

CITY COUNCIL

A G E N D A

Date of Meeting: Tuesday, November 17, 2009
Time of Meeting: 6:15 p.m. Closed Executive Session
7 p.m. Regular Meeting

PLEASE NOTE CHANGE IN MEETING LOCATION

Place of Meeting: Red Bluff Community/Senior
Center – Westside Room
1500 South Jackson 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.

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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).

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A. CLOSED EXECUTIVE SESSION:

- 1. CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION: Government Code
Section 54956.9**

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.

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D. CONSENT CALENDAR:

1. REPORT REGARDING CONTRACT AWARDS – OCTOBER 2009

Recommendation:

That the City Council receives the Contract Awards for October 2009.

2. MEMORANDUM OF UNDERSTANDING; NORTHERN CALIFORNIA COMPUTER CRIMES TASK FORCE

Recommendation:

That the City Council authorize the Chief of Police to sign the Memorandum of Understanding with the Northern California Computer Crimes task Force (NCCCTF).

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3. PROPOSED RESOLUTION NO. 43-2009; A RESOLUTION AUTHORIZING CITY STAFF TO MOVE FORWARD IN THE APPLICATION PROCESS TO OBTAIN FUNDS FROM THE CA ENERGY COMMISSION 1% LOAN PROGRAM

Recommendation:

That the City Council adopt Resolution No. 43-2009 authorizing City Staff to move forward with the application process for the CA Energy Commission (CEC) 1% loan program for a new heating, ventilation, air conditioning (HVAC) system for City Hall and authorizing the City Manager to sign all necessary documents.

4. PROPOSED RESOLUTION NO. 44-2009; A PROPOSED RESOLUTION TO AUTHORIZE CITY STAFF TO MOVE FORWARD IN THE APPLICATION PROCESS TO OBTAIN FUNDS FROM THE “ENERGY EFFICIENCY CONSERVATION BLOCK GRANT PROGRAM” (EECBG), “AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009”; A FEDERAL AND STATE GRANT

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Recommendation:

That the City Council adopt Resolution No. 44-2009 authorizing City Staff to move forward with the application process for the "EECBG" grant funds and authorizing the City Manager to sign all necessary grant documents.

5. TREASURER'S REPORT

Recommendation:

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

END OF CONSENT CALENDAR

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E. CURRENT BUSINESS:

- 1. PUBLIC HEARING TO CONSIDER;
PREZONE/REZONE NO. 215 (ORD. 1002) TO R-2
TWO-FAMILY RESIDENTIAL (CC RESOLUTION NO.
45-2009) FOR THE GREENVILLE RANCHERIA
ANNEXATION AT LAFCO (CC RESOLUTION NO.
41-2009); APN: 24-040-29; BAKER ROAD;
GREENVILLE RANCHERIA (APPLICANT)**

Recommendation: That the City Council:

1. Conduct the public hearing.
2. Consider all public testimony and other information submitted relating to Ordinance No. 1002; Rezone No. 215.
3. Adopt City Council Resolution No. 45-2009 (attachment B), waive the first reading and introduce Ordinance No. 1002 (Rez. No. 215) Prezone/Rezoning of the Zoning Map (REZ-215) with the findings contained in said resolution along with City Council Resolution No. 41-2009 accepting LAFCO as the conducting authority to approve the 3.93 acre Greenville Rancheria Annexation of said properties into the City Limits based on LAFCO adoption.

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2. PUBLIC HEARING; SECOND READING AND ADOPTION OF 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 waive the second reading and adopt 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 definitions for Medical Marijuana Dispensaries, Collectives, Cooperatives and the Cultivation of Marijuana.

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**3. PROFESSIONAL SERVICES CONTRACT
AMENDMENT IN RESPONSE TO COURT ORDER &
CASE NO. 58342 ALONG WITH OCTOBER 20, 2009
PETITION FOR WRIT OF MANDATE FOR THE
PREPARATION OF AN AMENDED/MODIFIED
SCOPE OF WORK WITH PACIFIC MUNICIPAL
CONSULTANTS TO PREPARE A TECHNICAL
ADDENDUM FOR THE WAL-MART SUPERCENTER
PROJECT; LUTHER ROAD/MILL STREET**

Recommendation:

That the City Council authorize the City of Red Bluff Planning Department to enter into an amended/modified scope of work with PMC for an amount up to \$8,764, in order for PMC to prepare a technical addendum for the Super Wal-Mart Project.

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4. ALCOHOL BEVERAGE LICENSE; NEW; TYPE 20 (OFF-SALE BEER AND WINE); 368 SO. MAIN ST.; LIQUOR AND MISCELLANEOUS TOBACCO PRODUCTS; MR. ROY PERRY (FIRST APPLICANT)

Recommendation: That the City Council:

1. Acknowledge the application for a New Type 20 License to authorize the sale of beer and wine for consumption on the premises for the proposed Friendly Mart at 368 So. Main Street.
2. Affirm the conclusion of the Planning Director and the Chief of Police that protesting the license and requesting conditions is not necessary, provided the business is operated as described in writing by the applicant.
3. Find that a “Public Convenience or Necessity” would be served by the issuance of these licenses and direct the Planning Director and the Chief of Police to submit a letter of “Public Convenience or Necessity” to ABC.

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5. ALCOHOL BEVERAGE LICENSE; PERSON TO PERSON TRANSFER; TYPE 48 (ON-SALE GENERAL FOR PUBLIC PREMISES); TAVERN; 343 WALNUT ST.; THE END UP (NAME OF BUSINESS); MRS. MISTI LEE MAYER (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 The End Up Tavern located at 343 Walnut St.
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 (Misti Lee Mayer; 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).

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6. ALCOHOL BEVERAGE LICENSE; NEW; TYPE 20 (OFF-SALE BEER AND WINE); 315 SO. JACKSON ST.; LIQUOR AND MISCELLANEOUS RETAIL ITEMS; CIRCLE K STORES INC. (FIRST APPLICANT)

Recommendation: That the City Council

1. Acknowledge the application for a New Type 20 License to authorize the sale of beer and wine for consumption on the premises for the proposed Circle K at 315 So. Jackson Street.
2. Affirm the conclusion of the Planning Director and the Chief of Police that in the past, as well as, the present calls for police service in the area of 315 So. Jackson St. continue, which may be compounded by the license request regardless of any conditions imposed.

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3. Find that a “Public Convenience or Necessity” would not be served by the issuance of these license and direct the Planning Director and the Chief of Police to submit a letter stating the concerns of the City to ABC along with the finding that Public Convenience or Necessity would not be served by the issuance of this type 20 license at 315 So. Jackson St.

7. POLICE DEPARTMENT QUARTERLY REPORT

Recommendation:

That the City Council accept the Police Department Quarterly Report.

8. APPROVAL OF WARRANT LIST

Recommendation:

That the City Council approve Check Warrant No. 64582 through 64904 dated October 1, 2009 through October 29, 2009.

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**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 December 1, 2009, at the Red Bluff City Council Chambers.

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