

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

DATE OF MEETING: February 20, 2007
TIME OF MEETING: 6:15 Closed Executive Session
7 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
Donna Gordy, City Treasurer
J. D. Ellison, Building Director/ Official
Jo Anna Lopez, City Clerk
Andrea Warren, Parks and Recreation Director

Mayor Wayne Brown asked Alan Abbs to lead the pledge of allegiance and the assembly joined in.

CLOSED EXECUTIVE SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL- POTENTIAL LITIGATION- ONE POTENTIAL MATTER**
- 2. CONFERENCE WITH LEGAL COUNSEL- Government Code Section 54956.9. PENDING LITIGATION: CASE NO. 56518 KELLY MEEK VS. CITY OF RED BLUFF**

The City Council reported that they had given direction to the City Manager and City Attorney.

CITIZEN'S COMMENT

Alan Abbs, Solid Waste Director for the Landfill Agency, reported that this weekend the Landfill Agency was sponsoring a free T.V. and Computer monitor disposal day. It would be held at the Red Bluff Wal-Mart parking lot from 8 a.m. to 2 p.m.

Mr. Abbs stated that Ms. Miller had been before City Council last month to talk about the multi-family recycle program. The program started last weekend at the Meadow Vista Apartments and the Red Bluff Apartments. We are hoping to cut down on the cost to the apartment complex by recycling. We will keep you updated on this program.

CONSENT AGENDA

Mayor Brown requested that Item number 1 be pulled.

WASTEWATER RECLAMATION PLANT SUPERVISOR

Recommendation: That the City Council approve the hiring of CEC for consulting services at the Wastewater Reclamation Plant at the rate of \$880.00 per day and the initial startup cost of \$750.00 until such time as the City can recruit a fulltime replacement.

Mayor Brown asked how the recruitment was going.

Mark Barthel, Public Works Director, reported that the City had sent out over 1,000 flyers to people who have the Grade 4 Certification, and there has been some response back.

Councilmember Irving questioned if we still required testing, and if so could it be done in-house.

Mr. Barthel stated yes the testing was required, that some of the Grade 4 have testing certification and some didn't and that we were not doing the in-house testing at this point.

Martin Nichols, City Manager, questioned if 8 hours was enough time, as originally we had requested 20 hours.

Mr. Barthel stated that staff was only requesting this person for 8 hours because he is extremely familiar with the plan operations and also the plant personnel and that he is on call all the time.

M/S/C Brown, Byrne to approve the hiring of CEC for consulting services at the Wastewater Reclamation Plant at the rate of \$880.00 per day and the initial startup cost of \$750.00 until such time as the City can recruit a fulltime replacement.

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

NOES: None

ABSENT OR NOT VOTING: None

M/S/C: Flynn, Moyer to approve the remainder of the Consent Calendar.

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

NOES: None

ABSENT OR NOT VOTING: None

CALIFORNIA INFRASTRUCTURE AND ECONOMIC DEVELOPMENT BANK (IBANK) – AMENDMENT FOR FUND EXTENSION.

Recommendation: That the City Council authorize staff to submit the attached extension request to IBANK.

APPROVED 5-0-0

ACCEPTANCE OF BRICKYARD CREEK BRIDGE PLAN OF ACTION (MRO ENGINEERS)

Recommendation: That the City Council accept the Plan of Action completed by MRO Engineers.

APPROVED 5/0/0

REPORT REGARDING CONTRACT AWARDS – JANUARY 2007

Recommendation: That the City Council accept the report.

APPROVED 5/0/0

RESOLUTION NO. 6-2007; A RESOLUTION OF THE CITY OF RED BLUFF AUTHORIZING THE TEHAMA COUNTY SANITARY LANDFILL AGENCY TO SUBMIT A REGIONAL GRANT APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TIRE RECYCLING GRANT PROGRAM.

Recommendation: That the City Council adopt Resolution No. 6-2007 authorizing the Tehama County Sanitary Landfill Agency to submit a grant application to the California integrated Waste Management Board Tire Recycling Grant Program.

APPROVED 5/0/0

ALCOHOL BEVERAGE LICENSE; PERSON TO PERSON TRANSFER, TYPE 47 (ON-SALE GENERAL EATING PLACE); FULL SERVICE RESTAURANT; 723 MAIN ST.; PALOMINO ROOM (NAME OF BUSINESS); PALOMINO ROOM INC. (FIRST OWNER)

Recommendation: That the City Council:

1. Acknowledge the application for a Person to Person transfer of a Type 47 (On-Sale General Eating Place) Alcoholic Beverage License for the Palomino Room Restaurant located at 723 Main 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 applicant (Palomino Room inc; First Owner) shall complete a City of Red Bluff Planning Application and pay the \$200.00 processing fee for the City reviewing the proposed ABC License; Person to Person of a Type 47 (On-Sale General Eating Place).

APPROVED 5/0/0

AIRPORT CONSULTANT SERVICE / MEAD-HUNT.

Recommendation: Informational item only.

APPROVED 5-0-0

RESOLUTION NO. 8-2007; PROHIBITING PARKING AND AUTHORIZING THE STREET CLOSURES OF PINE STREET (BETWEEN MAIN AND WASHINGTON STREETS) AND WASHINGTON STREET (BETWEEN OAK AND WALNUT STREETS) FOR THE ROUND-UP WEEK KICK-OFF FESTIVITIES

Recommendation: That the City Council adopt Resolution No. 8-2007 to authorize the street closures and to prohibit parking for the Round-Up Week Kick-Off Festivities and direct the Police Chief and Director of Public Works to work with the Chamber of Commerce on the details of the event.

APPROVED: 5/0/0

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.

Recommendation: That the City Council waive the second reading and adopt Ordinance No. 952 (Rezone No. 203), amending Section 25.92 INDUSTRIAL ZONES AND PERMIT REQUIREMENTS; miscellaneous: "Research Facility", as contained in the attached Ordinance No. 952.

Mayor Brown opened the Public Hearing at 7:21 p.m. and after receiving no comments closed the Public Hearing at 7:22 p.m.

Councilmember Irving asked Planning Director Scot Timboe if anything had been changed and questioned if it only needs final approval.

Scot Timboe, Planning Director, stated that nothing had been changed and that yes it just needed the final adoption of the Ordinance.

M/S/C Irving, Flynn to waive the second reading and adopt the Ordinance No. 952.
AYES: Councilmembers: Irving, Flynn, Moyer, Byrne and Brown
NOES: NONE
ABSENT OR NOT VOTING: NONE

**RESOLUTION NO. 5-2007 OF THE CITY COUNCIL OF THE CITY OF RED BLUFF
AUTHORIZING THE APPLICATION FOR WORKFORCE HOUSING REWARD
GRANT.**

Recommendation: That the City Council adopt Resolution No. 5-2007 which authorizes the application for the Workforce Housing Reward Grant.

Margaret Van Warmerdam, Finance Director, reported that this Grant application was due March 21, 2007 and that the date of the award would be around June 30, 2007.

Councilmember Irving questioned if there many options for the use of the funds.

Ms. Van Warmerdam stated there is an option and we are internally putting a list together for City Council to consider. It is restricted in the sense it must be used for new capital and that it's not for operation expenses or materials.

Councilmember Irving stated it says the applicant shall be subject to the terms and conditions as specified in the standard agreement, then it refers to the exhibit A of the standard agreement.

Ms. Van Warmerdam stated that once they have made the award the standard agreement will come with the award and that part has not been received yet.

Mayor Brown stated he was curious as to examples of eligible uses.

Ms. Van Warmerdam stated she had talked to some other jurisdictions and what they have done is pick things that they currently can't fund in their budgets or struggle to fund in their budget. Some have used it for Park improvements, some have used for Police and Fire, but there must be a community benefit that is received out of it.

Mayor Brown questioned if the eligible list would come back to Council.

Ms. Van Warmerdam stated yes that the City Council would make the final decision.

M/S/C Flynn, Moyer to adopt Resolution No. 5-2007.

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

NEGOTIATION FOR EXTENSION OF CITY'S COMMERCIAL AND RESIDENTIAL SOLID WASTE COLLECTION FRANCHISES.

Recommendation: That the City Council:

1. Authorize the City Manager to negotiate a proposed new waste collection franchise with Waste Connections to continue commercial and residential solid waste and recycling collection services for a term ending in 2013.
2. Authorize the City Manager to utilize the services of the Solid Waste Director of the Tehama County/Red Bluff Landfill Management Agency to assist the City of Red Bluff in negotiations with Waste Connections.

Martin Nichols, City Manager, stated that staff's goal is to negotiate a new contract for collection of waste that runs parallel to the existing contract. Staff will put together a proposed contract and then it will come back before the City Council for hearing and action to be effective before the end of this term.

Forrest Flynn, Mayor Pro Tem, questioned if this would be more of a continuation of the existing franchise or would the City be trying to get a completely new franchise.

Mr. Nichols stated technically it is a new franchise agreement for the purpose of extending the term.

Alan Abbs, Tehama County Landfill Agency, stated that he had been working hard on upgrading the county for the last year. When GreenWaste sold their assets to Waste Connections we have to upgrade all the contracts. One of the items is that both the City and the County have a Residential and a Commercial contract; staff would like to merge those into one contract to make it easier to reference. We are working on merging the fee schedules together.

Mr. Nichols stated this is a new contract not an extension of the old contract.

Mr. Abbs stated yes this is a new contract and that it will look very different from the old contract.

Mayor Brown requested clarification on the six year part of the contract and if that was out of the ordinary to have that length of term.

Mr. Abbs stated that typically the contracts are longer.

Councilmember Irving stated that he was worried about Mr. Abbs negotiating the contract since he is a County Employee.

Mr. Nichols stated that he would be negotiating the contract he was just using Mr. Abbs because of his expertise.

Mayor Brown asked Mr. Abbs to expand a little more on the residential and the commercial merging together.

Mr. Abbs replied that right now we have a commercial contract that deals with the large boxes and the smaller businesses get trash cans just like residential. Then we have the residential contract that gives everyone trash cans and recycling bins. Both contracts are about 60 pages long the only difference is the commercial contracts deal with the larger bins, and residential deals with the trash cans. So what we want to do is merge both contracts into one universal contract where we have a small section that talks about the large bins and a small section that deals with the small trash cans.

Councilmember Byrne questioned if the commercial portion deals with the large drop boxes at construction sites.

Mr. Abbs stated yes it does.

Councilmember Byrne questioned if in this contract would you intend to have that exclusive with construction sites.

Mr. Abbs stated it has always been that way. Drop boxes are exclusive and have been since 1997.

Mr. Nichols stated that staff does have an option to discuss that the construction drop boxes not be exclusive if the City Council is interested in that.

M/S/C Irving, Moyer to authorize the City Manager to negotiate a proposed new waste collection franchise with Waste Connections.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

Mr. Dave Bailey stated that he had been in the waste business for a long time and he would like to have a chance to compete with Waste Connections for their construction bins. Mr. Bailey stated it isn't fair to have a monopoly on these construction containers. He asked that the City Council limit the City's contract with Waste Connections to garbage that is curb side pick up.

GRANT POLICY

Recommendation: That the City Council:

1. Provide any comments to staff on the Grant Management Policy.
2. Approve the AP&P 18-14 Grant Management Policy.

Margaret Van Warmerdam, Finance Director, stated that one of the recommendations that the auditors have made is for the Finance Department to prepare for City Council approval of policy on how we handle, review, approve, and manage grants in the future and funding of the grants.

Mayor Brown requested clarification on page 1 under goals what was the single audit act.

Ms. Van Warmerdam stated that if we get over \$300,000,00 or half million depending on what is Federal, we have to do a separate audit for that, and the auditors have to check that we have complied with all the requirements of the grant.

Mayor Brown requested clarification on page 2 item number 6, if we were currently doing this.

Ms. Van Warmerdam stated that usually if a department gets something they would come to her and work together on it.

M/S/C Flynn, Irving to approve the AP & P 18-14 Grant Management Policy.

AYES: Flynn, Irving, Moyer, Byrne and Brown

NOES: NONE

ABSENT OR NOT VOTING: NONE

AUTHORIZATION OF CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE BUREAU OF RECLAMATION PERTAINING TO DOG ISLAND PARKS DEVELOPMENT AND MANAGEMENT WITHIN THE CITY OR RED BLUFF.

Recommendation: That the City Council

1. Authorize the City Manager to execute a management agreement with the U.S. Bureau of Reclamation (BOR) for use of Dog Island Park for a new term of 25 years.
2. That a letter of appreciation be sent to Irene Hobbs, Federal Bureau of Reclamation for her efforts on obtaining renewal of this management agreement.

Andrea Warren, Parks and Recreation Director, stated that this agreement will cost the City of Red Bluff Parks and Recreation Department \$200.00 to secure the land for another 25 years.

Mayor Pro Tem Flynn questioned if this would fall into our trails program

Ms Warren stated yes.

Mr. Nichols stated the agreement is drafted to allow the trails to be expanded through the park.

M/S/C Irving, Moyer to authorize the City Manager to execute the Management agreement with the Bureau of Reclamation and that a letter of appreciation be sent to Irene Hobbs at the Federal Bureau of Reclamation for her efforts on obtaining renewal of this management agreement.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

McGLYNN COMMUNITY POOL - STRUCTURAL EVALUATION REPORT BY NEIL ANDERSON

Recommendation: That the City Council:

1. Accept the structural evaluation report for the McGlynn Community Pool.
2. Authorize staff to proceed with the temporary repairs to be funded out of current budget.
3. Authorize staff to prepare recommendations on the hiring of consultants to prepare cost/life expectancy reports for alternative major repairs.

Andrea Warren, Parks and Recreation Director, reported that the recommendation from Neil Anderson was that the pool structure is sound and that it should be fiberglass coated. A temporary fix will cost the City \$2,500 and would be done by City Park staff. This temporary fix will assure the pool is open for the 2007 season and staff would then come back to the City Council with a cost analysis.

Mayor Pro Tem Flynn asked if the \$2,500 temporary fix would be for this coming season only.

Ms. Warren stated yes

Councilmember Byrne questioned what the \$2,500 was for.

Ms. Warren stated that would be used to purchase the material to fix the leaks.

Councilmember Byrne questioned what is the \$250,000 was for.

Mark Barthel, Public Works Director, stated that was the cost of a PVC liner for the pool.

Margaret Van Warmerdam, Finance Director, stated that the City currently has a grant for the pool in the amount of \$230,000.00.

Mayor Pro Tem Flynn questioned if the temporary fix will give us the time to go in and do the evaluation and get more options.

Mr. Barthel stated that is correct.

Councilmember Irving stated that it sounded like the pool was structurally sound and if the \$2,500 stops the leaking, why didn't the City just pay the \$2,500 each year to keep it from leaking, instead of the \$250,000.00 for the new liner.

Mr. Barthel stated one of the things you're going to find is over the course of time the joints are going to get weaker and then the temporary fix won't work anymore.

M/S/C Flynn, Irving to accept the structural evaluation report and authorize staff to go ahead with temporary repairs.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

ADOPTION OF A COMMUNITY CENTER FEE FOR USE POLICY

Recommendation: That the City Council:

1. Adopt the Community Center Fee for Use Policy.
2. Adopt a new Community Center Policy on Free and Discounted Use of the facility.
3. Direct the City Manager to meet with the County Chief Administrator to draft a new recommended Community Center Management Agreement for review by the City Council's ad hoc Community Center Committee and future consideration by the Council.

Martin Nichols, City Manager, reported that the operating cost is split between the City and the County for the Community Center and the Committee wants to maximize the use and minimize the cost. Tehama County Chief Administrator Bill Goodwin has been involved in this committee for a long time and Mayor Pro Tem Flynn is also on the committee.

Mayor Pro Tem Flynn stated that he felt good about the package the committee had put together, it is fair, and it gives the Parks and Recreation Department some direction. On the roof repair this is a one time only agreement. The rest of the repairs are spelled out differently.

Mr. Nichols stated that the Board of Supervisors met and indorsed these policies.

Mr. Goodwin stated that the Board of Supervisors met and asked also that Red Bluff City Council approve this item.

Mayor Brown requested clarification on the free or discounted User Policy on the part that states there will be no new free uses.

Mayor Pro Tem Flynn stated yes it was left the same and the free use or discounted is still limited to a certain time.

Councilmember Irving questioned if this was a policy that is unilaterally changeable or is it characterized as contractual with the County.

Mr. Nichols stated it is unilaterally changeable. It's the City's Policy; and he believes it's a good faith agreement with the County.

Mr. Jackson stated his group has put on a big dance every year, but this year someone else is taking it over and they are renting out the Community Center for November. This group will be paying the rent on the Community Center for that weekend.

M/S/C Irving, Moyer, to approve staff's recommendations.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

APPROVAL OF RED BLUFF COMMUNITY SENIOR CENTER ROOF REPAIR PROJECT AND NEW COST SHARING FORMULA.

Recommendation: That the City Council:

1. Approve the shared funding of the Community/Senior Center Roof Repair Project as recommended by the Red Bluff City Council and

Tehama County Board of Supervisors ad hoc committees, and waiving the provisions of the 1995 Community Center Management Agreement for this one time project.

2. Transfer program income from Fund 70 to Fund 63 in the amount of \$12,600.
3. Authorize the payment of an invoice from Tehama County for the roof repair of the Community Center in the amount not to exceed \$12,800.

Martin Nichols, City Manager, stated that the committee reviewed the subject of the roof repair. The roof has some major leaks and is causing damage. The committee recommended that the City and the County split the cost of the roof repair. The County will pay 60% and the City will pay 40%. The ad hoc community has authorized the County to develop a bid package and seek a vender for the project, which has been done. The County has approved a contract for the roof repair. The bid on the project is \$31,188. The total cost of the project will be \$36,500. The City also will receive a contribution for some of their share in the cost of the roof.

Councilmember Irving questioned that if there was no implied obligation on the foundation why they don't view themselves as share holders or anything.

Mayor Pro Tem Flynn stated that there was no obligation and that they were just going to make a contribution.

Mayor Brown questioned what brought this around to where we were being asked to waive the provisions in the 1995 contract.

Mayor Pro Tem Flynn stated that contract wasn't really black and white. The way it is worded it says any repairs to the structure and that could be argued that a repair to the roof is not the structure.

Mayor Brown requested clarification from Finance Director Margaret Van Warmerdam on Funds 70 and 63 and what are those funds were for.

Ms. Van Warmerdam stated there is a special provision that allows monies collected from loans made before to 1992 don't have to revolve it back into our loan portfolio. Normally this money would go back into the General Fund at the end of the year, but she's recommending that we use part of the money for this project.

M/S/C: Flynn, Byrne to approve the shared funding of the Community Center roof repair.

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

UPDATING SPECIAL CLAIMS PROCEDURE

Recommendation: That the City Council waive the second reading and adopt Ordinance No. 977 updating the Special Claims Procedures.

Margaret Van Warmerdam, Finance Director, stated that on February 6, 2007 the City Council waived the first reading and introduced the Ordinance No. 977 updating the Special Claims procedure.

Mayor Pro Tem Flynn questioned if this was State mandated.

Ms. Van Warmerdam stated that it was not, but we needed to establish a procedure or policy.

M/S/C Irving, Moyer to waive the second reading and adopt Ordinance No. 977.

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

APPROVAL OF THE 2007 HOME IMPROVEMENT PERMIT HOLIDAY

Recommendation: That the City Council:

1. Approve the Home Improvement Permit Holiday, in accordance with the above policies.
2. Set March 21, 2007 at 8:00 am to April 20, 2007 at 4:00 pm as the dates for the 2007 Home Improvement Permit Holiday.

J.D. Ellison, Building Director/Official reported that in 2005 City Council approved the first Home Improvement Permit Holiday for single family dwelling owners in Red Bluff and that the Building Department received 126 permits with a waiving fee of \$16,128.79.

Mayor Brown stated it has been very successful then, and that this would be our third year.

Mayor Pro Tem Flynn stated that he believed this was money well spent.

M/S/C Irving, Flynn to approve the Home Improvement Permit Holiday and set March 21, 2007 at 8:00 a.m. to April 20, 2007 at 4:00 p.m. as the dates for this holiday.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

APPROVAL OF WARRANT LIST

Recommendation: That the City Council approve check warrant No. 54643 through 54982 dated January 5, 2007 through January 31, 2007.

M/S/C Moyer, Irving to approve the Warrant list.

AYES: Councilmembers: Moyer, Irving, Byrne and Flynn

NOES: NONE

ABSENT OR NOT VOTING: Councilmember: Brown (abstained)

APPROVAL OF MINUTES

February 6, 2007

M/S/C Irving, Byrne to approve the February 6, 2007 minutes as written.

AYES: Councilmembers: Irving, Byrne, Moyer and Brown

NOES: NONE

ABSENT OR NOT VOTING: Councilmember: Flynn (abstained – absent that meeting)

COMMITTEE REPORTS / COUNCIL COMMENTS

None

There being no further business Mayor Brown adjourned the meeting at 8:40 p.m. until March 6, 2007 at 7:00 p.m. in the City Council Chambers.

s/b Wayne Brown, Mayor

ATTEST:

s/b Jo Anna Lopez, City Clerk