

**RED BLUFF  
CITY COUNCIL  
REGULAR ADJOURNED MEETING MINUTES**

DATE OF MEETING: JANUARY 16, 2007  
TIME OF MEETING: 7:00 P.M. Regular Meeting  
PLACE OF MEETING: RED BLUFF COUNCIL CHAMBERS, CITY HALL

Councilmembers Present: Wayne Brown, Mayor  
Forrest Flynn, Mayor Pro Tem  
Daniel Irving  
Jeffery Moyer  
James Byrne

Councilmembers Absent: None

Staff Present: Richard Crabtree, City Attorney  
Martin Nichols, City Manager  
Gerry Gray, Fire Chief  
Al Shamblin, Police Chief  
Margaret Van Warmerdam, Finance Director  
Mark Barthel, Public Works Director  
Scot Timboe, Planning Director  
Tessa Pritchard, Human Resources Director  
Donna Gordy, City Treasurer  
J.D. Ellison, Building Director/ official  
Jo Anna Lopez, City Clerk

Mayor Wayne Brown asked E.C. Ross to lead the pledge of allegiance and the assembly joined in.

Mayor Brown congratulated and welcomed Scot Timboe as the new City Planning Director.

Scot Timboe Thanked Mayor Brown and said he was glad to be there.

## **CITIZEN'S COMMENTS**

Dave Bayley last year asked for a business license for the large drop boxes (large dumpster) mostly used for construction. Mr. Bailey was turned down as GreenWaste has the contract. Mr. Bailey is not asking for a garbage license but for the large dumpster for construction license. Mr. Bailey is asking that the monopoly be stopped with just GreenWaste. This matter will come up before the Council in February.

## **CONSENT AGENDA**

Mayor Brown pulled item #1 on the consent agenda and Mayor Pro Tem Flynn pulled item #5 on the consent agenda for discussion.

M/S/C Irving, Moyer to approve the remainder of the Consent Agenda.

AYES: Councilmembers: Brown, Byrne, Flynn, Irving and Moyer

NOES: None

ABSENT OR NOT VOTING: None

## **AUTHORIZES THE CITY MANAGER TO SIGN LEASE(S) AT RED BLUFF MUNICIPAL AIRPORT**

Mayor Brown requested clarification on the number of vacancies there were and if the leases were long term.

Mark Barthel, Public Works Director, stated that there were three hangers with no vacancies at this time and that some are long term leases, but also some were month to month.

AYES: Councilmembers: Brown, Byrne, Flynn, Irving and Moyer

NOES: None

ABSENT OR NOT VOTING: None

**RESOLUTION NO. 3-2007, A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AIRPORT INDUSTRIAL PARK PROPERTY SALES.**

Recommendation: That the City Council adopt Resolution No. 3-2007 authorizing the City Manager and the City Clerk to execute Airport Park property sales documentation for the sale of 1.7 acres of property being a portion of Assessor's Parcel No. 031-220-17

***APPROVED 5-0-0***

**REPORT REGARDING CONTRACT AWARDS- DECEMBER 2006**

Recommendation: That the City Council accept the report.

***APPROVED 5-0-0***

**RECOGNITION OF THE RED BLUFF POLICE MID-MANAGERS ASSOCIATION AS FORMAL BARGAINING UNIT.**

Recommendation: none informational only

***APPROVED 5-0-0***

**LUTHER ROAD SUBDIVISION (A COUNTY SUBDIVISION) TRACT MAP 03-1004, ACCEPTANCE OF IMPROVEMENTS**

Mayor Pro Tem Flynn stated this is not in the City Limits at this time but it was being built to City specifications.

Mark Barthel stated the roadways were not to the City specifications, but the water, sewer, and the lift station are to city specifications.

Mayor Pro Tem Flynn requested clarification on whether the recommendation was accepting the roadways.

Mr. Barthel stated no, with the exception for the overlay that was done on Luther Road.

M/S/C: Flynn, Moyer, to accept the public water, sewer and street improvements (Luther Road Overlay) and start the one year guarantee period.

AYES: Councilmembers: Brown, Byrne, Flynn, Irving and Moyer  
NOES: None  
ABSENT OR NOT VOTING: None

**INFORMATIONAL ITEM PG&E SUBSTATION EXPANSION/UPGRADE AND SCREEN WALL**

Recommendation: informational only

***APPROVED 5-0-0***

**CURRENT BUSINESS**

**PRESENTATION BY LEAGUE OF CALIFORNIA CITIES TONY CARDENAS, PUBLIC AFFAIRS REGIONAL MANAGER**

Tony Cardenas, Public Affairs Regional Manager for the League of California Cities, gave a short presentation on what the League does and how it can help the City.

**DIRECTION TO STAFF ON ORGANIZATION OF PERIODIC REGIONAL MEETINGS OF ELECTED CITY COUNCIL MEMBERS AND MEMBERS OF THE BOARD OF SUPERVISORS**

Martin Nichols, City Manager, stated that this would allow the City Council to get together with the other City Council members from the other three Cities in Tehama County as well as the Board of Supervisors on a periodic basis to discuss issues of regional concern.

Mayor Pro Tem Flynn agreed this would be a good idea.

**ABANDONMENT OF APPROXIMATELY 350-FEET BY 80 FEET OF MADISON STREET RIGHT – OF- WAY SOUTH OF DOUGLASS STREET AND NORTH OF CRITTENDEN STREET LOCATED IN A C-3 ZONING DISTRICT.**

Scot Timboe, Planning Director, explained that this was for the abandonment of approximately 350 feet by 80 feet of Madison Street right of way south of Douglass Street in a C-3 Zoning District. The applicant decided it would be better to improve the frontage street on Crittenden Street than to stack up on a substandard alley way. The applicant sent a letter to the railway asking if they would like a portion on the abandoned portion of Madison Street, and Union

Pacific indicated they would like a portion of at least 50 feet on each side of the rail road tracks. The applicants will take the remaining portion which is a small triangle. Staff report is seeking a recommendation on whether or not this type of abandonment is acceptable to the City Council.

City Manager Martin Nichols stated that the Mayor and City Council were not being asked to approve this abandonment, but being asked whether or not a policy should be employed if the City Council did think this is an appropriate action to take.

Councilmember Irving questioned if the application normally would come along with the application for the Building Permit.

Mr. Timboe stated no that it didn't come along that way and until recently when the User Fees were adopted there was even an application or fees for this.

Richard Crabtree, City Attorney, stated that other than the Railroad the City didn't have anyone else trying to claim any right.

Mr. Timboe stated that was correct.

Councilmember Irving questioned if there wasn't an easement for the phone lines there.

Mr. Timboe stated that he was not aware of any easement.

Mr. Crabtree stated that in the 1800's the President awarded all the roadways to the Red Bluff Township and the Superior Court took care of them. Then in the 1960's the Superior Court turned it over to the City of Red Bluff.

Councilmember Irving question if the City of Red Bluff owned the right of ways if this is a gift of property.

Mr. Timboe stated that was why staff brought it to the City Council meeting. To discuss what process City Council would accept and what the applicant is going to do is replace an old gutter, replace an old sidewalk as well as beautify the dirt and gravel of the undeveloped right of way.

Mr. Crabtree stated that the Street and Highway Code does say that the City can transfer the property on any basis it sees deem able and that this is not a legal lot and is of no use to anyone that doesn't own property around it.

E.C. Ross, who represents Scott Vaillette on this matter, stated that as Mr. Timboe has indicated they have had meetings with him and in regards to item #2 the gutters and curbs were not completed yet, there would need to be some street paving which he estimated would be around 30 thousand dollars. The

square footage is about 12 thousand square foot of property, so that would be in the range of 80-85 thousand dollars per acre. So they did not feel this would not be a gift.

Councilmember Byrne stated that he thought it was a good idea to let someone clean the lot up so it's not such an eye sore.

Mr. Timboe stated that the next course of action is to put this in a general plan consistency finding with conditions to take it to the Planning Commission.

M/S/C Byrne, Flynn for staff to continue negotiations and come back with a plan.

AYES: Councilmembers: Byrne, Flynn, Irving, Brown and Moyer

NOES: NONE

ABSENT OR NOT VOTING: NONE

**ABANDONMENT OF APPROXIMATELY 350-FEET BY 80 FEET OF MONROE STREET RIGHT-OF-WAY SOUTH OF ASH STREET LOCATED IN R-2 & M-1 ZONING DISTRICTS:**

Scot Timboe, Planning Director, stated that Steve and Donna Judson have gone so far as to put everything he believes is fair for the exchange of this property in writing. This is the way staff was dealing with it at that time. Staff is seeking the same type of action and recommendation, and policy decision.

Councilmember Irving requested and received clarification on the fee.

City Attorney Rick Crabtree stated that this one does include a bike way.

Mr. Timboe stated that was correct and that if is all outlined in the first portion of page 1. Staff would like to go from Ash to Willow/Aloha, up and down Reeds Creek with bike trails. The benefit of this is Mr. and Mrs. Judson did a cost analysis on how much it would cost to put a bike path from Ash Street to Aloha Street. They have put all that in writing in their letter which is attached to their request. Mr. Judson paid about 30 thousand for the acre and a half.

Councilmember Irving questioned if this was cutting off the route from Monroe Street to Aloha Street.

Mr. Timboe stated that Staff didn't think there is enough right of way with the railroad and the conditions that currently exist.

Mr. Judson stated that half of the property that is being considered for abandonment has utilities running through it. About an eighth of it is subject to the flood and or the flood way restrictions as placed by City Ordinance, so that

leaves very little of the property that could be used. He was asked if the City was to abandon it would he would be willing to build the bike path from Aloha to Ash. He has said yes that was something he could do. The cost of that would be about \$14,900.00. What they are requesting is that the monies that they would be putting toward the bike path would be deferred until a time as we go to develop the property.

Councilmember Irving expressed his concern because that means the bike path may never be completed if it's contingent upon Mr. Judson's development. He also questioned if this the established route for the bike trails

Mr. Barthel stated that the property has significant problems with it in terms of where it comes out on Aloha and that at this time staff was are not anticipating building that portion until some of the issues are worked out with the path and the extension. The Bike path that goes under the railroad tracks does not meet the State criteria for bike paths.

Mayor Brown requested clarification on the difference in this now from what the original deal was that we would build a bike path and now it's changed to just paying the fees.

Mr. Barthel stated that the City would use that money to build a bike path in the wilderness area.

Mr. Judson stated that they didn't have the means right now to pay the \$14,000 and that this would be 3 or 4 years down the road. If the City wants to tie something to the deed on the property so that the City is guaranteed the money would come forward either by the sale or development then that would be fine.

Councilmember Irving stated that he had a problem deeding over property the City owns.

City Attorney Rick Crabtree stated that staff could postpone action on the abandonment altogether until such time as they are ready to develop.

City Treasurer Donna Gordy stated that staff could have the applicant get the right of way appraised so the City knows what the value of the property is.

Mr. Timboe stated that what staff is proposing was very fair and that he believed the problem is when the transaction of money would take place.

Councilmember Irving stated that the City is being asked to deed over property without compensation.

Mr. Crabtree stated that the City could structure the transfer in such a way that there would be an enforceable security interest.

Mr. Timboe questioned if that going by the Streets and Highway Codes if that was good enough frame work for this type of process, cause that's what we have always done, or do we need to set a policy down that would say if someone is seeking an abandonment, A. You would have to provide an assessed value of the property, B. You have to indicate in maps that provide the legal description and C. You have to pay the standard application fee.

Mr. Crabtree stated that the Streets and Highway Codes would lay down the legal minimum and that the City Council could also adopt some procedures as long as they do not conflict with the Streets and Highway Codes.

M/S/C Byrne, Moyer to return this back to staff to continue working out the details.

AYES: Councilmembers: Byrne, Moyer, Flynn and Brown

NOES: Councilmember: Irving

ABSENT OR NOT VOTING: NONE

## **JOB DESCRIPTION APPROVALS**

Gerry Gray, Fire Chief, reviewed the staff report and gave staff's recommendation that the City Council approves both the Division Chief – Fire Prevention and the Division Chief – Operations & Training job descriptions. Mr. Irving: Are you running into problem with people having to lift more weight.

M/S/C: Flynn, Byrne to approve both Division Chief's job descriptions.

AYES: Councilmembers: Flynn, Byrne, Moyer, Irving and Brown

NOES: NONE

ABSENT OR NOT VOTING: NONE

## **CITY WEB PAGE UPDATE**

Martin Nichols, City Manager reviewed the staff report and staff's recommendation that the City Council authorize changes to the City's web page to include copies of staff reports and supporting documentation. He stated that when the agendas are posted on the web page, the electronic copies of our supporting staff reports will also be posted so that they are available to the public.

Mayor Brown requested clarification on whether they would be posted on Fridays.

Mr. Nichols stated that they would be posted as soon as the agendas were mailed, but if the City Council preferred staff could send them an e-copy instead.

Councilmember Byrne stated that he believed that the City Council should still receive a hard copy.

M/S/C Irving, Moyer, to approve the changes to the City's web page to include copies of staff reports and supporting documentation.

AYES: Councilmembers: Irving, Moyer, Flynn, Byrne and Brown

NOES: NONE

ABSENT OR NOT VOTING: NONE

### **RESIGNATION OF JOHN SZYCHULDA – WASTEWATER RECLAMATION PLANT SUPERVISOR – CERTIFIED LABORATORY ANALYST.**

Mark Barthel, Public Works Director, reported that John Szychulda had given his resignation effective January 26<sup>th</sup> 2007, as he has accepted a position with the City of Redding. The City is required to have a Certified Wastewater Plant Operator on site or available, as well as a Grade 1 Laboratory Analyst. As it will take time for the recruitment process staff will need to hire a temporary person, who will need to be available all the time and will need to be paid when onsite, which will be approximately 20 - 25 hours a week. Staff has contacted Mr. Don Hammons and found that he is available at a rate of \$60 per hour. Staff is asking that this be approved until such time that the City can hire a replacement and is also asking that the City Council to approve a supplementary budget in the amount of \$5,000 to Fund 45-43.

Mayor Pro-Tem Flynn stated that the City was not approving Mr. Hammon, but were approving someone who is qualified for this position.

Mr. Barthel stated that was correct.

Councilmember Irving questioned what the normal hourly wage for this position was.

Mr. Barthel stated that the current rate was somewhere around \$40 per hour.

M/S/C Flynn, Moyer to approve the hiring of a temporary employee for the position of Wastewater treatment Plant Supervisor and Laboratory Analyst at the rate of \$60 per hour until such time as the City can recruit a fulltime replacement and approve a supplementary budget appropriation in the amount of \$5,000 to Fund 45-43-110-100.

AYES: Councilmembers: Flynn, Moyer, Byrne, Irving and Brown  
NOES: NONE  
ABSENT OR NOT VOTING: NONE

**PROFESSIONAL SERVICES - ACTUARIAL VALUATION FOR RETIREE HEALTH INSURANCE.**

Margaret Van Warmerdam, Finance Director, stated that GASB 45 requires municipalities to account for other post employee's benefits, liabilities such as retiree health insurance. The liability that City Council and staff have to address is do we have to put the money aside and how much is it for the 5 to 10 years.

Martin Nichols, City Manager stated that this was an appliance issue not a financial one, and that in order for the City to have certified audits this is now a requirement.

Mayor Brown questioned if the City currently put funds aside.

Ms. Van Warmerdam stated that the City currently does not put it aside, but pays as we go.

Councilmember Irving questioned if this is a requirement regardless of any cost benefit analysis that we would choose to under take.

Ms. Van Warmerdam stated that it's was a financial disclosure requirement.

M/S/C Councilmembers: Irving, Byrne, to approve the scope of services and authorize staff to advertise for bid.

AYES: Councilmembers: Irving, Byrne, Moyer, Flynn and Brown  
NOES: NONE  
ABSENT OR NOT VOTING: NONE

**PROFESSIONAL AUDITING SERVICES FOR THE ANNUAL FINANCIAL REPORTS FOR FISCAL YEAR ENDED JUNE 30, 2007.**

Margaret Van Warmerdam, Finance Director, reviewed the staff report and gave staff's recommendation that that the City Council approve the proposed scope of services and also to give direction on the make up of the review committee

Mayor Brown requested clarification on how the review committee was currently structured.

Ms. Van Warmerdam stated that past practice has been the City Manager, Finance Director, and other department heads.

Mayor Brown questioned if it was good to change auditors or stay with the same firm. He also questioned if we have to take the low bid.

Ms. Van Warmerdam stated that Staff really couldn't say, but in some ways it would be good and in other ways it's bad. The bid is a 2 part process, with the low bid being only part of it. She also questioned if the City Council would like to leave the Audit Committee the way it has always been done or do if the City Council wanted to change it.

Mayor Brown stated that he believed that it should be left the way it is.

M/S/C Flynn, Irving to approve staff recommendation.

AYES: Councilmembers: Flynn, Irving, Moyer and Brown

NOES: NONE

ABSENT OR NOT VOTING: Councilmember: Byrne (absent – had left the room)

#### **SUPPLEMENTAL BUDGET APPROPRIATION FOR GRANT CONSULTANT.**

Margaret Van Warmerdam, Finance Director, reviewed the staff report and gave staff's recommendation that the City Council authorize a supplemental appropriation in the amount up to \$5,000 from Fund 19 (Program Income) and to contract with California Engineering Company, Inc. to assist in applying for and obtaining approval of more grants for various City projects. All new grants will be presented to the City Council for approval at such time as they have been identified. She reported that Staff had been reviewing the management of grants with the City Manager and discussing where we should take grants. Staff is also looking for grants in transportation, airports, parks and recreation. There are also funding for sewer and water. Staff believes that there is a need to develop a Grant Management Policy for presentation to City Council for adoption.

Martin Nichols, City Manager, stated that this would increase the City's opportunity to obtain grants for a variety of projects.

M/S/C Irving, Byrne to approve staff's recommendation.

AYES: Councilmembers: Irving, Byrne, Moyer, Flynn, and Brown  
NOES: NONE  
ABSENT OR NOT VOTING: NONE

## **ANNUAL RECAP OF FIRE DEPARTMENT INCIDENT ACTIVITY**

Gerry Gray, Fire Chief, stated that this was a recap of incident activity for 2006. The department responded to a total of 2,312 incidents, making this the second busiest year in the history of the department. Chief Gray recognized each member of the Red Bluff Fire Department for another tremendous year of dedicated public service.

Mayor Pro Tem Flynn questioned what had been done to decrease false alarms.

Chief Gray stated that an invoice or bill had been sent to the business and this has been very effective.

Councilmember Irving questioned if is this was a bill or a fine.

Chief Gray stated that it was a fine.

Margaret Van Warmerdam, Finance Director stated that the Ordinance states that you get three free responses within a 6 month period and then we charge for the rest.

## **AUTHORIZATION FOR CITY OF RED BLUFF BUILDING DEPARTMENT RIDE ALONG PROGRAM**

J.D. Ellison, Building Director/Official stated that they would like to do is a ride along program to help to get the community to know us better. The ride along program will give the community a better understanding of what we do and why we do it the way we do. Staff's recommendation is to approve the ride along, and approve the letter of none responsibility and authorize the City Manager to sign it on behalf of the City.

M/S/C Councilmember: Irving, Brown, to approve staff recommendation.

Councilmember Irving stated that there is a waiver of liability for the City, but there is no waiver of liability for the owner of the premises or the project applicant.

Mr. Ellison stated that in the last paragraph authorization from the owner shall be given prior to the on site visit of the ride along person. This will be verified in writing on his permit that he will allow that.

Councilmember Byrne stated that he was concerned that Mr. Ellison was going to be too busy with all this and might need another employee to keep up with all this.

Mr. Ellison stated that staff would keep it to 2 or 3 riders per week. He stated that the Police Department had been using the same form and that staff just took it and changed a few words to fit the department needs. He stated that he had checked with the City Attorney to make sure it was legal.

Councilmember Irving stated that he would like to see an example before voting for approval because it could be huge if we are liable to a property owner. He stated that he would like to see it be a separate document.

Mr. Ellison stated that he could bring that back to the City Council and questioned if the City Council would like him to add to the recommendation that a letter of approval from the City Attorney and the City Manager would be signed the property owner.

Rick Crabtree, City Attorney, stated that what we are looking for is a release of liability by the property owner.

M/S/C Flynn Brown to develop a waiver of responsibility of the owner and bring back to the City Council after it has been approved by the City Attorney prior to the implementation of the program.

AYES: Councilmembers: Irving, Moyer, Byrne, Flynn and Brown

NOES: NONE

ABSENT OR NOT VOTING: NONE

### **APPROVAL OF WARRANT LIST**

M/S/C Flynn, Moyer to approve warrant list.

AYES: Councilmembers: Flynn, Moyer, Irving and Byrne

NOES: NONE

ABSENT OR NOT VOTING: Councilmember: Brown (abstained)

### **APPROVAL OF MINUTES**

City Attorney Rick Crabtree asked that the minutes be corrected to show that he was in attendance at the meeting.

M/S/C Moyer, Irving to approve the minutes of January 2, 2007 with the correction showing Mr. Crabtree's attendance.

AYES: Councilmembers: Moyer, Irving, Flynn and Brown

NOES: NONE

ABSENT OR NOT VOTING: Councilmember: Byrne (abstained-absent from meeting)

### **COMMITTEE REPORTS / COUNCIL COMMENTS**

Mayor Pro Tem Flynn reported that he and Planning Director Scot Timboe had attended the Tri-County Economic Development session in Chico last Thursday, that it was very impressive and that they had some good speakers. We were told that even though our housing isn't going full speed ahead our economy is still in good shape.

There being no further business Mayor Brown adjourned to the meeting at 9:05 p.m. until February 6, 2007 at 7 p.m. in the City Council Chambers.

*s/b Wayne Brown*  
Mayor

ATTEST:

*s/b Jo Anna Lopez, City Clerk*