



CITY OF RED BLUFF

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CITY COUNCIL

MINUTES

Date of Meeting: Tuesday, January 19, 2016
Time of Meeting: 6:15 p.m. Closed Executive Session
7 p.m. Regular Meeting
Place of Meeting: Council Chambers, City Hall
555 Washington Street
Red Bluff, CA 96080

Councilmembers Present: Clay Parker, Mayor
Rob Schmid
Daniele Jackson
Suren Patel

Councilmembers Absent: Gary Jones, Mayor Pro Tem (absent-excused)

Staff Present: Rick Crabtree, City Manager/City Attorney
Sandy Ryan, Finance Director
Kyle Sanders, Police Chief
Ray Barber, Fire Chief
Donna Gordy, City Treasurer
Scott Friend, Community Development Director
Bruce Henz, Public Works Director
Jo Anna Lopez, City Clerk

CLOSED EXECUTIVE SESSION:

1. **CONFERENCE WITH LABOR NEGOTIATORS:** Executive Session in accordance with Government Code Section 54957.6 for the purpose of instructing the City's designated representatives Richard Crabtree, City Manager/City Attorney, Rick Haeg, Labor Negotiator and Vi Cobb, Human Resources Analyst II, and Sandy Ryan, Finance Director regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits with the Fire Unit Employees.

Mayor Parker reported that during the closed session the City Council had provided direction to staff.

PLEDGE OF ALLEGIANCE:

Mayor Parker led the Pledge of Allegiance and the assembly joined in.

CITIZEN'S COMMENT:

Pastor Scott Camp provided a prayer for those in attendance. He also reported that with the cold weather the Churches and shelters had to stay open 24 hours a day to keep the homeless out of the weather, so any donations to P.A.T.H. would be appreciated.

PRESENTATION:

1. PRESENTATION - EMPLOYEE LONGEVITY RECOGNITION

Police Chief Kyle Sanders presented Officer Matt Coker with a certificate for his 5 years of service to the City of Red Bluff.

Other employees acknowledged for their years of service with the City of Red Bluff were Ed Griego, Community Development Department for 10 years of service and Larry Wierzbicki, Public Works Streets for 20 years of service.

CONSENT AGENDA:

Councilmembers Jackson and Schmid requested that items 2 and 3 be pulled from the Consent Agenda for clarification.

M/S/C Councilmembers Jackson and Patel to approve the remainder of the Consent Agenda.

AYES: Councilmembers: Jackson, Parker, Patel and Schmid

NOES: None

ABSENT OR NOT VOTING: Councilmember Jones (absent-excused)

**1. TREASURER'S REPORT - FIFTH MONTH OF FISCAL YEAR 2016
(NOVEMBER 2015)**

Recommendation: That the City Council accepts the Treasurer's report for the fifth month of Fiscal Year 2016.

The Government Code provides that the City Treasurer shall submit to the City Clerk a written report and accounting of all receipts, disbursements, and fund balances. (Government Code Section 41004).

Approved 4-0-1

2. REPORT REGARDING OPEN MARKET PURCHASES AND CONTRACT AWARDS - DECEMBER 2015

Recommendation: That the City Council accepts the open market purchases and contract awards for December of 2015.

Pursuant to the City of Red Bluff's Code, Section 2.67-2, the Purchasing Officer shall, at least monthly, prepare and submit a report to the City Council of all open market purchases & contract awards made for the preceding month. Above is a list of purchases and awards for December of 2015 with the amount of the bid and the dates for the purchase of materials, supplies and services required by the City's departments and approval by the Purchasing Officer. Unless otherwise noted, the awards were to the lowest responsible bidders and bids were in compliance with City specifications/requirements. All bids awarded were within the appropriations approved for them by the City Council in the current Annual Budget.

Councilmembers Jackson and Schmid requested and received clarification on items contained in the Open Market Purchases and Contract Awards for December 2015.

M/S/C Councilmembers Schmid and Jackson to accept the open market purchases and contract awards for December of 2015.

AYES: Councilmembers: Jackson, Parker, Patel and Schmid

NOES: None

ABSENT OR NOT VOTING: Councilmember Jones (absent-excused)

3. APPROVAL OF WARRANT LIST

Recommendation: That the City Council approve Check Warrant No. 83058 through 83264 dated December 1, 2015 through December 31, 2015.

This is a normal procedure per California Government code section 41004 and General Warrants need to be approved by the City Council regularly.

Councilmembers Jackson stated that she pulled this item because she does not like the word supplies as a description and would like more detail than just the word supplies. She stated that until this change takes place she will be voting no on this item.

M/S/C Councilmembers Schmid and Patel to approve Check Warrant No. 83058 through 83264 dated December 1, 2015 through December 31, 2015.

AYES: Councilmembers: Parker, Patel and Schmid

NOES: Councilmember: Jackson

ABSENT OR NOT VOTING: Councilmember Jones (absent-excused)

4. REQUEST FOR A SUPPLEMENTAL APPROPRIATION, FROM THE EXISTING BOAT LAUNCH GRANT FUND AUTHORIZATION, INTO THE APPROPRIATE CITY BUDGET FUND ACCOUNTS THAT WILL BE USED TO FUND THE PLANTING MITIGATION PERMITS FOR THE BOAT LAUNCH FACILITY

Recommendation:

That the City Council authorizes a supplemental appropriation, from the existing Grant Fund authorization, into the Boat Launch Revenue Account (71-72-060-920) in the amount of \$40,500.00; and an authorization to increase the expenditure budget for the Boat Ramp Grant (71-72-540-920) by \$40,500.00 for the management and development of the mitigation work required by the US Army Corps of Engineer (USACE) 404 permits and the California Department of Fish and Wildlife 1600 permits.

The City of Red Bluff has received Grant funding for the River Park boat launch facility from the Department of Parks and Recreation, Division of Boating and Waterways and the State of California, Wildlife Conservation Board. The Division of Boating and Waterways will contribute up to \$1,770,000.00 and the Wildlife Conservation Board will contribute up to \$970,000.00 for a combined grant amount of up to \$2,740,000.00.

The Phase 1 project is complete and provides public access to the river, however to satisfy the requirements of the US Army Corps of Engineer 404 permits and the California Department of Fish and Wildlife 1600 permits the City is responsible for coordinating the mitigation plantings. Professional project management services to oversee and direct the completion of the mitigation measures are needed to stay in compliance with the permitting process. A supplemental appropriation is needed to fund these consultant services.

The necessary costs for the Consulting Services are incorporated within the mitigation budget of the Wildlife Conservation Board's Grant (WCB), and are a part of the \$72,000.00 amount identified for Inspection, Mitigation and Monitoring.

The **\$40,500.00** for the Consultant's services would be taken out of the existing grant funding account that then would be reimbursed by the State. There would not be any Impacts to the City's General Fund.

Approved 4-0-1

5. **A SUPPLEMENTAL APPROPRIATION FROM THE CITY'S TRANSPORTATION FUND FOR THE PAYMENT OF PERMIT FEES LEVIED BY THE STATE WATER RESOURCES CONTROL BOARD**

Recommendation: That the City Council authorizes a supplemental appropriation from the City's Transportation Fund 43, in the amount of \$6,869.00, into the Transportation/Street Improvement Account 43-42-340-100.

The currently budgeted fund amount (total of \$18,000.00) provided within the expense account designated for the payment of the MS4 Storm Water Permit (43-42-340-100) is insufficient for the payment of this item.

The State Auditors' requirement for the segregation of Transportation Funds within the various City Streets and Transportation accounts has required the shifting of several payment allocations into accounts that are different than those used within previous yearly budgets. This has necessitated the need to request periodic adjustments to the expense accounts.

Approved 4-0-1

CURRENT BUSINESS:

1. **VARIANCE NO. 2015-01; A VARIANCE TO CONSTRUCT A NEW GARAGE STRUCTURE WITHIN THE REQUIRED FRONT- AND SIDE-SETBACK AREAS AND CLOSER THAN EIGHT (8) FEET FROM AN EXISTING DWELLING IN THE R-1 ZONING DISTRICT; AND, DETERMINATION OF CEQA EXEMPTION. LOCATION: 728 MUSICK AVENUE; ASSESSOR'S PARCEL NUMBER 033-111-013**

Scott Friend, Community Development Director, reviewed the staff report and provided staff's recommendation that depending on the determination of the City Council, the following are possible actions:

- Adopt proposed Resolution 5-2016.
- Deny the requested variance and direct staff to prepare the *appropriate* denial findings for presentation to the City Council at a subsequent meeting.
- Provide other direction to staff as the Council deems appropriate.

The project applicants, Mr. and Mrs. Richard and Loraine Renno, have filed a Variance application with the City of Red Bluff to locate a new 14' x 20' garage structure within a required setback area (front- and side-yard setback areas) and closer to an existing residential dwelling unit than otherwise the allowed by the Red Bluff City Code (RBCC).

The proposed garage construction has become necessary due to the migration of Reeds Creek and the erosion of the south bank of the creek into the subject property. Specifically, Reeds Creek is adjacent to the back yard of subject property with the rear lot line of the parcel inside of the flow-line of the creek. The previously existing garage was located near the rear lot line of the parcel, directly adjacent to the creek. Over time, flooding and creek-bed erosion began to undermine the foundation of the garage thus making it a hazard. Prior to its demolition, the creek bank had eroded enough to cause a portion of the garage floor to overhang the creek channel. To address this issue and to prevent the garage from falling into the creek, the property owner had the garage demolished and now does not have a garage.

The applicant's representative, Mr. Traver "Corky" Metcalf Jr., from GEOPlus, a geological engineering company, contacted the City on behalf of the property owners to determine the feasibility of replacing and constructing a new garage on the property. Based on an analysis of the on-site conditions and the stability and location of the creek bank, it was determined that the construction of a new garage in the rear of the property, or shoring-up the creek bank to allow the construction of a replacement garage in the same location, was not feasible. It was also determined based upon the placement of the existing dwelling unit that the only feasible location for a replacement garage would be in the front portion of the lot. However, placing a new garage structure in the front of the lot would locate the structure within the required front yard setback area.

Following consultation and discussion of the situation, it was determined by the applicant that there was a desired to construct a new garage in the front yard area of the lot. Staff explained to the applicant that in order to construct a new garage in the front yard area, a Variance to City Code standards would need to be approved by the City. The result of these conversations is the application resulting in this report.

Mayor Parker opened the public hearing at 7:20 p.m. and after receiving no comments, closed the public hearing at 7:20 p.m.

M/S/C Councilmembers Jackson and Schmid to adopt Resolution No. 5-2016 approving Variance No. 2015-01.

AYES: Councilmembers: Jackson, Parker, Patel and Schmid

NOES: None

ABSENT OR NOT VOTING: Councilmember Jones (absent-excused)

2. **TENTATIVE PARCEL MAP NO. 14-06; ASSESSOR'S PARCEL 29-306-09; 437 CEDAR STREET/952 JEFFERSON STREET; BARBARA MILLER (OWNER/APPLICANT); GEORGE ROBSON (AUTHORIZED REPRESENTATIVE): RESOLUTION NOS. 4-2016 AND 6-2016**

Scott Friend, Community Development Director, reviewed the staff report and provided staff's recommendation that depending on the determination of the City Council, the following are possible actions:

- **Approve the requested variance and the proposed tentative parcel map:**
 - Adopt Resolution No. 4-2016 (variance)
 - Adopt Resolution No. 6-2016 (tentative parcel map)
- **Deny the requested variance and tentative parcel map:**
 - Direct staff to prepare appropriate denial findings for presentation to the City Council at a subsequent meeting.
- **Other:** Provide other direction to staff as the Council deems appropriate.

Fire Department Requirements

The Red Bluff Fire Department reviewed the project based on the standards of the Red Bluff Fire Code (RBFC). Because the proposed TPM does not meet the setback requirements, as discussed above, approval of the proposed TPM requires structural changes to the existing buildings. Review of the RBFC determined that structural changes to the buildings would be required, as follows:

Both facing exterior walls of the commercial and residential buildings are required to have a minimum fire rating of at least one hour. All windows along the north side of the single family home within 3 feet of the newly split property line shall be replaced with one-hour fire-rated windows that cannot be opened for normal operations; however, they shall be capable of easy removal for a secondary exit in an emergency situation, such as a house fire.

Or

Install a fire sprinkler system throughout both buildings complying with Chapter 9 of the California Fire Code.

Public Works Requirements

Review by the Public Works Department indicated that the buildings on subject parcel may share utilities, i.e. sewer, water and/or electrical. RBCC requires separate utility connections for each parcel. As such, in order to comply with City standards, proof of separate utility connections will be necessary.

The proposed TPM request would create two nonconforming parcels as the lots proposed to be created do not meet the minimum lot size requirements of the R-4 zoning district, lot size and dimensions, and building and fire codes). RBCC Section 20.6(A) identifies the procedure for nonconforming Minor Division as, if all the lots subject to the lot line adjustment or merger are substandard, the findings may be made by the Planning Director and Planning Commission approval is not required. If any of the lots subject to the lot line adjustment or merger are not substandard, the findings must be made by the Planning Commission. In this instance, the existing lot meets the City's lot size and dimension requirements but the proposed newly created lots would not. As such, consideration of the matter by the Planning Commission is required. Based upon the information provided in this staff report and the actions taken by the Planning Commission at their meeting of October 27, 2015, the Planning Commission denied the application on a vote of 2 to 1. On November 10, 2015, the applicant, via their representative Mr. George Robson, formally appealed the decision of the Planning Commission.

Mayor Parker opened the public hearing at 7:28 p.m.

George Robson, representative for Barbara Miller, provided background on the process that he was helping Mrs. Miller to undertake to process the approval of this lot split.

Barbara Miller, applicant, stated that she has canvassed home surrounding the area of the request and no residents had any objections to the two parcels being split. She provided a letter and signatures of residents in support of this request.

Maggie Yates, resident, stated that she was not in support of this request and she felt it would affect the value of her property and that of surrounding properties.

Mayor Parker closed the public hearing at 7:52 p.m.

Councilmember Jackson stated that she was not in favor of this parcel split and felt that the parcel should stay as one parcel.

M/S/C Councilmembers Schmid and Patel to approve the Tentative Parcel Map and adopt Resolution Nos. 6-2016 and 4-2016.

AYES: Councilmembers: Parker, Patel and Schmid

NOES: Councilmember Jackson

ABSENT OR NOT VOTING: Councilmember Jones (absent-excused)

3. **ORDINANCE NO: 1041; AN ORDINANCE OF THE CITY OF RED BLUFF IMPOSING AN EXPRESS BAN ON MARIJUANA CULTIVATION, MARIJUANA PROCESSING, MARIJUANA DELIVERY, AND MARIJUANA DISPENSARIES IN THE CITY**

Scott Friend, Community Development Director reviewed the staff report and provided staff's recommendation that the City Council waive the second reading and adopt Ordinance No. 1041.

On January 5, 2016, the City Council voted to introduce Ordinance No. 1041 and waive reading of the entire ordinance. Ordinance No. 1041 now returns for its second reading and adoption.

The legislative package collectively known as the California Medical Marijuana Regulation and Safety Act (MMRSA) was recently enacted to establish a legislative framework to address the cultivation, processing, delivery, distribution and use of medical marijuana in the state of California. With the passage of the MMRSA, California Cities and Counties were given until March 1, 2016 to enact local legislation (Ordinances) regulating or prohibiting the cultivation, processing, delivery, distribution and use of medical marijuana in their communities. Cities and counties electing to adopt and enact local regulations by the March 1, 2016 deadline will be allowed to regulate Medical Marijuana at the local level while cities and counties not having adopted and effective Ordinances by March 1, 2016 will be prohibited from adopting local regulations and will be subject to the permitting structure of the State of California for this purpose.

M/S/C Councilmembers Schmid and Patel to waive the second reading and adopt Ordinance No. 1041; An Ordinance of the City of Red Bluff imposing an express ban on Marijuana cultivation, Marijuana Processing, Marijuana delivery and Marijuana Dispensaries in the City.

AYES: Councilmembers: Parker, Patel and Schmid

NOES: Councilmember Jackson

ABSENT OR NOT VOTING: Councilmember Jones (absent-excused)

4. **ANNUAL REPORT - DEVELOPMENT IMPACT FEES FOR THE CITY OF RED BLUFF FOR FISCAL YEAR ENDING JUNE 30, 2015**

Sandy Ryan, Finance Director, reviewed the staff report and provided staff's recommendation that the City Council receive the Annual Development Impact Fees Report for Fiscal Year Ending June 30, 2015.

In accordance with Section 66006 of the Government Code, the City is required to prepare an annual report related to development impact fees. This report must contain the following information:

1. a brief description of the type of fees,
2. the beginning and ending amount of each fee account,
3. the amount of the fees collected and interest earned,
4. an identification of each public improvement on which the fees were expended and the amount of the expenditures on each improvement,
5. the amount of the fees,
6. an identification of approximate dates by which the construction of the public improvements will commence,
7. a description of each interfund transfer or loan made from the account.

M/S/C Councilmembers Jackson and Patel to receive the Annual Development Impact Fees Report for the Fiscal Year Ending June 30, 2015.

AYES: Councilmembers: Jackson, Parker, Patel and Schmid

NOES: None

ABSENT OR NOT VOTING: Councilmember Jones (absent-excused)

5. 2015/2016 POLICE DEPARTMENT BUDGET ADJUSTMENT

Kyle Sanders, Police Chief, reviewed the staff report and provided staff's recommendation that the City Council authorize the Finance Director to make a budget adjustment totaling \$207,411.00 as outlined below:

- \$150,000.00 from 11-33-100-100 (Regular Employees) into account 11-33-540-100 (Machinery & Equipment).
- \$40,000.00 from 11-33-160-100 (Health Insurance) into account 11-33-330-100 (Special Supplies & Services).
- \$9,000.00 from 11-33-160-100 (Health Insurance) into account 11-33-260-200 (Vehicle Repair Costs).
- \$6,000.00 from 11-33-150-100 (Social Security) into account 11-33-250-200 (P.O.S.T. Training).
- \$2,411.00 from 11-33-150-100 (Social Security) into account 11-33-250-100 (Non-P.O.S.T. Training).

A six month review / audit of the Police Department's budget has shown considerable savings. As a result of multiple personnel vacancies, the first six months of the 2015 / 2016 fiscal year has produced a net savings of \$207,411.00. This amount takes into consideration expenditure overages in overtime.

The Police Department requests to adjust the 2015 / 2016 budget by moving funds from several personnel line accounts to other expenditure accounts. This is not a proposal for additional funding, rather a request to adjust some of the existing line items within the budget.

Councilmembers Schmid and Jackson stated that this was a discussion item that had been discussed in the Law Enforcement Sub Committee and that they were in full support of this agenda item.

M/S/C Councilmembers Jackson and Schmid to authorize the Finance Director to make a budget adjustment totaling \$207,411.00 as outlined above.

AYES: Councilmembers: Jackson, Parker, Patel and Schmid

NOES: None

ABSENT OR NOT VOTING: Councilmember Jones (absent-excused)

6. PUBLIC WORKS MODIFICATIONS NEAR THE COUNTY COURT HOUSE ADMINISTRATION COMPLEX

Bruce Henz, Public Works Director, provided an informational update on a request from the County of Tehama for enhancement of no-parking restrictions.

City staff has been contacted by the County's Administrative Staff with a request to enhance the no-parking restrictions in the areas adjacent to the crosswalks traversing Oak Street at the Jefferson Street intersection (please refer to the first attached exhibit). Essentially, the posting of no-parking restrictions (signing and painted curbs) on either side of the crosswalks would provide greatly improved sight clearances and improved pedestrian safety at these cross walk locations.

Additionally, City and County staff are exploring the practical opportunities for providing off street designated handicap parking within lawn areas on the east side of the historic Courthouse. (Please refer to the second of the attached exhibits.)

This would help provide additional handicap parking spaces within the downtown area business district.

A funding source has not yet been identified for this additional handicap parking. Additionally, if initially supported, any proposal would need to be reviewed by both County and City Planning agencies prior to finalization.

STAFF ITEMS:

None

COMMITTEE REPORTS/COUNCIL COMMENTS:

Reports by City Council members on the activities of their assigned agencies and/or committees.

Local Agency Formation Commission (LAFCO) - *did not meet due to lack of agenda items.*

3 Core - *no meeting*

Tehama County Transportation Commission - *no meeting*

Downtown Red Bluff Business Association - *meeting January 20th*

Community Action Agency - *meeting January 21st*

Tehama Economic Development Corporation - *no meeting*

Executive Committee - Tehama County Solid Waste Management Agency - *no meeting*

Tehama County Solid Waste Management Agency (JPA II) - *no meeting*

Chamber of Commerce - *meeting January 26th*

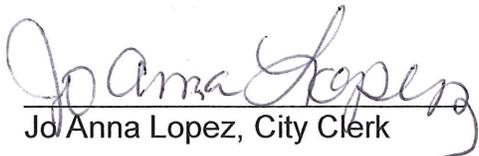
ADJOURNMENT:

There being no further business Mayor Parker adjourned the meeting at 8:30 p.m. until the meeting of February 2, 2016.



Clay Parker, Mayor

ATTEST:



Jo Anna Lopez, City Clerk