

CITY COUNCIL

A G E N D A

Date of Meeting: Tuesday, November 3, 2009
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

The City of Red Bluff welcomes you to their meetings, which are regularly scheduled for the first and third Tuesdays of each month. Your participation and interest are encouraged and appreciated. Meeting notices are available in appropriate alternative formats, upon request of a person with a disability. If accommodations are needed for individuals with disabilities, please contact the Deputy City Clerk's office prior to the day of the meeting.

"This institution is an equal opportunity provider"

The Agenda is divided into two sections:

CONSENT AGENDA: These items include routine financial and administrative actions and are usually approved by a single majority vote. Any City Councilmember, staff member or interested person may request that an item be removed from the Consent Agenda and those items are usually considered following approval of the remaining Consent Agenda.

REGULAR AGENDA: These items include significant financial and administrative actions of special interest that are usually approved individually by a majority vote. The Regular Agenda also includes noticed hearings and public hearings. The times on the agenda are approximate.

The deadline for items to be placed on the City's agenda is 5:00 p.m. on the preceding Tuesday, unless a holiday intervenes. Items not listed on the Agenda can only be considered by the City Council if they qualify under Government Code Section 54954.2(b) (typically this applies to items meeting the criteria as an off agenda emergency).

A. 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 Martin Nichols, City Manager, and Tessa Pritchard, Human Resources Director, regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits with the Fire Unit Employees.**

- 2. PENDING LITIGATION**
 - a. PENDING LITIGATION: CASE NO. 58342 Citizens for a Healthy Community v. City of Red Bluff – Wal-Mart**
 - b. PENDING LITIGATION: CASE NO. 61476 Red Bluff Citizens for Sensible Planning v. City of Red Bluff- Wal-Mart**

B. PLEDGE OF ALLEGIANCE:

C. CITIZEN'S COMMENT:

This time is set-aside for citizens to address the City Council on any item of interest to the public that is within the subject matter jurisdiction of the City Council. For items that are on the agenda, public comment will be heard when the item is discussed. If your comments concern an item that is noted as a public hearing, please address the City Council after the public hearing is opened for public testimony. The Mayor reserves the right to limit each speaker to three (3) minutes. Please understand that by law, the City Council cannot make decisions on matters not on the agenda and matters of concern will be referred to the City Manager's Office.

D. CONSENT CALENDAR:

1. APPROVAL OF MINUTES

October 20, 2009

2. STREET CLOSURE; CHRISTMAS PARADE; RESOLUTION NO. 42-2009

Recommendation:

That the City Council adopt Resolution No. 42-2009 providing for the street closures from the 300 through 600 Blocks of Walnut Street, the 600 through 700 blocks of Main Street, and the 300 through the 600 blocks of Oak Street for the annual "Christmas Parade" and the 300 block of Pine Street (between Main and Washington Streets) for related Parade and Christmas activities.

**3. REPORT REGARDING CONTRACT AWARDS
– JULY TO SEPTEMBER 2009**

Recommendation:

That the City Council receives the Contract Awards for July through September 2009.

4. TREASURER’S REPORT

Recommendation:

That the City Council accepts the report for the tenth month of Fiscal Year 2008.

5. TREASURER’S REPORT

Recommendation:

That the City Council accepts the report for the eleventh month of Fiscal Year 2008.

END OF CONSENT CALENDAR

E. CURRENT BUSINESS:

1. 2010 OPEN RIVERS INITIATIVE

Recommendation:

That the City Council authorize the City Manager to sign an application for the National Oceanic and Atmospheric Administration (NOAA) 2010 Open Rivers Initiative funding for up to \$750,000.

2. PROPOSED LETTER TO THE CHAMBER OF COMMERCE

Recommendation:

That the City Council consider the recommendation from Councilmember Flynn to send a letter to the Chamber of Commerce regarding Chamber services and funding.

**3. PUBLIC HEARING TO CONSIDER
ORDINANCES RELATED TO MEDICAL
MARIJUANA**

- A) ORDINANCE NO. 1000; REZONE NO. 213;
AMENDING SECTION 25.213 OF THE RED
BLUFF CITY CODE PROHIBITING USES –
PROHIBITING MEDICAL MARIJUANA
DISPENSARIES, COLLECTIVES,
COOPERATIVE AND THE CULTIVATION
OF MARIJUANA IN ANY ZONING DISTRICT
ALONG WITH AMENDING RED BLUFF CITY
CODE SECTION 25.239 DEFINITIONS BY
ADDING A DEFINITION FOR MEDICAL
MARIJUANA DISPENSARIES,
COLLECTIVES, COOPERATIVE AND THE
CULTIVATION OF MARIJUANA**

Recommendation: That the City Council:

1. Conduct the public hearing and consider all public testimony and other information submitted relating to Ordinance No. 1000; Rezone No. 213.

2. Find that Ordinance No. 1000; Rezone No. 213 is exempt from CEQA pursuant to Section 15061 (b) (3) of the CEQA Guidelines.
3. Waive the First Reading and Introduce Ordinance No. 1000; Rezone No. 213, amending Section 25.213 of the Red Bluff City Code Prohibiting Uses by adding Medical Marijuana Dispensaries, Collectives, Cooperatives and the Cultivation of Marijuana in any Zoning District along with Amending Red Bluff City Code Section 25.239 Definition by adding a Definitions for Medical Marijuana Dispensaries, Collectives, Cooperatives and the Cultivation of Marijuana.

B. ADOPTION OF AN URGENCY ORDINANCE PROHIBITING MEDICAL MARIJUANA DISPENSARIES, COLLECTIVES AND COOPERATIVES AS A PERMITTED USE WITHIN THE CITY OF RED BLUFF.

Recommendation:

That the City Council receive the report of the City Attorney and consider the adoption of the urgency ordinance.

4. AIRPORT FUEL TANK FLOATING SUCTION ASSEMBLY – BID AWARD – SUPPLEMENTAL BUDGET APPROPRIATION

Recommendation: That the City Council:

1. Award the float suction assembly replacement project to R.S.S.E. (Redding) in the amount of \$10,710.00.
2. Authorize a contingency fund in the amount of \$1,000 for any unanticipated project costs, and
3. Authorize a supplemental budget appropriation in the amount of \$11,710.00 to Fund 55-55-280.

5. ALCOHOL BEVERAGE LICENSE; PERSON TO PERSON TRANSFER; TYPE 48 (ON-SALE GENERAL FOR PUBLIC PREMISES); TAVERN; 610 WASHINGTON ST.; KELLY'S (NAME OF BUSINESS); KELLY ANN DENBERGER (FIRST OWNERS)

Recommendation: That the City Council:

1. Acknowledge the application for a Person-to-Person transfer of a Type 48 (On-Sale General for Public Premises) Alcoholic Beverage License for Kelly's Tavern located at 610 Washington Street.
2. Affirm the conclusion of the Planning Director and the Chief of Police that protesting the license is not necessary provided the applicant complies with the following condition(s):
 - a. The applicants (Kelly Ann Densberger; First Owners) shall complete a City of Red Bluff Planning Application and pay the \$200 processing fee for the City reviewing the proposed ABC License; Person to Person of a Type 48 (On-Sale General for Public Premises).

6. APPROVAL OF MINUTES

September 15, 2009

7. APPROVAL OF WARRANT LIST

Recommendation:

That the City Council approve Check Warrant No. 64307 through 64581 dated September 3, 2009 through September 24, 2009.

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

Reports by City Council Committee members on meetings held, City Council comments, staff updates of coming events and/or meetings.

G. ADJOURNMENT:

Next regular meeting of the City Council will be the Meeting of November 17, 2009, at the Red Bluff City Council Chambers.