

**RED BLUFF
CITY COUNCIL
REGULAR MEETING MINUTES**

DATE OF MEETING: FEBRUARY 6, 2007

TIME OF MEETING: 6:15 p.m. Closed executive Session
7:00 p.m. Regular Meeting

PLACE OF MEETING: RED BLUFF COUNCIL CHAMBERS, CITY HALL

Councilmembers Present: Wayne Brown, Mayor
Daniel Irving
Jeffery Moyer
James Byrne

Councilmembers Absent: Forrest Flynn, Mayor Pro Tem (excused)

Staff Present: Martin Nichols, City Manager
Richard Crabtree, City Attorney
Gerry Gray, Fire Chief
Paul Nanfito, Police Captain
Margaret Van Warmerdam, Finance Director
Mark Barthel, Public Works Director
Tessa Pritchard, Human Resources Director
Donna Gordy, City Treasurer
J.D. Ellison, Building Director/ Official
Scot Timboe, Planning Director
Jo Anna Lopez, City Clerk
Andrea Warren, Parks and Recreation Director

Mayor Wayne Brown asked former Mayor Andy Houghton to lead the pledge of allegiance and the assemblage joined in.

CLOSED EXECUTIVE SESSION

1. **CONFERENCE WITH LEGAL COUNSEL –
Government Code Section 54956.9
PENDING LITIGATION: CASE NO. 2:06-CV-00720-LKK-PAN
LARRY STEVENS VS. CITY OF RED BLUFF**

2. **CONFERENCE WITH LABOR NEGOTIATORS: Executive Session in
accordance with Government Code Section 54957.6 for the purpose
of instructing the City’s designated representative, 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 Red Bluff Police Mid-Managers Unit.**

The City Council met in closed session on the above matters and gave direction to staff.

APPROVAL OF EMPLOYMENT AGREEMENT WITH ANDREA WARREN FOR THE POSITION OF PARKS AND RECREATION DIRECTOR

City Manager Martin Nichols introduced Ms. Andrea Warren and asked for the approval of the employment agreement for Andrea Warren as the Parks and Recreation Director.

M/S/C Irving, Moyer to approve the employment with Andrea Warren for the position of Parks and Recreation Director.

AYES: Councilmembers: Irving, Moyer, Byrne and Brown

NOES: NONE

ABSENT OR NOT VOTING: Councilmember Flynn (absent – excused)

Andrea Warren stated she was very excited to get started and thanked everyone.

CITIZENS COMMENT

Venita Philbrook wanted to remind everyone that the United States Air Force Band was coming to the State Theater on Sunday the 11th of February. Mrs. Philbrook also thanked everyone involved in the installation of the clock tower.

CONSENT AGENDA

Councilmember Irving requested that item number 4 be pulled from the Consent Calendar for discussion.

M/S/C Irving, Moyer to approve the remained of the Consent Calendar.

AYES: Councilmembers: Brown, Byrne, Irving and Moyer
NOES: None
ABSENT OR NOT VOTING: Councilmember: Flynn (absent-excused)

APPROVAL OF MINUTES

January 16, 2007

APPROVED 4-0-1

2006 FIRE DEPARTMENT ANNUAL REPORT

Recommendation: Informational only

APPROVED: 4-0-1

SOUTH JACKSON STREET SUBDIVISION, TRACT MAP 04-1007

Recommendation: That the City Council authorize the filing of the South Jackson Street Subdivision map, Tract Map 04-1007 accept the public improvement security submitted for the completion of the work, accept the road and utility dedications and direct staff to record the final map.

APPROVED: 4-0-1

LINE ITEM BUDGET FOR ABANDONED VEHICLES

Recommendation: That the City Council approve the payment to Hill Enterprise Towing for towing of abandoned vehicles in the amount of \$1,452.00 from the General Fund.

Councilmember Irving requested clarification on if there was a rotation on the towing services.

Margaret Van Warmerdam, Finance Director, stated no but that staff was working on that.

M/S/C Irving, Moyer to approve the payment.

AYES: Councilmembers: Irving, Moyer, Byrne and Brown
NOES: NONE
ABSENT OR NOT VOTING: Councilmember: Flynn (absent-excused)

SUPPLEMENTAL BUDGET APPROPRIATION FOR GIS SOFTWARE FOR PLANNING DEPARTMENT

Recommendation: That the City Council authorize a supplemental appropriation in the amount up to \$3,000 from Fund 19 Capital Reserve and Replacement from GIS Database Creation/ Update maintenance funds.

APPROVED: 4-0-1

UPDATE FOR ASSUMING THE AUTHORITY OF THE STATE HOUSING COMMUNITY DEVELOPMENT REPORT (HCD) FOR INSPECTION OF MOBILE HOME PARKS LOCATED WITHIN THE CITY OF RED BLUFF.

Recommendation: Informational only.

APPROVED: 4-0-1

EXECUTION OF CONTRACT BETWEEN THE CITY OF RED BLUFF AND THE TEHAMA COUNTY HEALTH SERVICES AGENCY INFLUENZA VACCINE.

Recommendation: That the City Council authorize the City Manager to execute the contract between the City of Red Bluff and Tehama County Health Services Agency regarding the provision of influenza vaccinations for City employees.

APPROVED: 4-0-1

CURRENT BUSINESS

PUBLIC HEARING TO CONSIDER ORDINANCE NO. 952; REZONE NO 203; REVISING CITY CODE SECTION 25,92 (INDUSTRIAL ZONING AND PERMIT REQUIREMENTS) TO ALLOW “RESEARCH FACILITY WITH A CONDITIONAL USE PERMIT IN ALL INDUSTRIAL ZONING DISTRICTS WITHIN THE CITY OF RED BLUFF, RATHER THAN PERMITTED OUTRIGHT AS CURRENTLY INDICATED IN THE CITY CODE.

Mayor Brown opened the hearing at 7:10 p.m. and with no comments received, closed the Public Hearing at 7:11 p.m.

Councilmember Irving wanted to recognize the efforts of the Planning Director for all his hard work.

Planning Director Scot Timboe stated that he believes this is an important issue, and a topic to be able to get some type of control or handle on.

M/S/C: Councilmember Irving, Byrne, to find that Ordinance No., 952; Rezone No. 203 is exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines, (Class 8 Categorical Exemption, Actions by Regulatory Agencies for Protection of the Environment) and to waive the first reading and introduce Ordinance No. 952; Rezone No. 203, amending Section 25.92 INDUSTRIAL ZONES AND PERMIT REQUIREMENTS; Miscellaneous: "Research Facility".

City Manager Martin Nichols noted that this would come back for adoption as this was just the first reading.

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

NOES: NONE

ABSENT OR NOT VOTING: Councilmember: Flynn (Absent-excused)

STATUS REPORT ON MUNICIPAL SERVICE REVIEW (MSR) STUDY FOR THE CITY OF RED BLUFFS SPHERE OF INFLUENCE (SOI) BOUNDARY MAP EXPANSION.

Planning Director Scot Timboe reviewed the status report on the Municipal Service Review Study for the City of Red Bluff's Sphere of Influence Boundary Map Expansion. In 2005 the City of Red Bluff went through a number of public meetings and public hearings to get to a point to where the City Council could approve the draft Sphere of Influence on January 31, 2006. This will be the first time in the City's history that all the departments will have an understanding about where they are now and if the City is capable of expanding to the west. The future pictures will indicate what it will take for sewer service, water services, for staff, for other infrastructures and facility requirements in order to meet the needs and the appropriate levels of service for any type of expansion outside the current City Limits. Therefore it will give us a snap shot of where we are at today, where we would be at in the future and what we would need. Staff should have a draft in April or May.

Councilmember Byrne requested clarification on the statement that \$33,000.00 contributed by the City and \$33,000.00 from a private land owner.

Mr. Timboe stated when this first started there were two property owners that were not in the City limits and not in the Sphere of Influence. This was back in 2005 when there was still the housing boom, and they wanted to get inside the Sphere of Influence so they could ultimately annex and develop with a higher density than they could in the County. One of the individuals dropped out, and the other individual wanted to continue and has fulfilled his part of the contribution toward the MSR Study, but the other property owner withdrew as he did not want to develop his property at this time.

Therefore in order to complete the MSR Study the City had to take the other half of the cost.

Councilmember Byrne asked why the City had to do this.

City Attorney Richard Crabtree stated it is a requirement of the act regarding LAFCO. If your Sphere of Influence is to be expanded there has to be Municipal Services Study that goes along with it analyzes the provisions of Public Services within that area.

Councilmember Byrne questioned why if the City had two landowners who were going to put up the money the City was doing it now.

Mr. Crabtree stated that the City Council rejected that proposal as they didn't feel comfortable allowing the private developers to fund the Sphere of Influence. Originally the cost was supposed to be split three ways, one of the land owners backed out so then it was split in half.

Mayor Brown asked Mr. Timboe where he was at with a time frame.

Mr. Timboe stated that staff is anticipating receiving a draft around April or May, at which time he will bring it to City Council for further direction.

REQUEST TO WAIVE FEES FOR THE PLANNING USE PERMIT, BUILDING PERMIT, PUBLIC WORKS, FIRE DEPARTMENT, AND POLICE DEPARTMENT DEVELOPMENT IMPACT FEES RELATING TO PROCESSING A POTENTIAL USE PERMIT AND BUILDING PERMIT FOR THE P.A.T.H. EMERGENCY/TRANSITIONAL HOMELESS SHELTER PROPOSAL AT 1870 MONTGOMERY ROAD.

Scot Timboe, Planning Director, stated that there was a request to waive the fees for the Planning Use Permit, process Building Permit, Public Works Permit, Fire Department, Police Department Development Impact Fees relating to a process of potential Use Permit and Building Permit for the P.A.T.H. Emergency Transitional Homeless Shelter at 1870 Montgomery Road. In a letter from P.A.T.H. (attached to case file), they have asked for the waiver of all fees for the Use Permits, Building permits, and the Development Impact Fees, which totals about \$69,000 to \$70, 000. Staff has gone through and done a break down of the fees and at this time Staff does not have the funds or the mechanisms to pay for what could be a costly environmental document, with specialized studies and assessments. Therefore Staff does not support anything other than waiver of in-house activities.

The Building Department base Building Permit fee is approximately \$10,148.00 and the Building Department would support waiving in-house Plan Check fees and the in-house Building Permit fees. They also would not support any specialized inspections or outside plan checks, or engineering analysis that may be required out of house.

The City of Red Bluff currently has infrastructure issues and its one of the more important fees that developers need to pay for their development and construction to provide a community benefit.

Staffs recommendation is consider the impacts of waiving the City Department fees and any public input; Determine if the City Department Fees are to be waived for the potential P.A.T.H. project that will require a Use Permit, Building Permit and associated Development Impact Fees, and that the CEQA Consultant Fees, any associated Building Department fees from outside special inspectors, plan check parties or other companies that may require payment, and Development impact fees not be waived and provide direction to staff and if necessary come back with a City Council Resolution on what fees to specifically waive.

City Manager Martin Nichols stated that this would be waiving fees that we are usually reimbursed for and that there is an Exhibit B in the packet that will help everyone understand it more.

Daniel Roses, concerned citizen, stated that he feels that the City of Red Bluff should waive these fees so the homeless shelter can get started. There are a lot of people that are dying in this cold weather they need this shelter.

Allene Dering, concerned Citizen asked Mr. Timboe if when he was considering the cost and comparing it to the American Inn, did he consider the swimming pool that the American Inn has that this shelter won't have. Also Mrs. Dearing stated that the homeless is a community problem it's not just a P.A.T.H. problem. In the past with the help of some community churches P.A.T.H. has dealt with this problem and Mrs. Dearing feels they have put in a lot of their share of the cost already.

Mr. Timboe stated he didn't see a pool when he went to visit the American Inn ant that the pool had been removed.

Councilmember Irving asked Mrs. Dearing who owns the property.

Mrs. Dearing stated that P.A.T.H. is buying the property and that it is in escrow at this time.

The Pastor at the Presbyterian Church stated the people of the City of Red Bluff do have a moral and ethical responsibility for these people. For the past 7 years that burden has been on P.A.T.H. and the churches. The churches have provided space and food for the homeless. So P.A.T.H. has done their part and now we are asking for the City to do theirs. So please waive those fees.

Pastor of the Bethel Church Ron Fortenbury stated that they are in the process of adding on to the church and they had paid their fees of about \$65,000. He believes that for those of us who do community projects it would be wonderful to have the fees

waived but he knows the extend of what is involved in the Planning Department and he believes that it would be unfair to ask the citizens of Red Bluff to pay those costs.

Robert Minch, concerned citizen, stated that he stands in favor of the P.A.T.H. program and asks that the fees be waived as this is a worthy program.

P.A.T.H. Coordinator Mr. Higgins stated that they provide hot meals and a place for people to sleep that is warm and safe and if the City could waive the fees it would be very helpful as they are a non profit organization and any little bit would help.

Don Busby, concerned citizen, stated that if the property is still in escrow should we even be here right now as the deal could fall through. P.A.T.H does receive a lot of donations and they do fundraisers. He stated that he used to help them out but, they have nothing to show for it, and he would like to know where it is all going.

Councilmember Irving asked Mr. Timboe if any of these fees can be waived.

Mr. Timboe stated we do have a section in the code that does allow for fees to be waived. The ones that staff supports are basically in-house staff time.

Councilmember Irving stated that the total maximum waiver staff is recommending is represented on Exhibit B of \$13,000.00. He requested clarification that is the maximum amount of waivers that Staff would support.

Mr. Timboe stated that was correct.

Councilmember Byrne asked Mr. Timboe is there any past precedence for waiving any of these fees.

Mr. Timboe stated yes there was, the Planning Department has waived Use Permit fees and in-house staff time with other projects, but there has not been any waived for Development Impact fees.

Building Director J.D. Ellison, stated in the past some fees were waived for the Catholic Church, for their shelter, but He didn't remember waiving Development Impact fees.

Councilmember Byrne asked what the value of the fees that were waived in the past were.

Mr. Ellison stated it was between \$4,000 to \$5,000 and that the one thing that isn't waived is the special inspections.

Finance Director Margaret Van Warmerdam stated that the fee schedule that City Council has adopted for the User Fees or for the Development Impact fee does not have a clause regarding waiver of fees which is why staff has brought this to the City Council.

Councilmember Byrne asked if what staff was suggesting was that the City Council waive fees not to exceed the \$13,148.00 and if this was a firm figure.

Mr. Timboe stated that is correct and that is the staff recommendation on Exhibit B. This is for in-house only and not for any outside consultants.

Councilmember Irving stated the complaint is that P.A.T.H. is cash poor presently and questioned if payments can be deferred by a recorded document to some future sale date.

City Attorney Richard Crabtree stated they can be deferred until the time of issuance of Certificate of Occupancy, but he would recommend against deferring them longer than that, because different owners can come and go.

Councilmember Irving requested clarification that the maximum staff recommends that be waived.

Mr. Timboe stated Staff's recommendation is that we do support this project and we do recommend that we do go ahead and waive \$13,148.00.

Mayor Brown stated that he found this much like the Community Center project not looking at the program itself, but where do we stop. He stated that we do have to treat this like a business and questioned what happens when the next project comes in and they request the same thing. He thought that because there was not a full City Council present they might want to set this aside.

Councilmember Irving responded he didn't think a full City Council was necessary and that he was prepared to make a motion.

M/S/C Councilmember Irving, Moyer to approve the waiver of fees up to staff's recommended amount of \$13,148.00.

Mr. Crabtree asked that the motion include the recommendation of a finding and that the finding would be that the City Council finds that the waiver is consistent with the General Plan Housing Element goals and policies which support low income housing. This might help in the future if the City Council is called upon to waive fees to distinguish this request from others.

Councilmember Byrne asked what happens if there is a foreclosure on the property.

Mr. Timboe stated the fees that are proposed to be waived are specific project fees, so if there is a foreclosure and somebody moves into the property and wants to build a warehouse they are not going to need a Use Permit from the Planning Department to build in an industrial area, but they would need a Building Permit from the Building Department.

Councilmember Irving stated he would incorporate that into his motion.

AYES: Councilmembers: Irving, Moyer and Byrne

NOES: Councilmember: Brown

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

PARKING RESTRICTION, 500 BLOCK OF WASHINGTON STREET FOR THE UNITED STATES AIR FORCE BAND – FEBRUARY 11, 2007, RESOLUTION NO. 4-2007

Police Captain Paul Nanfito stated staff was requesting a street closure for the 500 block of Washington Street for the Air Force Band performance which will occur on Sunday and will have minimal impact on the citizens of Red Bluff, as it will be closed for about 80 to 100 feet.

M/S/C Councilmember Irving, Moyer to adopt Resolution No. 4-2007 approving the restricted parking on Washington Street from the entrance to the Dental Clinic north to Oak Street from 1 p.m. to 11 p.m. on Sunday February 11, 2007.

AYES: Councilmembers: Irving, Moyer, Byrne and Brown

NOES: NONE

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

UPDATING SPECIAL CLAIMS PROCEDURE.

Margaret Van Warmerdam, Finance Director reported that staff had attended the Northern California Self Insurance Board of Directors meeting and she had inquired how other Cities handled the payment of special claims. She is recommending that the City Council waive the first reading and introduce Ordinance No. 977 updating Special Claims procedures within the City Code.

Councilmember Irving asked if this would include claims in tort, which at this time the City Manager can approve claims up to \$5,000

Mr. Crabtree stated yes it would include all claims up to the dollar limit. The City Manager currently can approve claims up to \$5,000, and with this change that amount would go up to \$10,000.

Mayor Brown asked what else does Bragg and Associates does for the City.

Ms. Van Warmerdam stated they handle both the Workers Comp and the liability under the JPA Insurance.

Mr. Crabtree stated upon presentation of a claim they will investigate into the merits of the claim and prepare a report that either recommends resolution of the claim or the claim be defended.

Councilmember Byrne stated if he had read the Ordinance correctly this would put Bragg and Associates out of the loop.

Ms. Van Warmerdam stated no and they report directly to the City Manager and the City Attorney.

Mayor Brown stated if the City Council doesn't like the way this works that they have the right to flip it back to the way it was.

Mr. Crabtree stated yes.

M/S/C Irving, Moyer to waive the first reading and introduce Ordinance No. 977 with the change from periodic reports to quarterly reports.

AYES: Councilmembers, Irving, Moyer, Byrne and Brown

NOES: NONE

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

DONATION FOR REPAIR OF FREY FIELD DUGOUTS

Ms. Van Warmerdam stated the Kiwanis Club of Red Bluff has donated funds to the City of Red Bluff to our Parks and Recreation Department for the repair of the Frey Field dugouts. Staff will take responsibility for the removal and repair of the dugout and the material cost of \$2,509.62 will be donated by Kiwanis. At this time Staff is requesting that City Council approve the acceptance of the donation from Kiwanis, and authorize the repairs. Staff would like to thank the Kiwanis Club for the donation.

The President of the Kiwanis Club stated they were glad to build the two new dugouts at Frey Field and hoped that everyone would enjoy it.

Mayor Brown thanked the Kiwanis Club for their donation.

M/S/C Irving, Byrne to accept the donation from the Kiwanis Club and to approve the work at Frey Field.

AYES: Councilmembers: Irving, Byrne, Moyer and Brown

NOES: NONE

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

REPORT ON SALES TAX

Margaret Van Warmerdam, Finance Director, reported that this was the quarterly Sales Tax Report that the consultants from HDL prepare. This is an informational item only.

REQUEST TO MODIFY THE REQUIREMENTS OF THE CITY OF RED BLUFF WELLNESS PROGRAM

Human Resources Director Tessa Pritchard asked that the City Council approve the removal of the minimum use requirements of 24 visits per quarter. Between the Finance Department and the Human Resource Department staff spends about ten hours trying to track the visits and the cost of tracking these visits are about \$135.00 per month. She has checked with other Cities offering this type of program and none of those have the minimum use requirement.

Councilmember Byrne requested clarification that all this was doing was just taking off the attendance part of the program.

Ms. Van Warmerdam stated that is correct.

M/S/C Irving, Moyer to approve the request to remove the 24 visit minimum from the City of Red Bluff's Wellness Program.

AYES: Councilmembers: Irving, Moyer, Byrne and Brown

NOES: NONE

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

MID-YEAR BUDGET UPDATE

Margaret Van Warmerdam, Finance Director, reviewed the informational only staff report with the City Council. She stated that this was the mid-year budget review and that these were the General Fund balances as of January 2007.

Mayor Brown noted that conservative budgeting was paying off.

2006 CITY OF RED BLUFF BUILDING DEPARTMENT ANNUAL REPORT

J.D. Ellison, Building Director/Official reviewed the informational staff report with the City Council.

Mayor Brown asked if there had been any ride-a-longs yet.

Mr. Ellison stated yes that there had been one last Friday.

COMMITTEE REPORTS/COUNCIL COMMENTS

Mayor Brown stated that he attended the annual Policeman/Fireman of the year awards in Corning, where Sgt. Kyle Sanders received the Policeman of the Year award and Engineer John Campbell received Fireman of the Year.

There being no further business Mayor Brown adjourned the meeting at 8:20 p.m. until February 20, 2007 at 7:00 p.m. in the City Council Chambers.

s/b Wayne Brown, Mayor

ATTEST:

s/b Jo Anna Lopez, City Clerk