

**RED BLUFF
CITY COUNCIL
REGULAR COUNCIL MEETING**

Date of Meeting: Tuesday April 21, 2009
Time of Meeting: 7 p.m. April 21, 2009 Regular Meeting
Place of Meeting: Council Chambers, City Hall
555 Washington Street
Red Bluff, CA

Councilmember's Present: Wayne Brown, Mayor
Forrest Flynn
James Byrne
Bob Carrel

Councilmember Absent: Jeff Moyer (absent-excused)

Staff Present: Martin Nichols, City Manager
Richard Crabtree, City Attorney

Finance Director Margaret Van Warmerdam,
Jo Anna Lopez, City Clerk
Scott Capilla, Police Chief
Scot Timboe, Planning Director
Mark Barthel, Public Works

Director Mike Bachmeyer, Fire Chief
Tessa Pritchard, Human

Resources Director Debbie Carlisi, Parks and

Recreation Director J.D. Ellison, Building/Official

Director Donna Gordy, City Treasurer

Mayor Brown called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

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

CITIZEN'S COMMENTS

Pat Massey Johnson, concerned citizen, expressed her concerns the level of water we have in the Lake Red Bluff, the Chamber and Tehama EDC. She would like the City Council to do something about it.

Donald Bird, concerned citizen, expressed his concerns about District Attorney Greg Cohen and stated that he feels threatened by him. Mr. Bird presented a letter to the Council (Letter in the file).

PROCLAMATIONS

RELAY FOR LIFE

Councilmember Flynn read and presented the proclamation to Jackie Douglas and Richard Scheuler.

TEHAMA COUNTY PEACE OFFICERS' MEMORIAL

Mayor Brown read and presented the proclamation to Kurt Lampe.

Mr. Lampe asked everyone to attend the memorial on May 6, 2009 at the Bethel Church on Luther Road.

CONSENT CALENDAR:

M/S/C Councilmembers Flynn and Carrel to approve Consent Calendar.

AYES: Councilmembers Flynn, Carrel, Byrne and Brown

NOES: NONE

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

1. APPROVAL OF MINUTES

MARCH 17. 2009

4/0/1 Approved

2. REPORT REGARDING CONTRACT AWARDS – MARCH 2009

Recommendation: That the City Council ratifies the Contract Awards for March 2009.

4/0/1 Approved

3. TREASURER'S REPORT

Recommendation: That the City Council accept the report for the eight month of Fiscal Year 2008.

4/0/1 Approved

4 .REQUEST FOR PROPOSA; - PROFESSIONAL SERVICES FOR TRANSIENT OCCUPANCY TAX AUDIT SERVICES

Recommendation: That the City Council approve the Request for

Proposal (RFP) Professional
Services for Transient
Occupancy Tax Audit Services.

4/0/1 Approved

5 REQUEST FOR PROPOSAL – CDBG AND HOME HOUSING – RELATED PROGRAMS AND PROJECT SERVICES

Recommendation: That the City Council
approve the Request for
Proposal (RFP) – CDBG and
HOME Housing Related
Programs and Project Services.

4/0/1 Approved

CURRENT BUSINESS

- 1. COUNCILMEMBER BYRNE REQUEST FOR
CLARIFICATION ON CITY MANAGER'S
PERFORMANCE EVALUATION
PROCEDURES**

Mayor Brown read the following statement from Councilmember Moyer:

First off please accept and extend my apologies for not attending Council tonight. I would like to address Councilman's Byrne's Brown Act issue.

After our closed session addressing City Managers contract I was under the impression that the issues we were going to address to him were not going to be given to him ahead of time.

I later learned that a majority of the City Council commented to the City Attorney that they wished to provide the issues list to the City Manager in advance, and that the Mayor asked the City Attorney to do so.

I cannot attest to the fact if this was a Brown Act violation or not, that is best left for our City Attorney to address and who's decision I trust . I can state that while I did not agree to the questions being released ahead of time I will stand by the Councils majority decision and

move forward along with my fellow Council members.

Respectfully
Jeffery Moyer

Richard Crabtree, City Attorney, reported that on March 10, 2009 other Councilmembers felt it would be best to give the list to the City Manager so he would be prepared to discuss with Council but no vote was taken.

On March 11th, 2009 Mr. Crabtree circulated to the City Council a draft or list and questions or issues for the City Manager.

On March 12, 2009 Mayor Brown requested that the City Attorney provide the City Manager with a copy a list of issues.

On March 13, 2009 the City Attorney did give the City Manager a copy.

Mr. Crabtree stated that out of an abundance of caution, he would recommend that the City Council take action to ratify and approve the Mayor's request to the City Attorney that the

issue list be provided to the City Manager in advance of the subsequent Council meeting where it was to be discussed.

M/S/C Councilmembers Flynn and Carrel to approve the City Attorneys recommendation.

Councilmember Byrne stated just for the record that he didn't think this was right.

AYES: Councilmembers: Flynn, Carrel and Brown

NOES: Councilmember: Byrne

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

2. BUDGET UPDATE

Martin Nichols, City Manager, reviewed the staff report and gave staff's recommendation that the City Council provides direction to staff on additional budget actions that may be necessary.

Councilmember Flynn thanked all the City Employees for working together so hard on the

City's Budget and the concessions made by these groups.

3. PUBLIC HEARING FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE (JAG) FY2009

Scott Capilla, Police Chief, reviewed the staff report and gave staff's recommendation that the City Council conduct a Public Hearing and consider any public comments received.

Mayor Brown opened the Public Hearing at 7:26 p.m. and hearing no comments closed the Public Hearing.

Mayor Brown inquired what this money would be used for.

Chief Capilla reported that it would be used for vehicles since the department didn't have any included in this years budget.

No other action needed at this time.

**4. PUBLIC HEARING TO CONSIDER
ORDINANCE NO. 998; AN ORDINANCE
REVISING CHAPTER 23 SECTION 23.A.6 (A)
OF THE CITY CODE ALLOWING THE CITY OF
RED BLUFF TO REMOVE TREE (S) WITHIN
THE CITY OF RED BLUFF RIGHT-OF-WAY BY
POSTING A 10 DAY TREE REMOVAL NOTICE
ON EACH TREE TO BE REMOVED WITH CITY
CONTACT INFORMATION AND APPEAL
INFORMATION**

Mark Barthel, Public Works Director, reviewed the staff report and gave the staff's recommendation that the City Council:

1. Conduct the Public Hearing and consider all public testimony and other information submitted relating To Ordinance No. 998;
2. Find that Ordinance No. 998 is exempt from CEQA pursuant to Section 15061.b.3 of the CEQA Guidelines, adoption and implementation will not have the potential to cause a significant Environmental effect.
3. Waive the first reading and introduce Ordinance No. 998; An Ordinance revising Chapter 23

Section 23A.6 (A) of the City Code allowing the City of Red Bluff to remove tree(s) within the City of Red Bluff right-of-way by posting a 10 day Tree Removal Notice on each tree to be removed with City Contact information and appeal information.

Mayor Brown opened the Public Hearing at 7:30 p.m.

Fred Richelieu, concerned citizen, stated that he had a list of concerns he read to Council (a copy of list is available in file).

Mayor Brown closed the Public Hearing at 7:38 p.m.

Mark Barthel, Public Works Director, stated that staff is only cutting down trees that are diseased or a danger to the public, such as sidewalks being raised by their roots causing people to trip and fall. Placing an ad in the newspaper will cost approximately \$100.00, so staff will put a notice on the tree that is to be cut down.

Council asked if there was a process if some people don't like the decision of cutting down a tree.

Mr. Barthel stated that the person could appeal it to the Planning Commission and if they don't like that decision they have the right to appeal to City Council.

Council requested clarification on how you know that the notice will stay up on the tree the whole 10 days.

Mr. Barthel stated the arborist could go by the tree on his rounds everyday to make sure the sign is still on the tree, but that this is time consuming.

Council requested clarification on how many trees have been cut down.

Mr. Barthel stated just 2, the one in Forward Park and the tree at the Court House.

Kathy Bonner, concerned citizen, inquired on having a Tree Committee made up of people knowledgeable of trees.

Richard Crabtree stated that staff could add an emergency provision to subsection 1 (B) "the above notice requirements will not apply if the Public Works Director determines that the subject tree is an immediate threat to Public Safety".

M/S/C Councilmembers: Flynn and Carrel to approve staff's recommendation with changes noted by the City Attorney and bring back to the next meeting.

AYES: Councilmembers, Flynn, Carrel, Byrne and Brown

NOES: NONE

ABSENT OR NOT VOTING FOR: Councilmember Moyer (absent-excused)

**5. FAA/STATE DIVISION OF AERONAUTICS
GRANT APPLICATIONS-RED BLUFF
MUNICIPAL AIRPORT – AIRPORT LAYOUR
PLAN (ALP) UPDATE-RESOLUTION NO. 5-2009**

Mark Barthel Public Works Director, reviewed the staff report and gave staff's recommendation that the City Council authorize the Public Works Director/Airport Manager to prepare and submit a grant application for the ALP update to the FAA and

Division of Aeronautics (Cal Trans) and adopt Resolution No. 5-2009.

Councilmembers requested clarification that the \$4,145 was our share of cost and what fund would this come from.

Mr. Barthel, stated that this was a multiple step process and that those steps were:

1. Apply for the FFA Planning Grant, (150,000)
2. If approved let the DOA know that the FFA grant was awarded
3. Apply for the DOA grant (3,750.)
4. If that grant is awarded then the City's portion would be the (\$4,145.)
5. If the DOA grant comes back LOF then the City's portion would be (7,895.), although the City has never been turned down by the DOA
6. The City's share of cost would come from Impact Fee's (Fund 57-55) which if awarded will come back to Council for approval.

AYES: Councilmembers Flynn, Carrel, Byrne and Brown

NOES: NONE

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

6. REQUEST FOR PROPOSSALS/QUALIFICATIONS (FP/Q) FOR WASTE WATER TREATMENT PLANT (WWTP) CONTRACT OPERATION AND MAINTENANCE

Mark Barthel, Public Works Director, reviewed the staff report and gave staff's recommendation that the City Council authorize staff to advertise for RFP/Q for WWTP Contract Operation and Maintenance.

Councilmember Flynn questioned if the cost would be more or less?

Mr. Barthel stated that there was a great potential for savings as we may find people who meet our cost right now or less.

Councilmembers questioned who is running the plant now and what will happen to the people who are currently working there.

Mr. Barthel stated that Jerry Stephens was the interim supervisor, as he has a Grade 3 and has been at the plant for over 20 years. As to what would happen to the employees currently working there, that would be best answered by the Human Resources Director Tessa Pritchard.

Tessa Pritchard, Human Resources Director, stated that it wouldn't be known until we got more into this.

M/S/C Councilmembers Carrel and Flynn to authorize staff to advertise for RFP/Q for WWTP Contract Operation and Maintenance.

AYES: Councilmembers: Carrel, Flynn, Byrne and Brown

NOES: NONE

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

7. SELECTION OF WEED ABATEMENT CONTRACTOR ON-CALL LIST

Michael Bachmeyer, Fire Chief, reviewed the staff report and gave staff's recommendation that the City Council approve the two vendors as an On-Call

Weed Abatement Contractor list for the period of June 1, 2009 to June 30, 2010 for the Fire Department per the City's Procurement Policy.

M/S/C Councilmembers Flynn and Carrel to approve the two vendors as an On-Call Weed Abatement Contractor list for the period of June 1, 2009 to June 30, 2010 for the Fire Department per the City's Procurement Policy.

AYES: Councilmembers: Flynn, Carrel, Byrne and Brown

NOES: NONE

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

**G. STAFF ITEMS/REPORTS/COMMITTEE
REPORTS/COUNCIL COMMENTS/
STAFF UPDATES OF COMING EVENTS:**

Councilmember Carrel reported that he did enjoy his time with all the Department Heads and that he had done a ride-a-long with the Police. He urged all Councilmembers to do the same as it is very interesting.

Mayor Brown stated that he had sat in Dispatch on Thursday and was amazed at how the Dispatchers could be doing 3 or 4 things at the same time and get all of it right.

Mayor Brown also thanked Red Bluff Yamaha for supplying the 4 wheelers that the Councilmembers used in the Round-Up Parade on April 18th.

F. ADJOURNMENT:

There being no further business Mayor Brown adjourned to meeting at 8:38 p.m. until the meeting of May 5, 2009 at 7:00 p.m.

s/Wayne Brown, Mayor

ATTEST:

s/Jo Anna Lopez, City Clerk

