



## OROVILLE CITY COUNCIL

Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**March 19, 2019**  
**REGULAR MEETING**  
**CLOSED SESSION 5:30 PM**  
**OPEN SESSION 6:00 PM**  
**AGENDA**

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### REQUESTS TO ADDRESS COUNCIL

If you would like to address the Council at this meeting, you are requested to complete the blue speaker request form (located on the wall by the agendas) and hand it to the City Clerk, who is seated on the right of the Council Chamber. The form assists the Clerk with minute taking and assists the Mayor or presiding chair in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, **please submit the form prior to the conclusion of the staff presentation for that item.** Council has established time limitations of two (2) minutes per speaker on all items and an overall time limit of thirty minutes for non-agenda items. If more than 10 speaker cards are submitted for non-agenda items, the time limitation would be reduced to one and a half minutes per speaker. If more than 15 speaker cards are submitted for non-agenda items, the first 15 speakers will be randomly selected to speak at the beginning of the meeting, with the remaining speakers given an opportunity at the end. **(California Government Code §54954.3(b)).** Pursuant to Government Code Section 54954.2, the Council is prohibited from taking action except for a brief response from the Council or staff to statements or questions relating to a non-agenda item.

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### CALL TO ORDER / ROLL CALL

Council Members: David Pittman, Eric Smith, Linda Draper, Art Hatley, Janet Goodson, Vice Mayor Scott Thomson, Mayor Chuck Reynolds

### CLOSED SESSION

The Council will hold a Closed Session on the following:

1. Pursuant to Government Code section 54957.6, the Council will meet with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville 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.
2. Pursuant to Government Code Section 54957(b), the Council will meet with Acting City Administrator, Personnel Officer, and/or City Attorney to consider the employment related to the following positions: City Administrator.

## **OPEN SESSION (6:00 p.m.)**

1. Announcement from Closed Session
2. Pledge of Allegiance
3. Adoption of Agenda

## **PRESENTATIONS AND PROCLAMATIONS**

1. Back 2 Work Program - The Elijah House and Butte County
2. Open Gov Financial Presentation
3. Business Assistance and Housing Department Presentation

## **PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS**

This is the time to address the Council about any item not listed on the agenda. If you wish to address the Council on an item listed on the agenda, please follow the directions listed above.

## **CONSENT CALENDAR – ITEMS 1 - 5**

Consent calendar items are adopted in one action by the Council. Items that are removed will be discussed and voted on immediately after adoption of consent calendar items.

### **1. APPROVAL OF THE MINUTES**

City Council may approve the minutes from March 5, 2019.

#### **RECOMMENDATION**

Approve the minutes from March 5, 2019

### **2. AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND JOANNA GUTIERREZ TO SERVE AS CITY CLERK**

The City Council will consider an amendment to the agreement for Professional Services between the City and Joanna Gutierrez for service as Interim City Clerk.

#### **RECOMMENDATION**

Adopt Resolution No. 8774- A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND JOANNA GUTIERREZ TO SERVE AS INTERIM CITY CLERK

**3. AERIAL LADDER TRUCK REPAIR**

The Council will consider approving a supplemental appropriation in the amount of \$23,702.96 for the repair of the Ladder Truck

**RECOMMENDATION**

Approve supplemental appropriation of \$23,702.96 and authorize payment of invoice to Valley Power Systems for Ladder Truck repairs.

**4. FREE ADMISSION DAY FOR MAY 8TH AT THE PIONEER MUSEUM**

Council may approve a one-day free admission for the Pioneer Museum

**RECOMMENDATION**

Authorize a free admission day for the Pioneer Museum for May 8th 2019

**5. APPROVAL OF CONTRACT WITH DUKE SHERWOOD EXCAVATING FOR EXCAVATION SERVICES AT 1275 MITCHELL AVENUE**

The Council may approve a contract with Duke Sherwood Excavating for services at the City of Oroville Corporation yard, 1275 Mitchell Avenue.

**RECOMMENDATION**

Adopt Resolution No. 8775- A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND DUKE SHERWOOD EXCAVATING FOR EXCAVATION SERVICES AT 1275 MITCHELL AVENUE, CITY CORPORATION YARD (Agreement 3277)

## **PUBLIC HEARINGS**

### **The Public Hearing Procedure is as follows:**

Mayor or Chairperson opens the public hearing.

Staff presents and answers questions from Council

The hearing is opened for public comment limited to three (3) minutes per speaker. In the event of more than ten (10) speakers, time will be limited to two (2) minutes. Under Government Code 54954.3, the time for each presentation may be limited.

Speakers are requested to provide a speaker card to the City Clerk

Public comment session is closed

Council debate and action

### **6. PUBLIC HEARING TO GATHER TESTIMONY AND PUBLIC COMMENT RELATED TO PROPOSED DOWNTOWN BUSINESS IMPROVEMENT DISTRICT**

Oroville City Council and the Oroville Downtown Business Association will conduct a public hearing to receive comments regarding the potential establishment of a Business Improvement District (BID) for all businesses in downtown Oroville, the areas of benefit within the district, and the assessments to be levied.

#### **RECOMMENDATION**

Open a Public Hearing and hear testimony/input from members of the public related to the proposed new assessments for the Business Improvement District.

## **REGULAR BUSINESS**

### **7. FENCING AND GUARD RAIL REPLACEMENT AND UPGRADE ON TABLE MOUNTAIN BLVD, ABOVE FISH HATCHERY**

The Council will consider approving the replacement and upgrading the walking path on Table Mountain Blvd., above the Fish Hatchery

#### **RECOMMENDATION**

Direct Staff to prepare documents to release for bid and negotiate contract for project, and;

Direct Staff to verify funding source and bring entire project back to Council for final approval.

### **8. FUNDING FOR CODE ENFORCEMENT ACTIVITIES**

The Council will consider authorizing a supplemental budget adjustment for Code Enforcement Activities in the amount of \$15,000.00 for dangerous situations that require immediate action.

#### **RECOMMENDATION**

Approve the necessary budget adjustment.

## **9. APPOINTMENTS TO COUNCIL AND LOCAL COMMITTEES**

Mayor Reynolds may make appointments to various committees and boards

### **RECOMMENDATION**

None.

## **REPORTS / DISCUSSIONS / CORRESPONDENCE**

1. Council Announcements and Reports
2. Future Agenda Items
3. Administration Reports
4. Correspondence - None

## **ADJOURN THE MEETING**

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on April 2, 2019 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.

*Recordings* - All meetings are recorded and broadcast live on [cityoforoville.org](http://cityoforoville.org) and YouTube.





## OROVILLE CITY COUNCIL

Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**March 05, 2019**  
**MEETING MINUTES**

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This meeting was recorded live and can be viewed at [cityoforoville.org](http://cityoforoville.org) or on Youtube. The agenda was posted on March 1, 2019 at 12:05pm.

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### **CALL TO ORDER / ROLL CALL**

Mayor Reynolds called the meeting to order at 5:30pm

#### **ROLL CALL:**

PRESENT: Council Members: David Pitman, Eric Smith, Linda Draper, Art Hatley, Janet Goodson, Vice Mayor Scott Thomson, Mayor Chuck Reynolds

ABSENT: None

STAFF PRESENT: Interim City Administrator Tom Lando, Assistant City Administrator Bill LaGrone, Interim City Clerk Joanna Gutierrez, Assistant City Clerk Jackie Glover, Human Resource Manager Elizabeth Ehrenstrom, Finance Director Ruth Wright, Chief Building Official Gary Layman, Acting City Attorney David Riche, Treasurer Karolyn Fairbanks, Sargent Deal.

### **CLOSED SESSION**

The council convened to closed session at 5:31pm to discuss the following items:

1. Pursuant to Government Code section 54957.6, the Council met with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville Firefighters' Association.
2. Pursuant to Government Code Section 54957(b), the Council met with Acting City Administrator, Personnel Officer, and/or City Attorney to consider the employment related to the following positions: City Administrator.
3. Pursuant to Government Code section 54956.95, the Council met with the Acting City Administrator, Personnel Officer and City Attorney relating to Worker's Compensation Claim No. NWCA-557346.

### **OPEN SESSION (6:00 p.m.)**

1. Announcement from Closed Session
  - a. Mayor Reynolds announced that direction was given; no action was taken
2. Pledge of Allegiance
  - a. Led by Mayor Reynolds
3. Adoption of Agenda

- a. Motion by Council Member Goodson and second by Council Member Draper to adopt the agenda. Motion passed unanimously.

AYES: Council Members David Pitman, Eric Smith, Linda Draper, Art Hatley, Janet Goodson, Vice Mayor Scott Thomson, Mayor Chuck Reynolds

NOES: None

ABSTAIN: None

ABSENT: None

## PRESENTATIONS AND PROCLAMATIONS

1. Arbor Day Proclamation
  - a. Mayor Reynolds presented an Arbor Day Proclamation to Chief Building Official Gary Layman to give to our Arborist Wade Atteberry.
2. Business Assistance and Housing Department Presentation - Amy Bergstrand
  - a. Item postponed to the next meeting

## PUBLIC COMMUNICATION – HEARING OF NON-AGENDA ITEMS

This is the time to address the Council about any item not listed on the agenda. If you wish to address the Council on an item listed on the agenda, please follow the directions listed above.

The following individuals spoke on non-agenda items:

- |                  |                  |                    |
|------------------|------------------|--------------------|
| - Daniel Bickert | - Lani Fredrich  | - Stacy Bickert    |
| - Cheri Bunker   | - Janice Clay    | - Henrietta Haazig |
| - Bobby O'Reiley | - Ann Chamberlan | - Mark Reynolds    |
| - Machel Conn    | - Randy Murphy   |                    |
| - David Dewey    | - Bill Speer     |                    |

The following individuals spoke on agenda items:

- |                                    |                                |
|------------------------------------|--------------------------------|
| - Machel Conn – Item 2             | - Kevin Thompson – Item 11, 13 |
| - Stephen Terry – Item 11          | - John Mitchell – Item 11      |
| - Bobby O'Reiley – Item 11, 12, 14 | - Cheri Bunker – Item 12       |
| - Bill Speer – Item 11             |                                |

## CONSENT CALENDAR – ITEMS 1 - 6

Motion made by Council Member Goodson and second by Council Member Smith to adopt the consent calendar excluding item 2. Motion passed unanimously.

AYES: Council Members David Pitman, Eric Smith, Linda Draper, Art Hatley, Janet Goodson, Vice Mayor Scott Thomson, Mayor Chuck Reynolds

NOES: None

ABSTAIN: None

ABSENT: None

### 1. APPROVAL OF MINUTES

Council approved the minutes of February 9, 2019 and February 19, 2019

### 2. OROVILLE ARTS COMMISSION ART AND DOWNTOWN BEAUTIFICATION NOFA



The council approved the Arts Commission recommendation of awarding the Art and Downtown Beautification NOFA to STAGE in the amount of \$26,250, Birdcage in the amount of \$8550, Ted Hanson and Frank Wilson in the amount of \$8238.38 and the Downtown Riverfront District in the amount of \$23,118.48 for a total of \$66,156.86

**ADOPTED Resolution No. 8769** - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE GRANT AGREEMENTS RELATING TO THE OROVILLE ARTS & DOWNTOWN BEAUTIFICATION PROJECTS

**3. VOICE FOR THE ARTS AWARD SELECTION**

The Council approved the Arts Commission recommendation and award the Voice of the Arts Award to Community Organization STAGE and Community Individual James Christensen

**4. AWARD PROJECT CONTRACT WITH BOBERG HARDWOOD FLOORS FOR THE REPAIR, REFINISH AND PAINTING OF MUNICIPAL AUDITORIUM FLOORS**

The Council **Adopted Resolution No. 8771** – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROJECT CONTRACT WITH BOBERG HARDWOOD FLOORS, IN THE AMOUNT OF \$86,400.00 FOR THE MUNICIPAL AUDITORIUM FLOORS REPAIR, REFINISH AND PAINT PROJECT – (Agreement No. 3275); and

Authorized a 10% contingency, in the amount of \$8,640.00 to only be used for unanticipated and legitimate change orders.

**5. MEASURE U– CITIZENS OVERSIGHT COMMITTEE**

The Council established a Citizens Oversight Committee as required by the passage of Measure U – Transaction and Use Tax

The Council **Adopted Resolution No. 8770** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE ESTABLISHING THE MEASURE U CITIZENS' OVERSIGHT COMMITTEE

**6. TECHNICAL SWIFTWATER AND FLOOD RESCUE TRAINING**

The Council approved the Fire Department staff to attend Swift Water and Flood Rescue training

## **PUBLIC HEARINGS**

**7. MODIFICATION TO THE COMBINED HOME OWNERSHIP MORTGAGE ASSISTANCE PROGRAM GUIDELINES AND CALHOME FIRST TIME HOME BUYER PROGRAM GUIDELINES**

The mayor opened the public hearing after hearing a staff presentation. There were no public speakers. The mayor closed the public hearing.

Council Member Goodson motioned and Council member Draper second to **Adopt Resolution No. 8772** – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING MODIFICATIONS TO THE COMBINED COMMUNITY DEVELOPMENT BLOCK, HOME

INVESTMENT PARTNERSHIP PROGRAM, AND CALHOME FIRST TIME HOMEBUYER PROGRAM GUIDELINES.

Motion passed unanimously.

AYES: Council Members David Pitman, Eric Smith, Linda Draper, Art Hatley, Janet Goodson, Vice Mayor Scott Thomson, Mayor Chuck Reynolds

NOES: None

ABSTAIN: None

ABSENT: None

## REGULAR BUSINESS – Action Calendar

### 8. SOLAR AND ENERGY PROJECT LOAN REFINANCING OPTIONS

The Council approved a solar and energy project loan refinance to secure a lower rate.

#### RECOMMENDATION

Motion by Council Member Smith and second by Council Member Goodson to authorize staff to move forward with a loan refinance through Holman Capital with a \$1,000,000 down payment. Passed unanimously.

AYES: Council Members David Pitman, Eric Smith, Linda Draper, Art Hatley, Janet Goodson, Vice Mayor Scott Thomson, Mayor Chuck Reynolds

NOES: None

ABSTAIN: None

ABSENT: None

### 9. NORTH VALLEY COMMUNITY FOUNDATION AND CITY OF OROVILLE PARTNERSHIP FOR CAMP FIRE DISASTER RELIEF HOUSING

The Council heard an update on the temporary housing proposal located at the City of Oroville Corporation yard, 1275 Mitchell Avenue and directed staff to proceed with the project. This includes having a contractor flatten the corporation yard in exchange for a parcel of land on 5<sup>th</sup> avenue. Motion by council member Smith and second by council member Pittman to move forward with the project. Passed unanimously.

AYES: Council Members David Pitman, Eric Smith, Linda Draper, Art Hatley, Janet Goodson, Vice Mayor Scott Thomson, Mayor Chuck Reynolds

NOES: None

ABSTAIN: None

ABSENT: None

### 10. ORDINANCE 1836 - AN URGENCY ORDINANCE REGARDING TEMPORARY RESIDENTIAL USE OF RECREATIONAL VEHICLES, MOBILE HOMES AND MANUFACTURED HOUSING UNITS

Motion by Council Member Goodson and second by Council Member Draper to **Adopt Urgency Ordinance No. 1836 - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA AMENDING TITLE 17, SECTION 17.08.170 TO ADD MOBILE HOMES AND MANUFACTURED HOUSING UNITS FOR THOSE PARTS OF THE CITY OF OROVILLE MOST SEVERELY IMPACTED BY THE CAMP FIRE OF NOVEMBER 2018.**

Passed unanimously.

AYES: Council Members David Pitman, Eric Smith, Linda Draper, Art Hatley, Janet Goodson, Vice Mayor Scott Thomson, Mayor Chuck Reynolds

NOES: None

ABSTAIN: None

ABSENT: None

**11. CONSIDERATION OF REQUEST TO INITIATE ANNEXATION PROCESS FOR 4250 LINCOLN BLVD, THE OROVILLE RESCUE MISSION**

The Council considered a request to initiate an annexation process and direct staff how to proceed

Motion by Council Member Goodson and second by Vice Mayor Thomson to proceed with Annexation, returning to Council with funding requirements, to include cost of annexation and contracting services. Motion passed unanimously.

AYES: Council Members David Pitman, Eric Smith, Linda Draper, Art Hatley, Janet Goodson, Vice Mayor Scott Thomson, Mayor Chuck Reynolds

NOES: None

ABSTAIN: None

ABSENT: None

**12. FEE WAIVER REQUEST FOR FEES ASSOCIATED WITH THE BASE CAMP VILLAGE CONSTRUCTION PROJECT**

The Council considered a fee waiver request from the Base Camp Village, Inc to waive all applicable City fees associated with the construction of a 12-unit housing project for those with mental illness who are experiencing homelessness. Motion by Council Member Goodson and Second by Council Member Draper to deny the fee waiver request. Motion passed unanimously.

AYES: Council Members David Pitman, Eric Smith, Linda Draper, Art Hatley, Janet Goodson, Vice Mayor Scott Thomson, Mayor Chuck Reynolds

NOES: None

ABSTAIN: None

ABSENT: None

**13. ESTABLISH AN AD HOC COMMITTEE TO REVIEW AND MAKE RECOMMENDATIONS TO COUNCIL REGARDING THE SELECTION OF CITIZEN OVERSIGHT COMMITTEE MEMBERS**

Mayor Reynolds appointed Council members Smith, Pittman and Hatley to an Ad Hoc Citizens Oversight Committee Application Review Committee. The committee will bring back a recommendation to the council along with a list of all applicants that applied.

**14. CITIZEN APPOINTMENTS TO THE SOUTHSIDE OROVILLE COMMUNITY CENTER ADVISORY COMMITTEE**

The council directed staff to advertise the openings and bring the applications back to council for appointment at the next meeting.

**15. APPOINTMENTS TO COUNCIL AND LOCAL COMMITTEES**

Mayor Reynolds made appointments to various committees, boards and commissions. See attached charts for appointments.

**REPORTS / DISCUSSIONS / CORRESPONDENCE**

1. Council Announcements and Reports

- a. Council Member Pitman announced that the Fireworks Committee is beginning to work on the Fireworks Show at the Forebay.
- b. Council Member Draper announced that she attended a COC meeting and a COC Sub-Committee meeting. She also attended the Arts Commission Meeting on February 26<sup>th</sup> and the Planning Commission Meeting on February 28, 2019.
- c. Council Member Smith is going to Wyandotte Academy on March 6, 2019 to read the Lorax to the students and talk about Arbor Day.

2. Future Agenda Items

- a. Pittman and Thomson requested to put the Fence and solar lighting by the Fish Hatchery on the next agenda for discussion.
- b. Draper and Thomson requested that the Fluoride in Cal-Water’s Water be put on the next agenda.

3. Administration Reports

- a. Finance Director Ruth – Attended a BTAG meeting, the city will be getting over \$300,000 for 2019-2020 year towards roads and transportation.
- b. Assistant City Administrator Bill LaGrone – Ross is having a grand opening on March 9, 2019 at 9am and invited the Mayor and Council. He also thanked the Parks, Streets and Trees department of three for fixing over 1100 potholes so far this fiscal year.
- c. Chief Building Official Gary Layman shared that the Ross inspection is complete and that he met with Cal Trans regarding the intersection at Feather River and Oro Dam Blvd.

4. Correspondence

SBF Approved Agreements from 2018 NOFA

**ADJOURN**

The Mayor adjourned the meeting at 8:49pm. A regular meeting of the Oroville City Council will be held on Tuesday, March 19, 2019 5:30 p.m.

ATTESTED:

APPROVED:

\_\_\_\_\_  
Jackie Glover, Assistant City Clerk

\_\_\_\_\_  
Chuck Reynolds, Mayor

## CITY OF OROVILLE COMMITTEE AND BOARD ASSIGNMENTS 2019-2020



	<div style="display: flex; justify-content: space-between;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Chuck Reynolds</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Scott Thomson</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Linda Draper</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Janet Goodson</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Art Hatley</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">David Pittman</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Eric Smith</div> </div>								
ALUC - Airport Land Use			X	X				1, Alt	Airport Manager
ARTS COMMISSION			X		A			1, Alt	Director of Community Development
BCAG - Butte County Association of Governments	X	A						1, Alt	City Administrator or City Engineer
BCAQCB - Butte County Air Quality Control Board	X	A						1, Alt	City Administrator or Director of Community Develop
BCWAB - Butte County Water Advisory Board				X			A	1	City Administrator
CHAMBER OF COMMERCE		X				A		1, Alt	City Administrator
Citizens Oversight Committee		X				A	X	2, Alt	Finance Director or City Administrator
COCC - Butte County Continuum of Care			X					1	Director of Community Development
EXECUTIVE COMMITTEE/ INTERGOVERNMENTAL	X					X	X	3	Staff Assignment Varies
LEAGUE OF CALIFORNIA CITIES	X				A			1, Alt	City Administrator
LOAN ADVISORY HOUSING and ECONOMIC DEVEL			X			X	X	3	Business Assistance and Housing Director
ODBA - Oroville Downtown Business Association							X	1	Program Specialist
ORAC - Oroville Recreation Area Committee				A	X			1, Alt	Program Specialist
SBF - Supplemental Benefit Committee	X	X				X		3, 3 Alt	Program Specialist
SC-OR - Sewerage Commission Oroville Region	X					A		1, Alt	City Engineer
SGMA - Sustainable Groundwater Management				X			A	1, Alt	City Engineer
STAGE - State Theatre Arts Guild		X						1	Director of Community Development
TOURISM							X	1	Program Specialist
VETERAN MEMORIAL PARK					X			1	City Administrator

X - Voting Member      A - Alternate Member

## CITY OF OROVILLE COMMITTEE AND BOARD ASSIGNMENTS 2019-2020

Committee or Board	Meeting Date	Meeting Time
ALUC - Airport Land Use	3rd Wednesday	9:00 AM
ARTS COMMISSION	2nd Tuesday	3:00 PM
BCAG - Butte County Association of Governments	4th Thursday	9:00 AM
BCAQCB - Butte County Air Quality Control Board	4th Thursday	10:00 AM
BCWAB - Butte County Water Advisory Board	Quarterly	TBD
CHAMBER OF COMMERCE	2nd Wednesday	3:00 PM
Citizens Oversight Committee	TBD	
COCC - Butte County Continuum of Care	3rd Monday	1:00 PM
EXECUTIVE COMMITTEE/ INTERGOVERNMENTAL(w/County)	As Needed	
LEAGUE OF CALIFORNIA CITIES	Various	
LOAN ADVISORY HOUSING	2nd Thursday	10:00 AM
ODBA - Oroville Downtown Business Association	3rd Thursday	8:30 AM
ORAC - Oroville Recreation Area Committee	1st Friday	10:00 AM
SBF - Supplemental Benefit Committee	3rd Wednesday	2:00 PM
SC-OR - Sewerage Commission Oroville Region	4th Wednesday	5:00 PM
SGMA - Sustainable Groundwater Management	TBD	
STAGE - State Theatre Arts Guild	3rd Thursday	5:30 PM
TOURISM	2nd Tuesday	10:00 AM
VETERAN MEMORIAL PARK	3rd Monday	6:45pm



## **CITY OF OROVILLE STAFF REPORT**

**TO: MAYOR REYNOLDS AND COUNCIL MEMBERS**

**FROM: TOM LANDO, INTERIM CITY ADMINISTRATOR**

**RE: AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN  
THE CITY OF OROVILLE AND JOANNA GUTIERREZ TO SERVE AS  
CITY CLERK**

**DATE: MARCH 19, 2019**

### **SUMMARY**

The City Council will consider an amendment to the agreement for Professional Services between the City and Joanna Gutierrez for service as Interim City Clerk.

### **DISCUSSION**

In April, Council approved a professional services agreement with Joanna Gutierrez for her service as Interim City Clerk through April 30, 2019, while the City searched for and trained a new Assistant City Clerk.

Ms. Gutierrez has done an outstanding job of training our new Assistant Clerk. There is still a backlog of work that needs to be caught up and completed. Staff is requesting to extend Ms. Gutierrez's contract under all the same terms to April 30, 2019. Ms. Gutierrez will continue to provide mentoring and training as necessary for our Assistant Clerk as well as assist with completing backlogged work. No other changes are contemplated by this Amendment.

### **FISCAL IMPACT**

Total cost for extension is \$4,340.40. Cos includes salary and benefits

### **RECOMMENDATION**

Adopt Resolution No. XXXX- A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND JOANNA GUTIERREZ TO SERVE AS INTERIM CITY CLERK

## **ATTACHMENTS**

- Resolution
- Amendment to Professional Services Agreement



**OROVILLE CITY COUNCIL  
RESOLUTION NO. 8774**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDED PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND JOANNA GUTIERREZ TO SERVE AS INTERIM CITY CLERK

**(Agreement No. 3247-2)**

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

1. The Mayor is hereby authorized and directed to execute an amended professional services agreement between the City of Oroville and Joanna Gutierrez for service as Interim City Clerk. 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 March 19, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Chuck Reynolds, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Scott E. Huber, City Attorney

\_\_\_\_\_  
Tom Lando, Interim City Administrator

**AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND JOANNA GUTIERREZ**

**(Agreement No. 3247-2)**

This Amendment, dated December 18, 2018, is to the Professional Services Agreement between the City of Oroville ("City") and Joanna Gutierrez. ("Gutierrez").

In consideration of the terms and conditions herein, the City and Gutierrez agree that the amendment to the agreement is effective December 18, 2018, and shall be amended as follows:

1. **SECTION 2 IS REPLACED WITH THE FOLLOWING:**

**Time of Performance.** The services shall commence April 2, 2018 and shall continue through April 30, 2019.

2. Conflicts between this Amended Agreement and Agreement No. 3247 shall be controlled by this Amendment. All other provisions within Agreement No. 3247 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 on December 18, 2018.

CITY OF OROVILLE

JOANNA GUTIERREZ

By: \_\_\_\_\_  
Chuck Reynolds, Mayor

By: \_\_\_\_\_  
Joanna Gutierrez, Interim City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Scott E. Huber, City Attorney



## **CITY OF OROVILLE STAFF REPORT**

**TO: MAYOR REYNOLDS AND COUNCIL MEMBERS**  
**FROM: TOM LANDO, INTERIM CITY ADMINISTRATOR**  
**RE: AERIAL LADDER TRUCK REPAIR**  
**DATE: MARCH 19, 2019**

### **SUMMARY**

The Council will consider approving a supplemental appropriation in the amount of \$23,702.96 for the repair of the Ladder Truck

### **DISCUSSION**

The Oroville Fire Department Aerial Ladder truck requires annual testing to ensure the safety of this piece of equipment. The Ladder on this truck is capable to reaching heights of 110'. It is critical that this equipment be certified as safe. During the most recent annual certification the truck was found to be unsafe and immediately taken out of service. This truck is critical to this area because of its unique capabilities. Ladder trucks are located throughout the County, one in Gridley, one in Chico and one in Oroville. These pieces of equipment are essential for rescue in the event a large structure was to become involved in a Fire. The Annual inspection was conducted by Failsafe Inc. Failsafe is a company that independently inspects equipment to ensure fair and thorough inspections are completed. For details see attached inspection report.

The repairs needed exceeded what could be performed at the City Shop. Many of the repairs required Aerial Ladder specialist expertise; which the City shop is not certified to perform. The Truck was taken to Valley Power Systems for needed repair work. As the work progressed Valley Power Systems identified several more issues. Valley Power Systems worked with City Staff to complete only the necessary work on this truck. The total cost of all the repairs is \$23,702.96.

This type of repair should have come to the Council prior to being authorized. Unfortunately, it did not. There was a misunderstanding of the Budgeting Policy. The involved Staff believed that since this was a necessary piece of equipment and this repair was a safety issue, repairs could be made. Staff as been provided further

direction to help ensure this type of misunderstanding does not occur in the future.

### **FISCAL IMPACT**

Reduction of General Fund balance of \$23,702.96

### **RECOMMENDATION**

Approve supplemental appropriation of \$23,702.96 and authorize payment of invoice to Valley Power Systems for Ladder Truck repairs.

### **ATTACHMENTS**

1. Inspection Report



## **CITY OF OROVILLE STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL**

**FROM: WADE ATTEBERRY, PUBLIC WORKS SUPERVISOR; AND DOCENT ASSOCIATION**

**RE: FREE ADMISSION DAY FOR MAY 8<sup>TH</sup> 2019 FOR THE PIONEER MUSEUM**

**DATE: MARCH 19, 2019**

### **SUMMARY**

Council may approve a one-day free admission for the Pioneer Museum

### **DISCUSSION**

The City of Oroville Docent Association is asking for a one-day admission waiver for the Pioneer Museum. The Docents would like to advertise the Pioneer Museum this year during the Feather Fiesta Day week. They are hopeful that promoting the Pioneer Museum along with a free admission day will get people interested in the museum and increase attendance throughout the year.

### **FISCAL IMPACT**

Staff time to open and close museum

### **RECOMMENDATION**

Authorize a free admission day for the Pioneer Museum for May 8<sup>th</sup> 2019

### **ATTACHMENTS**

None





## **CITY OF OROVILLE STAFF REPORT**

**TO: MAYOR REYNOLDS AND COUNCIL MEMBERS**

**FROM: TOM LANDO, INTERIM CITY ADMINISTRATOR**

**RE: APPROVAL OF CONTRACT WITH DUKE SHERWOOD EXCAVATING  
FOR EXCAVATION SERVICES AT 1275 MITCHELL AVENUE**

**DATE: MARCH 19, 2019**

### **SUMMARY**

The Council may approve a contract with Duke Sherwood Excavating for services at the City of Oroville Corporation yard, 1275 Mitchell Avenue

### **DISCUSSION**

On March 5, 2019 the Council heard a proposal and authorized staff to move forward on a contract with Duke Sherwood for the exchange of services for property. The details are outlined below. Staff has prepared a contract for Council review and consideration. The terms of the Contract are exactly those that were detailed in the presentation Council considered on March 5, 2019. See attached contract for additional details.

### **BACKGROUND**

Earlier this year the Council was advised of a potential temporary housing project at the City Corporation Yard located at 1275 Mitchell Avenue. The temporary housing project is in partnership with the North Valley Community Foundation. The temporary housing will be for those that have been displaced by the Camp Fire and are working families. All of the expense associated with this project for infrastructure, such as electrical, water and sewer is going to be borne by the North Valley Community Foundation.

North Valley Community Foundation has been working with Northstar engineering on this project. The proposed concept would include 59 temporary mobile housing units. See attached drawing for conceptual layout.

The Corporation Yard is not flat and will need extensive excavating to accommodate these mobile housing units. It was originally thought that North Valley Community Foundation would have to bear this cost as part of the project. While working on the project another idea came forward as to how to get the excavating done. Several years ago, Duke Sherwood purchased 2825 5<sup>th</sup> Avenue from the City of Oroville. Mr. Sherwood has expressed interested in also purchasing the City owned property in front of the property that he currently owns. See attached map, this property is 19 acres. This property was the site of old settling ponds. It was a site that required environmental clean up. The site has been cleared and now ready to

go back into regular use.

Mr. Sherwood is a well known and respected businessman in Oroville. Mr. Sherwood's business is heavy excavation. On February 22, 2019 I met with Mr. Sherwood at the Corporation Yard to discuss the excavating that will need to be done to accomplish this project. It was also discussed the potential of a swap of property on 5<sup>th</sup> Avenue for the necessary excavation. Mr. Sherwood expressed interest in this trade. This scope and type of work would normally cost well over \$100,000.00 to complete.

This type of deal works well for the City. The property is currently of little to no use for the City. The property generates no property tax since it is City owned. Mr. Sherwood has agreed to allow the City to store excess aggregate and miscellaneous materials on the property while the Corporation Yard is being utilized for temporary housing. Mr. Sherwood excavating the Corporation yard will make it flat, accessible and usable. A large portion of the yard is unusable as it currently exists.

The property previously purchased by Mr. Sherwood is still in need of an easement to access the property. This property is in need of significant excavation to fill the old settling ponds and clean up. This cost will have to be borne by the City. The cost of this excavation and clean up would be approximately \$30,000.00.

The City was supposed to complete this after the sale of the property. Unfortunately, the City has never filed the easement. Part of this deal will include the City completing what we have previously agreed to do. The City will also be merging the properties into one parcel and allowing the previously issued use permit to apply to the entire property. See attached Use Permit.

### **FISCAL IMPACT**

City will receive approximately \$138,758.63 in services

City will transfer property at 80 Rainy Way to Duke Sherwood for those services

### **RECOMMENDATION**

Adopt Resolution No. XXXX- A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND DUKE SHERWOOD EXCAVATING FOR EXCAVATION SERVICES AT 1275 MITCHELL AVENUE, CITY CORPORATION YARD

### **ATTACHMENTS**

1. Contract



**OROVILLE CITY COUNCIL  
RESOLUTION NO. 8775**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND DUKE SHERWOOD EXCAVATING FOR EXCAVATING SERVICES AT 1275 MITCHELL AVENUE, CITY CORPORATION YARD

**(Agreement No. 3277)**

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

1. The Mayor is hereby authorized and directed to execute a professional services agreement between the City of Oroville and Duke Sherwood Excavating for Excavating services at 1275 Michell Avenue, City Corporation Yard. 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 March 19, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Chuck Reynolds, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Scott E. Huber, City Attorney

\_\_\_\_\_  
Tom Lando, Interim City Administrator

***This is intended to be a legally binding agreement. Please read it carefully.***

**Sellers:** City of Oroville, a California Municipal corporation      **Subject Property:** 80 Rainy Way, Oroville CA 95965  
APN 035-400-022

**Purchaser:** Shining S Properties LLC      **Date:** March 19, 2019

Sellers agree to sell, and Purchaser agrees to buy all that real property, together with improvements thereon, commonly known as 80 Rainy Way Oroville, California, 95965 further identified as Assessor's Parcel No.: 035-400-022, in Butte County, California.

**Terms of Sale:**

The value of the property to be transferred is \$138,758.63 ("Purchase Price") and shall be paid as follows:

- A. The Buyer shall rough grade and balance property to the rear of 1250 Mitchell Street, City of Oroville Corporation Yard, as per civil plan by North Star Engineering. Buyer shall provide all necessary equipment, personnel and materials necessary to operate equipment to complete work. Site will be left in a useable condition for the placement of temporary housing. Buyers agrees to allow Seller to store excess materials as necessary at the property on 5<sup>th</sup> Avenue for a period of 24 months or as otherwise mutually agreed. Seller will be responsible for removal of materials and any issues that arise from the storing of these materials.

**Sellers Title Report:**

Sellers shall provide Purchaser with a preliminary title report (the "Title Report") within 10 days of execution of this Agreement by all parties.

**Closing Date—Escrow:**

- A. An escrow shall be opened with Mid Valley Title Company, Oroville, California (the "Title Company"). Escrow shall close on or before May 1, 2019 (the "Closing Date"). Each party shall deliver to Escrow Holder, in sufficient time for escrow to close on the Closing Date, all documents and monies required hereunder. Close of escrow shall mean the date all documents required hereunder is placed of record. The Parties shall make all reasonable efforts to accelerate the Closing Date to occur as soon as possible.
- B. Property taxes, premiums on insurance acceptable to Purchaser, prepaid rents, interest, interest on assessments if assumed by Purchaser, and any other pro ratable items, shall be prorated as of close of escrow. The amount of any bond or assessment which is a lien shall be paid by Sellers. As a condition to Purchaser's obligations hereunder the Title Company shall issue its CLTA owner's policy of title insurance insuring Purchaser in the amount of the Purchase Price as owner of the Property subject only to the Permitted Exceptions.

**Closing Costs:**

Closing costs are to be paid as follows:

- C. **Escrow Fees:**  Purchaser 50%/Sellers 50%
- D. **CLTA Owners Title Policy:**  Sellers
- E. **County Transfer Tax:**  Purchaser, if applicable
- F. **City Transfer Tax:**  Purchaser, if applicable

Any additional escrow costs or fees shall be paid according to the custom and practice of Butte County.

**Possession:**

Possession shall be delivered to Purchaser on close of escrow.

**Document Delivery Schedule:**

Unless otherwise specified, within thirty (30) days after the Contract Date, Purchaser and Sellers shall deliver to each other, or to each other's agent, all documentation required to be delivered, unless impossible or reasonably impracticable based upon contingencies of purchase as outlined below. Sellers believe that they have previously delivered all required information and documentation to Purchaser pursuant to this Agreement, but in the event, Purchaser identifies documentation called for, but not previously provided by Sellers, Purchaser shall notify Sellers within ten (10) days after the Contract Date of the documentation it has not been provided and desires be delivered. The seller shall provide buyer all documents in their possession regarding the contamination, remediation and clearances from the State Water Regional Board regarding this property.

**Conditions to Purchaser's Performance:**

All duties of Purchaser to purchase the Property shall be expressly conditioned upon the satisfaction of each of the conditions set forth below on or before the date set forth with regard to each condition. Purchase shall notify Sellers, in writing, of Purchaser's removal or waiver of each condition set forth below within the specific time period. Failure to notify Sellers of the removal or waiver of any condition within the specific time period set forth below shall be deemed to constitute satisfaction of any such condition.

**A. Natural Hazard and Earthquake Disclosure:**

Sellers shall deliver a Natural Hazards Disclosure Report to Purchaser within ten (10) days following the Contract Date. Within five (5) business days after Purchaser's receipt of said Disclosure Report, Purchaser shall notify Sellers in writing of its approval or disapproval of said report within five (5) days after receipt.

**B. Purchaser's Inspections:**

**1. Physical Inspections:**

Within thirty (30) days from the Contract Date, Purchaser's approval of inspections by Purchaser and professionals employed by Purchaser of the Property and all

improvements thereon, including, but not limited to, roof, plumbing, soils tests, electrical, sprinkler, water, sewer, engineering studies, heating and air conditioning system or systems, and structural integrity of the improvements, including structural pest control reports, toxic/hazardous substance inspections, and to measure the square footage of the Property, including land and any improvements. Sellers, by execution of this Agreement, hereby grant Purchaser and Purchaser's authorized representatives and experts the right to enter upon and inspect and make reasonable tests upon the Property at reasonable times and upon notice to Sellers, and Purchaser shall hold Sellers harmless from any damage or injury to persons or property by reason of the entry upon the Property by Purchaser, its agents and its experts. Purchaser shall order and pay all costs with respect to such inspections.

Purchaser's approval of any inspection of the Property, however, shall not alter or diminish any of Sellers' representations or warranties to the extent made under this Agreement, and Sellers acknowledge and agree that Purchaser is nonetheless relying on Sellers' representations and warranties made herein, except to the extent reliance on such representation or warranty is specifically waived, in whole or in part, in writing, by the Purchaser.

## **2. Title Approval:**

Purchaser shall have thirty (30) days from the Contract Date within which to notify Sellers, in writing, of Purchaser's disapproval of any exception shown in the Title Report or the legal description. If Purchaser does not give written notice of such disapproval within such period, the Title Report shall be deemed approved. If Purchaser disapproves of any exception in writing as described above, Sellers shall have 10 working days from the date of Sellers' receipt of written notice of the disapproval to give written notice to Purchaser that Sellers shall remove the disapproved exception(s) prior to Escrow Closing. Sellers' failure to deliver the notice shall mean Sellers will not remove the exception. If Sellers elect not to remove any disapproved exception, Purchaser shall have five working days either (i) to terminate this Agreement or (ii) to waive its disapproval of such exception and agree to purchase the Property subject to the disapproved exception. If Purchaser fails to so notify Sellers, in writing, within five working days of its election pursuant to this paragraph, Purchaser shall be deemed to have elected to terminate this Agreement. In the event of a termination hereunder, the parties shall have no obligations hereunder and Purchaser's deposit shall be returned to Purchaser. Any exception which Purchaser has approved hereunder, either by Purchaser's approval, Purchaser's failure to disapprove such exception, or by Purchaser's waiver of disapproval, shall be deemed a "Permitted Exception."

## **Binding Agreements:**

This Agreement, to the extent assignable, is binding upon the heirs, executors, administrators, successors, and assigns of the Purchaser and Sellers, and shall survive recordation of the Grant Deed and close of escrow.

## **Representation of Authority to Execute:**

Each person executing this Agreement on behalf of a party represents and warrants that such person is duly and validly authorized to do so on behalf of the entity it purports to so bind, and if such party is a partnership, corporation or trustee, that such partnership, corporation or trustee is the owner of the Property and has full right and authority to enter into this Agreement and perform all of its obligations hereunder. To the extent that the signatories to this Agreement shall comprise of a group of individuals, the individuals represent that they are all the owners of the Property and agree that the obligations and liabilities of such individuals under this Agreement shall be joint and several.

**Americans With Disabilities Act:**

The Americans With Disabilities Act (ADA) requires both the owner of real estate and the tenant of real estate to comply with its provisions.

In part, the Act requires owners and tenants of public accommodations to remove physical barriers to access and provide auxiliary aids or services for persons with hearing, vision or speech impairment. The ADA does not specify responsibility for compliance as between lessor and lessee or as between Sellers and purchaser. Compliance and the allocation of responsibility for cost for compliance must be negotiated between the parties.

**Legal Action:**

If either party or Broker files any action or brings any proceeding against the other arising out of this Agreement, or is made a party to any action or proceeding brought by the escrow holder, then the prevailing party shall be entitled to recover as an element of its cost of suit, and not as damages, reasonable attorneys' fees to be fixed by the court. This Agreement shall be governed by California law.

**Toxic Contamination Disclosure:**

Sellers and Purchaser acknowledge that they have been advised that numerous federal, state and/or local laws, ordinances and regulations ("Laws") affect the existence and removal, storage, disposal, leakage of and contamination by materials designated as hazardous or toxic ("Toxics"). Many materials, some utilized in everyday business activities and property maintenance, are designated as hazardous or toxic.

Some of the Laws require that Toxics be removed or cleaned up by landowners, future landowners or former landowners without regard to whether the party required to pay for the "clean up" caused the contamination, owned the property at the time the contamination occurred or even knew about the contamination. Some items, such as asbestos or PCBs, which were legal when installed, now are classified as Toxics, and are subject to removal requirements. Civil lawsuits for damages resulting from Toxics may be filed by third parties in certain circumstances.

**F.I.R.P.T.A.:**

Sellers shall deliver to Purchaser at the close of escrow an affidavit executed by Sellers under penalty of perjury stating Sellers' United States taxpayer identification number, that Sellers is not a foreign person, and all other information required in accordance with Internal Revenue Code Section 1445(b)(2).

**Consult Your Attorney and Tax Consultant:**

This document has been prepared for submission by Purchaser and Sellers to their attorneys and tax consultants for approval from the standpoint of protection of legal rights.

**Time:**

Time is of the essence of this contract.

**Property Inspection:**

The premises have not undergone an inspection by a Certified Access Specialist ("CAS") to determine whether or not the Premises meet all applicable construction-related accessibility standards pursuant to California Civil Code Section 55.51 et seq.

**Entire Agreement:**

Except for any addenda attached hereto, this Agreement constitutes the entire Agreement between Purchaser and Sellers with respect to the purchase of the Property by Purchaser and supersedes all other agreements, letters, memoranda or understanding respecting the same, whether written or oral. This Agreement may not be modified by either party by oral representation made before, contemporaneous with or after the execution of this Agreement. All modifications, amendments or additions to this Agreement must be in writing signed by Sellers and by Purchaser.

**Other Terms and Conditions:**

**G. Sellers' Statement Regarding Toxics:**

Sellers makes no representations or warranties related to the presence of any toxics in, on or beneath the Subject Property.

**H. Sellers' Warranties:**

Sellers hereby represent and warrants to Purchaser:

**(1) Violations:**

That no governmental authority or any employee or agent thereof has notified Sellers that it considers any construction on the Property or the operation, use or ownership of the Property to violate any ordinance, rule, law, regulation, or order of any governmental agency, body or subdivision thereof or that no investigation has been commenced or is contemplated respecting any possible violation.

**(2) Documents Delivered:**

That all documents delivered to Purchaser by Sellers pursuant to the terms of this Agreement are complete and as of their respective dates true and correct.

**(3) Special Assessments or Condemnation:**

That there are not presently pending any special assessments or condemnation actions, other than as outlined and contemplated by this Agreement, against the Property, or any part thereof, nor have Sellers received any notice of any special assessments or condemnation actions being contemplated, other than as outlined and contemplated by this Agreement.

**(4) Compliance with Agreements:**

That neither this Agreement nor anything provided to be done hereunder, including, but not limited to, the conveyance of the Property, violates or shall violate any

contract, agreement or instrument to which Sellers are a party or which affects the Property.

(5) **State of Facts:**

That Sellers are not in default of any of its obligations or liabilities pertaining to the Property, nor is there any state of facts or circumstances or condition or event which, after notice or lapse of time or both, would constitute or result in any such default.

(6) **Title:**

a. **Encumbrances:**

That to Sellers' best knowledge, the Property is free and clear of all liens, encumbrances, claims, rights, demands, easements, leases, agreements, covenants, conditions, and restrictions of any kind, except for the Permitted Exceptions.

b. **Encroachments:**

That to Sellers' best knowledge, there are no encroachments on the Property from adjoining property, and the Property does not encroach on any adjoining property, easements, or streets.

c. **Streets:**

That to Sellers' best knowledge, there is no existing, proposed, or contemplated plan to widen, modify, or realign any street or highway other than possible by Purchaser in connection with the airport expansion plans

(7) **Litigation:**

That Sellers are not involved in or aware of any pending or threatened litigation which does or will affect the Property. There are no actions or proceedings pending or threatened against Sellers before any court or administrative agency in any way connected with or relating to the Property, or affecting Sellers' ability to fulfill all of its obligations under this Agreement.

(8) **Survival:**

That Sellers' representations, warranties and covenants contained in this paragraph shall survive close of escrow and the recordation of the Deed. Purchaser and Sellers agree that this Agreement may be executed in counterparts by facsimile or e-consent/e-mailed signatures and shall constitute as an original signature for the purposes of this Agreement.

The undersigned Purchaser offers and agrees to buy the Property on the terms and conditions above stated and acknowledges receipt of a copy hereof.

**Purchaser:** Shining S Properties LLC

By: \_\_\_\_\_  
*Robert E. Sherwood*

Date: \_\_\_\_\_

**Acceptance**

The undersigned Sellers accept the foregoing offer and agrees to sell the Property on the terms and conditions set forth.

The undersigned Sellers acknowledge receipt of a copy hereof and authorizes Broker(s) to deliver a signed copy of it to Purchaser.

**Sellers:** City of Oroville, a California municipal corporation

By: \_\_\_\_\_  
Tom Lando, Interim City Administrator

Date: \_\_\_\_\_



**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR REYNOLDS AND COUNCIL MEMBERS**

**FROM: TOM LANDO, ACTING CITY ADMINISTRATOR**

**RE: PUBLIC HEARING TO GATHER TESTIMONY AND PUBLIC COMMENT  
RELATED TO PROPOSED DOWNTOWN BUSINESS IMPROVEMENT  
DISTRICT**

**DATE: MARCH 19, 2019**

**SUMMARY**

On February 19, 2019, the Council approved a Resolution of Intent to Establish a Downtown Oroville Business Improvement District. As part of the process, the Council will hear public input on the proposed new assessments in the business areas covered by the Business Improvement District

**DISCUSSION**

A Business Improvement District (“BID”) is a program of a city, county or joint powers authority under which the city, county, or joint powers authority levies an assessment against businesses to fund services or improvements that benefit the assessed businesses. This revitalization tool is typically used for commercial neighborhoods such as regional business districts, downtowns, and other commercial areas. Business owners and their landlords utilize BIDs because they provide localized cleanup, security, marketing and other services. These services can help unique commercial areas that are oriented along public streets to more effectively compete with privately owned and managed commercial developments.

The proposed Downtown Oroville Business Improvement District (“District”) is a benefit assessment district proposed to help fund marketing and special events in the downtown area and to provide civic beautification of the downtown area. The proposed District includes all existing and future businesses located within the boundaries of Downtown Oroville.

The fees for the proposed BID range from \$100 to \$500 per year, depending on the location and the type of business. As part of the process established by statute, the Council is required to open a public hearing and hear testimony/input from members of the public related to the proposed new assessments for the Business Improvement District.

**FISCAL IMPACT**

**None for the City.** Any costs incurred by the City will be recaptured with an increase in sales tax and an increase in business license collections.

## **RECOMMENDATION**

Open a Public Hearing and hear testimony/input from members of the public related to the proposed new assessments for the Business Improvement District.

## **ATTACHMENTS**

Estimated Annual Oroville BID Assessments  
Map of Proposed Oroville BID  
Public Notice

## Estimated Annual BID Assessments

**Zone A: total businesses = 84**

Retail and Restaurants 39

\*Small 28 @ \$250 = \$7,000

\*Large 11 @ \$350 = \$3,850

Service and Professional 45

45 @ \$200 = \$9,000

**Total Zone A assessments = \$19,850**

**Zone B: total businesses = 40**

Retail and Restaurants 10

10 @ \$150 = \$1,500

Service and Professionals 30

30 @ \$100 = \$3,000

**Total Zone B assessments = \$4,500**

**Total number of businesses = 124**

**Total estimated BID annual assessments = \$24,350**

\*note: small business=1-3 full-time workers including owners and family,  
see page 14

large business= 4 or more full-time workers including owners and family,  
see page 14

## Proposed Annual BID Benefit Fee

	Zone A	Zone B
Retailers, Restaurants, Bars	(small) \$250 (large) \$350	\$150 \$150
Service and Professional Businesses	\$200	\$100
Financial Institutions (none at this time)	\$500	\$500

### **Business type and size definitions:**

**Retail and Restaurant:** Businesses that buy and resell goods, examples are clothing stores, shoe stores, home and office supplies as well as businesses that sell prepared foods and drinks.

**Service Businesses:** Businesses that sell services. Examples are beauty and barbershops, repair shops, most automotive-oriented businesses, entertainment businesses such as theaters, etc.

**Lodging:** Includes renting rooms by the day or week to community visitors.

**Professional Services Businesses:** Includes Architects, Engineers, Attorneys, Dentists, Doctors, Accountants, Optometrists, Realtors, Insurance Offices, Mortgage Brokers and most other businesses that require advanced and/or specialized licenses and/or advanced academic degrees.

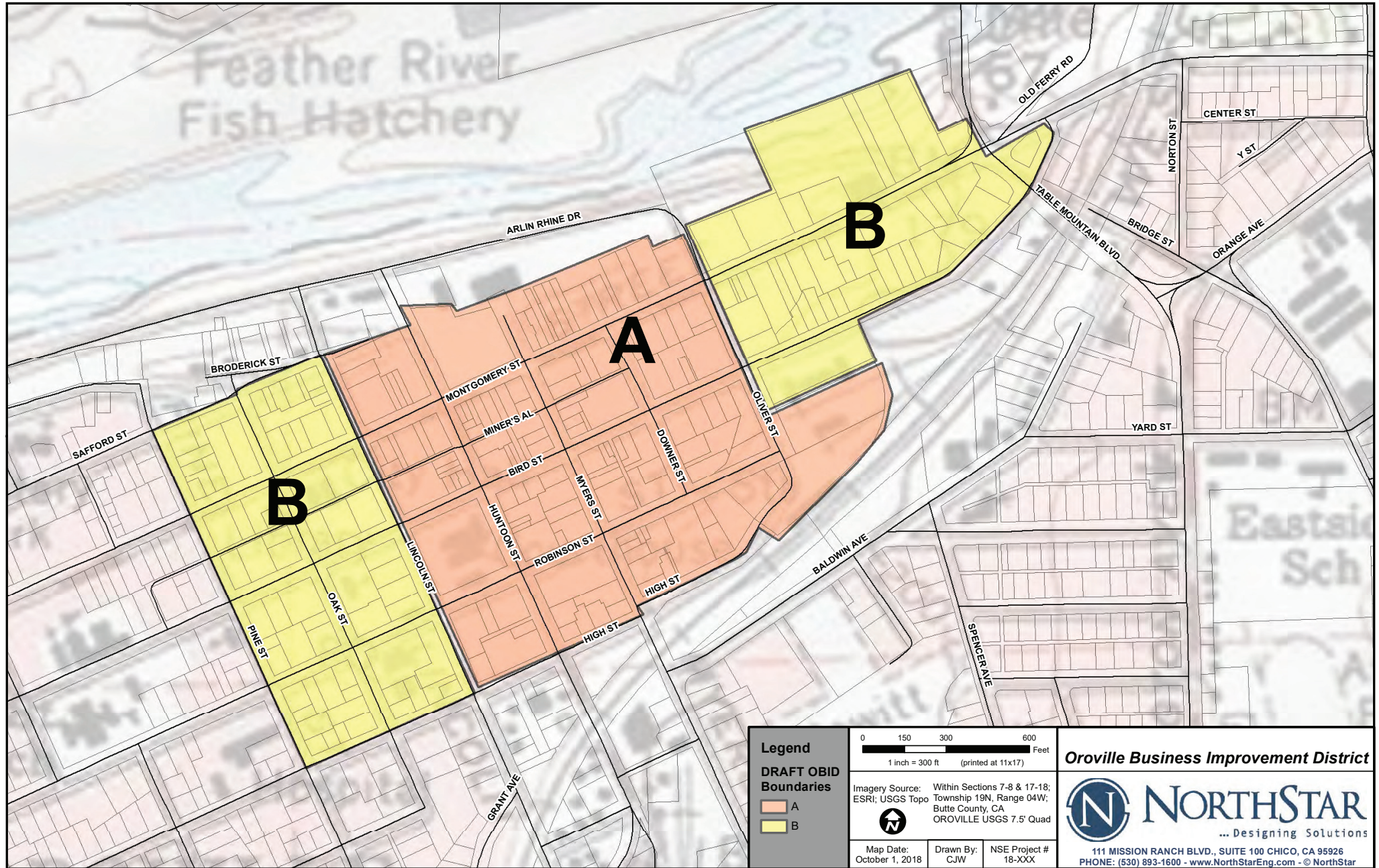
**Financial Institutions:** Includes banking and savings and loan institutions as well as credit unions, etc.

### **Explanation of business size:**

Small = One to three full-time employees. This also includes owners.

Large = Four or more full-time employees. This also includes owners.

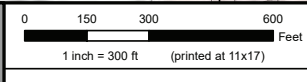
(A full-time employee is anyone who works 40 hrs. or more per week)



**Legend**  
**DRAFT OBID Boundaries**

- A
- B

Map Date: October 1, 2018    Drawn By: CJW    NSE Project #: 18-XXX



Imagery Source: Within Sections 7-8 & 17-18; ESRI; USGS Topo Township 19N, Range 04W; Butte County, CA OROVILLE USGS 7.5' Quad

**Oroville Business Improvement District**

... Designing Solutions

111 MISSION RANCH BLVD., SUITE 100 CHICO, CA 95926  
 PHONE: (530) 893-1600 - www.NorthStarEng.com - © NorthStar



# City of Oroville

OFFICE OF THE CITY CLERK

**Jackie Glover**  
Assistant City Clerk

1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2535 FAX (530) 538-2468  
[www.cityoforoville.org](http://www.cityoforoville.org)

## **NOTICE OF PUBLIC HEARING BEFORE THE CITY OF OROVILLE CITY COUNCIL**

NOTICE IS HEREBY GIVEN that the City of Oroville City Council and the Oroville Downtown Business Association will conduct a public hearing on March 19, 2019 at 6pm or as soon thereafter as possible in the City Council Chambers, 1735 Montgomery Street, Oroville, CA, to consider the establishment of a business improvement district for all businesses in downtown Oroville.

Oroville City Council and the Oroville Downtown Business Association will conduct a public hearing to receive comments regarding the potential establishment of a Business Improvement District (BID) for all businesses in downtown Oroville, the areas of benefit within the district, and the assessments to be levied.

The BID is a self-initiated and administered business improvement district funded by an annual benefit fee or assessment. The assessment formula is based on type of business and location in order to offer a fair and equitable charge for each business in the District. BID assessments will be collected by the City and given to the BID Committee under a contract for administration of BID activities aimed at economic stimulation and business enhancement.

All interested persons are encouraged to attend or submit comments in writing. Additional information including a boundary map and the BID Formation Plan provided by the Oroville Downtown Business Association described in this notice can be viewed at the City of Oroville Clerk's Office at 1735 Montgomery Street, Oroville, CA.

--XXX--

Published By: Jackie Glover  
Publish Date: February 25, 2019  
Posted: February 25, 2019



## **CITY OF OROVILLE STAFF REPORT**

**TO: MAYOR REYNOLDS AND COUNCIL MEMBERS**

**FROM: TOM LANDO, INTERIM CITY ADMINISTRATOR**

**RE: FENCING AND GUARD RAIL REPLACEMENT AND UPGRADE ON  
TABLE MOUNTAIN BLVD, ABOVE FISH HATCHERY**

**DATE: MARCH 19, 2019**

### **SUMMARY**

The Council will consider approving the replacement and upgrading the walking path on Table Mountain Blvd., above the Fish Hatchery

### **DISCUSSION**

The walking path located on the south side of Table Mountain Blvd, between Montgomery Street and Grand Avenue needs replacement and repair. This path is the only walking path available to cross the River on the east side of Oroville. This walking path is down a steep walkway, directly adjacent to the roadway. The roadway is highly traveled and often by vehicles exceeding traffic speed limits. The only barrier that currently exist between the walking pedestrian and vehicle traffic is a residential style 42” chain link fence. The fence is very old and in extremely poor condition. The fence provide no protection for the pedestrian other than keeping one from falling into the roadway.

The fencing that separates pedestrians from vehicles has been damaged to the point of not being repairable. The fencing is inadequate and does not provide the proper level of protection to pedestrians should a vehicle leave the roadway onto the walking path. The walking path is made of asphalt that is extremely worn and needs replacing. The vegetation that once was aesthetically pleasing has been allowed to die and be overgrown with weeds. The watering system has been repeatedly vandalized and parts stolen over the last few years. Due to the lack of staffing this area has not been a priority Staff has made the necessary repairs to keep the are functional but not had adequate resources to restore it.

To bring this area back and improve the safety of the walking path the City needs to construct a metal guard rail and replace the worn and destroyed fencing. The proposed guard rail and fencing would be approximately 600 ft and would be constructed so in the event of damage it could easily be replaced. The rails for the fencing and the posts for the guard rail would be removable in the event of damage. The asphalt will need to be removed and replaced once the work is completed on the guard rail and the fencing. Most of the underground irrigation will need to be replaced to tamper proof piping and computer-controlled valves that can detect excessive flow and provide 24 hour monitoring of the system. Additional lighting along the walking path will be necessary for pedestrian safety at night and to help prevent vandalism.

This project including the necessary engineering and construction is estimated to cost approximately \$200,000.00. If the Council chooses to move forward on this project staff will prepare this project for bid and bring back full cost contracts for this project for Council approval. If this project exceeds the projected cost, staff will return to Council with an updated estimated cost for Council consideration.

Staff has evaluated this project and believes it meets all the necessary criteria to be funded with Redevelopment Agency Bond residuals. If this project moves forward this project will be sent to our Bond Consultants and Bond Counsel for their opinion and approvals.

#### **FISCAL IMPACT**

Staff time only at this time. Estimated Staff time approximately \$1,000.00

#### **RECOMMENDATION**

Direct Staff to prepare documents to release for bid and negotiate contract for project. Direct Staff to verify funding source and bring entire project back to Council for final approval.

1. Photograph of walking path









## **CITY OF OROVILLE STAFF REPORT**

**TO: MAYOR REYNOLDS AND COUNCIL MEMBERS**

**FROM: TOM LANDO, INTERIM CITY ADMINISTRATOR**

**RE: FUNDING FOR CODE ENFORCEMENT ACTIVITIES**

**DATE: MARCH 19, 2019**

### **SUMMARY**

The Council will consider authorizing a supplemental budget adjustment for Code Enforcement Activities in the amount of \$15,000.00 for dangerous situations that require immediate action.

### **DISCUSSION**

The City is currently engaged in code enforcement activities relating to substandard housing that could result in hearings before the Council and the filing of nuisance abatement lawsuits. As a result, it is necessary to retain the services of outside legal counsel in respect to such hearings and lawsuits. Staff will return to Council with an agreement with Jones and Mayer for these services in April.

Cole and Huber presently represent the City as our City Attorney and on various lawsuits. Cole and Huber will defend the City against any law suits that may arise from Code Enforcement actions. It is not necessary to amend the agreement with Cole and Huber for these additional services. Cole and Huber are compensated on a time and material basis.

There will have to be new monies allocated for this project to ensure the Code Enforcement Officer has the necessary working capital to take immediate and effective action to remedy hazardous situations. Code Enforcement has traditionally been funded by a Community Development Block Grant. The funding provided is restricted for Staff time only. No monies have been allocated for activities. To be effective enforcement must be real and actions must be readily obtainable. Staff is recommending funding this program with \$15,000.00 for the balance of this fiscal year, and then discussing future funding in the budgeting process for fiscal year 2019/2020.

**FISCAL IMPACT**

Funding for this project will come from the City Administration Budget. There is currently approximately \$30,000.00 available in this budget

**RECOMMENDATION**

Approve the necessary budget adjustment



## **CITY OF OROVILLE STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: JACKIE GLOVER, ASSISTANT CITY CLERK  
TOM LANDO, INTERIM CITY ADMINISTRATOR**

**RE: APPOINTMENTS TO COUNCIL AND LOCAL COMMITTEES**

**DATE: MARCH 19, 2019**

### **SUMMARY**

Mayor Reynolds may make appointments to various committees and boards

### **DISCUSSION**

City Council Members represent the City on several Commissions, Committees and Boards at the city level and throughout the community. Every two years or as necessary the Mayor appoints Council Members to each to be approved by the council to represent the City on these commissions, committees and boards. Attached are the appointment schedules which outline the open positions for appointment.

### **FISCAL IMPACT**

None

### **RECOMMENDATION**

None

## CITY OF OROVILLE COMMITTEE AND BOARD ASSIGNMENTS 2019-2020



	<div style="display: flex; justify-content: space-between;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Chuck Reynolds</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Scott Thomson</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Linda Draper</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Janet Goodson</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Art Hatley</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">David Pittman</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Eric Smith</div> </div>								
ALUC - Airport Land Use			X	X				1, Alt	Airport Manager
ARTS COMMISSION			X		A			1, Alt	Director of Community Development
BCAG - Butte County Association of Governments	X	A						1, Alt	City Administrator or City Engineer
BCAQCB - Butte County Air Quality Control Board	X	A						1, Alt	City Administrator or Director of Community Develop
BCWAB - Butte County Water Advisory Board				X			A	1	City Administrator
CHAMBER OF COMMERCE		X				A		1, Alt	City Administrator
Citizens Oversight Committee		X				A	X	2, Alt	Finance Director or City Administrator
COCC - Butte County Continuum of Care			X					1	Director of Community Development
EXECUTIVE COMMITTEE/ INTERGOVERNMENTAL	X					X	X	3	Staff Assignment Varies
LEAGUE OF CALIFORNIA CITIES	X				A			1, Alt	City Administrator
LOAN ADVISORY HOUSING and ECONOMIC DEVEL			X			X	X	3	Business Assistance and Housing Director
ODBA - Oroville Downtown Business Association							X	1	Program Specialist
ORAC - Oroville Recreation Area Committee				A	X			1, Alt	Program Specialist
SBF - Supplemental Benefit Committee	X	X				X		3, 3 Alt	Program Specialist
SC-OR - Sewerage Commission Oroville Region	X					A		1, Alt	City Engineer
SGMA - Sustainable Groundwater Management				X			A	1, Alt	City Engineer
STAGE - State Theatre Arts Guild		X						1	Director of Community Development
TOURISM							X	1	Program Specialist
VETERAN MEMORIAL PARK					X			1	City Administrator

X - Voting Member      A - Alternate Member

## CITY OF OROVILLE COMMITTEE AND BOARD ASSIGNMENTS 2019-2020

Committee or Board	Meeting Date	Meeting Time
ALUC - Airport Land Use	3rd Wednesday	9:00 AM
ARTS COMMISSION	2nd Tuesday	3:00 PM
BCAG - Butte County Association of Governments	4th Thursday	9:00 AM
BCAQCB - Butte County Air Quality Control Board	4th Thursday	10:00 AM
BCWAB - Butte County Water Advisory Board	Quarterly	TBD
CHAMBER OF COMMERCE	2nd Wednesday	3:00 PM
Citizens Oversight Committee	TBD	
COCC - Butte County Continuum of Care	3rd Monday	1:00 PM
EXECUTIVE COMMITTEE/ INTERGOVERNMENTAL(w/County)	As Needed	
LEAGUE OF CALIFORNIA CITIES	Various	
LOAN ADVISORY HOUSING	2nd Thursday	10:00 AM
ODBA - Oroville Downtown Business Association	3rd Thursday	8:30 AM
ORAC - Oroville Recreation Area Committee	1st Friday	10:00 AM
SBF - Supplemental Benefit Committee	3rd Wednesday	2:00 PM
SC-OR - Sewerage Commission Oroville Region	4th Wednesday	5:00 PM
SGMA - Sustainable Groundwater Management	TBD	
STAGE - State Theatre Arts Guild	3rd Thursday	5:30 PM
TOURISM	2nd Tuesday	10:00 AM
VETERAN MEMORIAL PARK	3rd Monday	6:45pm