



CITY OF RED BLUFF

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RED BLUFF CITY COUNCIL REGULAR MINUTES

Date of Meeting: Tuesday, October 17, 2017

Time of Meeting: 6:15 p.m. Closed Session
7:00 p.m. Regular Meeting

Place of Meeting: Council Chambers, City Hall
555 Washington Street
Red Bluff, CA 96080

Councilmembers Present: Gary Jones, Mayor
Daniele Eyestone, Mayor Pro Tem
Clay Parker
Amanda Jenkins
Rob Schmid

Councilmembers Absent: None

Staff Present: Rick Crabtree, City Manager / Attorney
Anita Rice, Deputy City Clerk
Robin Kampmann, Public Works Director
Ray Barber, Fire Chief
Donna Gordy, Treasurer

CLOSED SESSION:

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; Bill May Labor Negotiator; 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. Employee Organization: Red Bluff Police Officers' Association.

Conference with Legal Counsel:

Anticipated litigation (one case) (Government Code § 54956.9 (d) (2))

Mayor Jones reported that during the Closed Executive Session, City Council provided direction to staff.

PLEDGE OF ALLEGIANCE:

Mayor Gary Jones led the Pledge of Allegiance and the assembly joined in.

CITIZEN'S COMMENT:

Pastor Scott Camp provided prayer for the community and the City.

Kenn Reiders offered the last tickets to the Sunrise Rotary Soup and Salad benefit on October 28.

PROCLAMATIONS:

1. Western Fiddle Week

Tex Ash and the Loosely Strung Group provided music in honor of Western Fiddle Week and Mayor Gary Jones read the proclamation.

2. Red Ribbon Week

Ulanda Hinkston read the proclamation and distributed Tehama County drug free magnets and red ribbons to the Council.

3. Lights On-SERRF

Erin Luevano informed the Council of the "Ignite Education by Leaving the Lights On" SERRF program and Mayor Gary Jones read the proclamation.

CONSENT CALENDAR:

Councilmember Schmid requested that item number two be pulled for questions.

M/S Mayor Pro Tem Jackson and Councilmember Jenkins to approve items one, three, four and five of the consent agenda.

AYES: Councilmembers Jones, Parker, Eyestone, Jenkins and Schmid

NOES: None

ABSENT OF NOT VOTING: None

1. **Approval of September 19, 2017 Minutes**

Recommendation:

Staff Recommends that City Council approve the minutes as written.

5-0-0

2. September 2017 Open Market Purchases and Contract Awards

Recommendation:

Staff recommends that City Council accepts the open market purchases, contract awards and purchases of \$1,000.00 or more. 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 and contract awards made for the preceding month.

Councilmember Schmid requested and received clarification about the Beverage Container Program.

Councilmember Schmid requested and received clarification about the Boat Launch Project purchases; where is the City at on this project.

Robin Kampmann, Public Works Director, informed the Council that the 100% plans are almost complete and are at 95% now and that permitting is taking longer than expected.

Councilmember Schmid expressed concern about the amount of money spent on contracted positions in Public Works and Community Development.

Councilmember Schmid inquired about the Street Line Laser Pump; the City recently purchased this equipment, parts are failing?

Ms. Kampmann explained the pump is an additional part that enables the thermo plastic machine to apply templates. The cost of the thermo plastic machine was under budget; the pump is an additional part to enhance the performance of the machine, not a failed part.

M/S Councilmembers Schmid and Eyestone to approve item number two of the consent agenda.

AYES: Councilmembers Jones, Parker, Eyestone, Jenkins and Schmid

NOES: None

ABSENT OR NOT VOTING: None

3. September 2017 Warrant List

Recommendation:

Staff recommends that City Council approve check warrant number 87945 through 88165.

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

5-0-0

4. **Treasurer's Report-Second Month-August FY 2017/2018**

Recommendation:

Staff recommends that City Council accepts the Treasurer's Report for the second month of Fiscal Year 2017/2018.

5-0-0

5. **Expiration of Commission Terms**

Recommendation:

Staff recommends that City Council direct the Deputy City Clerk to solicit applications for the various City Committees and Commissions.

5-0-0

CURRENT BUSINESS:

1. **Madison Street Vacation**

Richard Crabtree, City Manager / Attorney reviewed the staff report and recommended that City Council consider the letter request from the County regarding the vacation of Madison Street and give direction to staff regarding a response to the County's correspondence.

Background

After the County presented its Offer to Purchase in September of 2016, the County first requested that the City not take any action for several months. The City commissioned its own appraisal of the subject property and in February of 2017, the City Council authorized staff to begin negotiations with the County regarding a potential sale of Madison Street. The City Council directed staff to pursue a purchase agreement consistent with all of the following terms:

- Selling price of \$305,000.00 for the Madison Street segment (full fair market value as determined by an independent appraisal).
- County must reroute Madison to a location near the existing RxR tracks.
- Re-route "will be accomplished early on during the project so the re-route opens to traffic before or simultaneously with the closure of the existing Madison Street segment."

- Tehama County to “pay all costs” associated with rerouting Madison and transfer of the properties, etc.
- County “will at its expense design and install appropriate signage” informing drivers of the street status during and after construction
- Any sale is “contingent on final approval by the City Council of a formal agreement between the parties consistent with the terms expressed above.”

On June 2, 2017, Mr. Goodwin and Mr. Curtis responded that they had “been authorized by the Tehama County Board of Supervisors to accept the City of Red Bluff’s counter offer, as set forth in Mr. Habib’s letter of February 16, 2017, for the sale by the City to the County, of a portion of Madison Street, in Red Bluff, to facilitate that [sic] expansion of the Tehama County Jail.” The County’s letter also notes that “The County understands that a mutually acceptable sale and purchase agreement is to be worked out between the parties.”

Since June 2017, the City and County have been working on a Purchase Agreement that County and City staff could each recommend to their respective elected officials. Despite substantial efforts on both sides, a jointly prepared purchase agreement has not yet been finalized. The County has proposed changes to the draft agreement which are inconsistent with the terms of the City’s February 2017 offer which was previously “accepted” by the County. This has slowed the process.

Timing of Madison Street Vacation

Since February of 2017, the City has consistently maintained its oft stated position that an approved Purchase Agreement must be in place **before** the City acts to vacate the subject portion of Madison Street. This was reflected in the City’s February 2017 offer (described above) and also appears in Section 4 of the draft Purchase Agreement: “City is to undertake appropriate proceedings in order to vacate the portion of Madison Street described herein . . . as the Property to be acquired by the County **promptly following the execution of this Agreement.**”

As noted above, the County is now insisting that sequence of events be reversed and that the City proceed with vacation of Madison Street before (and in the absence of) a signed Purchase Agreement.

Vacating Madison Street requires the City Council to make certain findings, supported by evidence in the record before the City, that Madison Street “is unnecessary for present or prospective public use.” (S&H Code § 8324(b)) If a binding Purchase Agreement were in place, the City Council could rely on the County’s commitment to reroute Madison in support of a finding that the subject segment of Madison is no longer necessary for public use. In the absence of a signed Purchase Agreement, it is more difficult to make this finding.

There are other legal issues related to vacating Madison Street absent a purchase agreement. Normally if a City vacates a street, the vacated street then automatically reverts to the adjoining property owners, half to each side, split down the middle of the former street. In this case, the vacated street property could automatically revert to the County as the owner of the property to the east and west of the subject street segment.

Thus, in the absence of a Purchase Agreement to the contrary, the County could claim ownership of the street without compensation to the City and without an enforceable agreement to re-route Madison Street.

In its October 3, 2017 letter to the City, the Board states that "the County has **committed** to constructing a realignment of Madison Street that will route the street behind the former library building and along the east side of the existing RxR tracks where it will connect with Oak Street." A letter from the County is not a legally enforceable commitment. A signed Purchase Agreement, on the other hand, is legally enforceable.

Accordingly, staff recommends that the City Council decline the County's request to "initiate vacation proceedings" in the absence of an approved Purchase Agreement.

Mr. Crabtree explained that the City has consistently taken the position that the Madison street vacation follows a formal purchase agreement. He pointed out an error in the first paragraph of the drafted letter; it should read "street vacation" and not eminent domain.

Mayor Pro Tem Eyestone stated the street vacation should follow the rerouting of traffic as well.

Councilmember Schmid stated that the City's position was explained well in the staff report.

Councilmember Parker requested that Mayor Jones read the letter to the assembly.

Bill Goodwin, Chief Administrator of Tehama County, read a statement to clarify the County's position on the Madison Street project and the expectations of moving forward.

Mayor Jones inquired if 40' is proposed for the reroute of Madison and does that provide for two lanes and two sidewalks.

Mr. Goodwin stated there would be two 14' wide traffic lanes with a sidewalk up against the jail but no parking. The side adjacent of the railroad tracks would provide a 4' parkway but the final design is not complete.

Mayor Jones inquired if 14' is enough for emergency vehicles to make their turns.

Ray Barber, Fire Chief, stated that when he saw the initial drawings there were concerns about going into the opposing lane with the ladder truck.

Mr. Goodwin stated the street is not as busy like Pine and Main Streets are.

Mayor Pro Tem Eyestone disagreed stating that when she drove the street after work recently, there were several cars using the street.

Chief Barber stated the Fire Dept uses the street at least three or four times a day.

Mayor Jones expressed concern of emergency vehicles not having suitable access when the railroad tracks are closed during the times the train passes through the City.

Mr. Goodwin stated the radiuses at Oak, Pine, and Madison Streets could be arranged to accommodate emergency vehicles.

Mayor Pro Tem Eyestone stated the City is losing a lot; there are other options that should be considered before vacating another street.

Councilmember Jenkins inquired if funding the expansion of the jail is contingent upon keeping the jail at the current location.

Mr. Goodwin confirmed that the same kitchen and laundry must be utilized to remain eligible for the grant money. The goal of the project is 64 beds and enhanced services to the inmates who will be in jail for longer periods.

Councilmember Parker suggested that all of the parties involved should meet, discuss the project in person, and make a timely decision.

Mr. Goodwin agreed that a meeting would be beneficial to set a goal to finalize the agreement by November 7 with a resolution of intent the same day as the agreement.

Tod Dolling, local businessman, stated he was against the project. He asked about Pine Street from Madison to the tracks because it is private property and the County doesn't have right of way.

Mr. Goodwin stated there would be a 40' easement on the west side and a 40' on the north side to stay within County property.

Councilmember Schmid expressed concern over a prison complex in downtown Red Bluff.

Kathy Nelson spoke in opposition to the project.

Councilmember Parker defined the difference between a jail and a prison.

Mayor Jones adjourned this matter to closed session (later adjourned at 8:48 p.m.)

2. Dispatch Contract with CAL FIRE

Fire Chief Barber reviewed the staff report and recommended that the City Council adopt Resolution No. 12-2017 authorizing City Manager Richard Crabtree to renew and sign the contract with CAL FIRE for the City of Red Bluff fire and emergency medical dispatch services for the period July 1, 2017 to June 30, 2018.

M/S Councilmembers Parker and Jenkins to approve the 2017-2018 CAL FIRE contract.

AYES: Jones, Parker, Eyestone, Jenkins and Schmid

NOES: None

ABSENT OR NOT VOTING: None

3. Request for Proposals-City Hall Complex Roof

Robin Kampmann, Public Works Director, reviewed the staff report and recommended that City Council authorize City Staff to advertise for proposals for the City Hall Roof Restoration Project. The proposed Project consists of restoring the existing 19,423+/- square foot roof of the City Hall complex, including the police station and fire station roofs.

Ms. Kampmann reported that staff has made several repairs to the City Hall Complex roof and has determined that the roof is beyond its life. Once the evaporated coolers are installed on the Fire Department roof, she would like to use the same restorative foam procedure that was successfully used at the airport.

Councilmember Schmid asked what the life expectancy of the Bio Guard Acrylic Coating roof is.

Ms. Kampmann responded that the roof would have a 10-year warranty.

Councilmember Schmid asked what staff will do in ten years when it starts leaking.

Ms. Kampmann responded that staff would make repairs and restore it as the product can be applied on top of itself.

Councilmember Schmid expressed concern about the old galvanized flashing.

Ms. Kampmann stated she could advertise an additive bid item for the flashing to find out what the cost would be and give the option to replace the flashing.

Councilmember Schmid asked if there is anything in the contract for discovered damage.

Ms. Kampmann stated they will not be removing material but if there are areas that are damaged staff will be notified; there is no way to know if there is damage until the project begins.

M/S Councilmembers Jenkins and Parker to approve staff to advertise for proposals for the City Hall Roof Restoration Project.

AYES: Jones, Parker, Eyestone, Jenkins and Schmid.

NOES: None

ABSENT OR NOT VOTING: None

4. Fire Department Evaporative Cooler Award

Robin Kampmann, Public Works Director, reviewed the staff report and recommended that the City Council authorize the award of the construction contract to **Air-O Service**, in the amount of **\$16,795.00**, for the Fire Department Evaporative Cooler Project.

Ms. Kampmann stated that staff received one bid from Air-O Service; the multiple companies that expressed interest prior to the actual bid, did not submit bids for the job. It is doubtful that bids would be received if the project is advertised again.

M/S Councilmembers Parker and Eyestone to award the Evaporative Cooler Project to Air-O Service in the amount of \$16,795.00.

AYES: Jones, Parker, Eyestone, Jenkins and Schmid

NOES: None

ABSENT OR NOT VOTING: None

STAFF ITEMS:

Updates and reports from City Staff.

Chief Barber reported that last Sunday, the OES was sent out on a task force. They started at the Cherokee Fire, then the Mendocino Lake Fire and today they went to Santa Rosa.

Division Chief Shobash has a strike team in Santa Cruz. They started at the Cherokee Fire then to the Honey Fire and onto the Mendocino Lake Fire. The strike team worked for almost 70-hours without any sleep; they are representing the City well.

Ms. Kampmann reported that street sweeping started today, and leaf collection begins November 13 to December 22, 2017. The final startup operations have begun with the Dog Island restrooms and it will be open to the public soon.

Councilmember Jenkins reported Raley's had a man hiding in the back of the store on the catwalk; she thanked the police department for apprehending the man and keeping everyone in the store safe.

COMMITTEE REPORTS/COUNCIL COMMENTS:

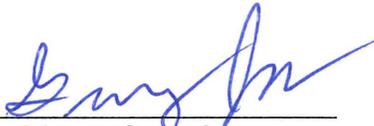
Reports by City Council Members on the activities of their assigned agencies and/or committees:

- **Local Agency Formation Commission (LAFCO):** Councilmember Parker reported that there was a meeting on October 11 and it was decided that hiring an independent executive officer instead of using Tehama County's Planning Director was overruled; Tehama County Planning Director will continue to be the executive officer for LAFCO. Approval was given to the planning director to sign off on letters meaning the previously submitted Lakeside and Sherman Street Project letters are now official.
- **Tehama County Transportation Commission:** Councilmember Schmid reported that there was no meeting.

- **Downtown Red Bluff Business Association:** Mayor Pro Tem Eyestone reported that the next meeting is on October 18, 2017.
- **Community Action Agency:** Mayor Jones reported that there is a meeting on October 19 at the Board of Supervisors at 3:00 p.m.
- **Executive Committee - Tehama County Solid Waste Management Agency:** Councilmember Schmid reported that there is no meeting.
- **Tehama County Solid Waste Management Agency (JPA II):** Councilmember Schmid reported that there is no meeting.
- **Chamber of Commerce:** Mayor Jones reported that the meeting is usually the last Tuesday of the month but this month it lands on Halloween so he wasn't sure if there would be a meeting.
- **Ground Water Commission:** Councilmember Parker reported the commission meets October 25 to finish up the \$1.5 million dollar grant which will be submitted November 2, 2017.

ADJOURNMENT:

Mayor Gary Jones continued the meeting to closed session at 8:25 p.m. later to be adjourned at 8:48 p.m.



Mayor Gary Jones

ATTEST:



Deputy City Clerk, Anita Rice