From: Wm Daniel Webster <oreovillian@comcast.net>
Sent: Wednesday, January 31, 2018 11:05 PM
To: CityHall_CityClerk
Subject: Commercial Cannabis

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

To: Members of the Oroville City Council

I have heard the arguments regarding the pros and cons of allowing commercial cannabis in Oroville. I want you to know that I support the commercial cannabis grows and dispensaries and a proposed general or special sales tax. It is the only way we can control the sale of cannabis and it would help solve Oroville's financial problems. Please continue moving forward on this issue.

Thank you.

Wm Daniel Webster
36 Westwood Place
Oroville, CA 95966-9233
Home: 530.282.4329
Mobile: 530.282.3804
Email: oreovillian@comcast.net

Dawn Nevers

From: Gene Leis <gene.leis@gmail.com>
Sent: Thursday, February 1, 2018 11:12 AM
To: CityHall_CityClerk
Subject: Cannabis

To the Members of the Oroville City Council:

I am writing to express my support for commercial cannabis cultivation and dispensary sales within the City. Taxes and fees generated by these enterprises will be of significant benefit to Oroville, and if not sited here, these monies will flow elsewhere.

I also take exception to comments made during the last Council meeting whereby opponents raised exaggerated fears regarding a supposed increase in crime if legal marijuana were allowed. To hear these people argue, one would think cannabis use is currently nonexistent and legalization will immediately create and unleash hordes of glassy-eyed dope fiends upon the innocent citizens of our community ala "Reefer Madness".

Equally facetious is the argument that marijuana is a so-called "gateway drug". While it is undoubtedly true that many if not most hard drug addicts consumed cannabis, to say it is a direct cause of addiction is no less nonsensical than to propose outlawing water lest one move on to Coca-Cola and finally Scotch whiskey.

I encourage you to continue in your regulatory and permitting endeavors.

Respectfully,

Gene Leis
PO Box 526
Oroville, CA 95965
Phone: 530-589-1178
Mobile: 530-231-0776
