

**RED BLUFF
CITY COUNCIL
REGULAR MEETING MINUTES**

DATE OF MEETING: May 1, 2007
TIME OF MEETING: 6:00 p.m. Special Meeting Closed Session
6:15 p.m. 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
Jeff Moyer
James Byrne

STAFF PRESENT: Richard Crabtree, City Attorney
Gerry Gray, Fire Chief
Al Shamblin, Police Chief
Margaret Van Warmerdam, Finance Director
Mark Barthel, Public Works Director
Scot Timboe, Planning Director
Jo Anna Lopez, City Clerk
Donna Gordy, City Treasurer
J.D. Ellison, Building Director
Andrea Warren, Parks and Recreation Director

Mayor Brown asked Gregory Ellis to lead the pledge of allegiance and the assembly joined in.

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 representative, Nickolaus and Haeg, Labor Negotiators and Martin Nichols, City Manager, Gerry Gray, Fire Chief and Tessa Pritchard, Human Resources Director, regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits with the Fire Unit.

2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:
STEVENS – Workers Comp Claim # 2003018476
Government Code Section 54956.9**
3. **PUBLIC EMPLOYEE PERFORMANCE REVIEW
Title: City Manager (Government Code Section 54957)**

Mayor Brown reported that during the Executive Sessions the City Council gave direction to staff.

Councilmember Moyer recused himself from negotiations with the Fire Unit.

CITIZENS COMMENT

NONE

PROCLAMATION

Mayor Brown read the Tehama County Peace Officers' Memorial Day Proclamation. May 16, 2007 will be observed in the City of Red Bluff as Peace Officers' Memorial Day.

CONSENT AGENDA

Councilmember Byrne requested that item 4 be pulled for discussion.

M/S/C Irving, Flynn to approve the remainder of the consent agenda.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

ALCOHOL BEVERAGE LICENSE; PERSON TO PERSON TRANSFER; TYPE 41 (ON-SALE BEER AND WINE EATING PLACE): FULL SERVICE RESTAURANT; 955 SO. MAIN ST; FISHERMANS BAY (NAME OF BUSINESS); MELISSA FERKEY (FIRST OWNER)

Recommendation: That the City Council:

1. Acknowledge the application for the Person to Person transfer of a Type 41 (On-Sale Beer and Wine Eating Place) Alcoholic Beverage License for the Fishermans Bay Restaurant located at 955 So. 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 (Melissa Ferkey, First Owner) 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 41 (On Sale Beer and Wine Eating Place)

APPROVED - 5/0/0

CELEBRATING “BUILDING SAFETY WEEK”, May 6-12, 2007

Recommendation: Informational item only

2007 REPORT FOR THE HOME IMPROVEMENT PERMIT HOLIDAY

Recommendation: Informational only

CHLORINE BID AWARD

Recommendation: That the City Council approve the purchase of Chlorine from Lincoln for the Fiscal Year 2007/08 for the Swimming Pool.

Councilmember Byrne asked for clarification on when the pool will be used.

Andrea Warren, Parks and Recreation Director, stated that it will be opened on June 11, 2007.

M/S/C Byrne, Moyer to approve the purchase of Chlorine from Lincoln for the Fiscal Year 2007/08 for the Swimming Pool.

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

NOES: ONE

ABSENT OR NOT VOTING: NONE

RATIFICATION OF SETTLEMENT AGREEMENT WITH MICHAEL J. GUTTIERREZ SR. ET AL CASE NO. 55896

Recommendation: That the City Council approve ratifies the settlement agreement and accepts the Grant Deed executed by Michael J. Gutierrez, Sr Et,Al.

APPROVED - 5/0/0

VISTA RIDGE APARTMENT OFFSITE IMPROVEMENT PROJECT – PROJECT ACCEPTANCE AND RELEASE OF RETAINAGE

Recommendation: That the City Council accept the public improvements for the Vista Ridge Offsite Improvement project, direct staff to file a Notice of Completion and release the retainage.

APPROVED - 5/0/0

RESOLUTION NO. 19-2007, A RESOLUTION OF THE CITY OF RED BLUFF AUTHORIZING THE TEHAMA COUNTY SANITARY LANDFILL AGENCY TO SUBMIT A REGIONAL APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR THE USED OIL BLOCK GRANT, 13TH CYCLE (FY 2007/08)

Recommendation: That the City Council adopt Resolution No. 19-2007 authorizing the Tehama County Sanitary Landfill Agency to submit a regional application to the California Integrated Waste Management Board for the Use Oil Block Grant 13th Cycle (FY 2007/08).

APPROVED - 5/0/0

CURRENT BUSINESS

3 MG WATER RESERVOIR AND PIPELINE PROJECT – PROJECT ACCEPTANCE AND RELEASE OF RETAINAGE

Recommendation: That the City Council accept the public improvements for the 3 MG Water Reservoir and Pipeline project, direct staff to file a Notice of Completion and release the retainage.

Mark Barthel, Public Works Director, gave a brief background and reported that the job came in lower than what was approved by City Council.

Mayor Pro Tem Flynn stated it's kind of unusual for a job to come in lower.

M/S/C Flynn, Byrne to accept the public improvements for the 3 MG Water Reservoir and Pipeline Project, directed staff to file a Notice of Completion and release the retainage.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

**TRI-COUNTY ECONOMIC DEVELOPMENT CORPORATION (TCEDC)
MEMBERSHIP CONTRACT FOR ECONOMIC PLANNING AND COORDINATION
SERVICES - \$4,700**

Recommendation: That the City Council authorize the City Manager to execute the contract for services with Tri-County Economic Development Corporation for economic planning and coordination membership activities for the 2007/08 fiscal year in the amount of \$4,700.

Margaret Van Warmerdam, Finance Director, gave a brief background and asked for approval.

Mayor Brown requested clarification on what recent benefits the City has received from Tri-County.

Ms. Van Warmerdam reported that Tri-County will sit down with staff and help them with a 5 year plan and they also help us look for grants when we need them, such as the Antelope Water issue.

Councilmember Irving asked if there was any kind of economic burden to the City to be a member.

Ms. Van Warmerdam stated all the local jurisdictions contribute and that its comprised of Tehama, Glenn, and Butte Counties and they are very helpful.

M/S/C Irving, Moyer to authorize the City Manager to execute the contract for services with Tri-County Economic Development Corporation for economic planning and coordination membership activities for the 2007/08 fiscal year in the amount of \$4,700.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

WELL #7 BEARING REPLACEMENT PROJECT

Recommendation: That the City Council approve a supplemental budget appropriation not to exceed \$10,000 for the replacement of the bearings in Well #7 in account 50-530-107.

Mark Barthel, Public Works Director, gave a brief background and asked for approval of staff's recommendation.

Mayor Brown requested clarification on what the time line is for the well to be fixed.

Mr. Barthel stated that staff is seeking quotes at this time, but haven't received any back as of yet. He estimated that it should take about three weeks.

Mayor Pro Tem Flynn questioned if this also will keep our hydrants up to the correct water pressure, as without that pump we could be in real trouble.

Mr. Barthel stated that is correct.

M/S/C Byrne, Irving to approve a supplemental budget appropriation not to exceed \$10,000 for the replacement of the bearings in Well #7 in account 50-530-107.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

AUTHORIZATION OF SUPPLEMENTAL BUDGET APPROPRIATION FOR SWIMMING POOL ENGINEERING SERVICES FOR THE PARKS AND RECREATION DEPARTMENT.

Recommendation: That the City Council authorize a supplemental appropriation in the amount of \$10,000 from the General Fund to account number 60-62-340-100, for engineering consultation services for McGlynn Pool.

Andrea Warren, Parks and Recreations Director, gave a brief background and asked for approval of staff recommendation.

Mayor Pro Tem Flynn questioned if we have to open this back up for bid.

Margaret Van Warmerdam, Finance Director, stated that we could go to an on call list which we have for staff to use or we can use the City Engineer. She stated that because we are in a grant situation we need to use this money.

Richard Crabtree, City Attorney, stated the State Law exempts professional services including engineering services from the bid requirement.

Mayor Brown inquired on how long it will take to fix the pool.

Ms. Warren stated at this time she didn't have that information but would call them and set up the initial visit.

Councilmember Byrne questioned what the alternatives to fixing the pool are.

Ms. Warren stated that staff was going to look at fiberglass, PVC coating, and anything else that comes up when they look at the pool.

Mayor Pro Tem Flynn stated this could be anywhere from a liner to a whole new pool.

Ms. Warren stated that is what they have in their scopes.

Councilmember Byrne questioned if that due to changing circumstances we must hire an outside consultant explain that.

Ms. Warren stated originally it was going to be done in house and it wasn't included in the grant. Because this is a specialty field we have to have someone who specializes in that field

Ms. Van Warmerdam stated that we are working with grant money that was received in 2000 and that now it is 2007 so things cost more.

Councilmember Irving asked if this \$163,000 was part of the \$233,000

Ms. Van Warmerdam stated yes.

Councilmember Irving asked if the previous study changed anything regarding the grant.

Ms. Van Warmerdam stated what staff is trying to do with the engineer is figure out exactly what our course of action will be.

Mayor Brown asked is there something wrong with the Anderson Study.

Ms. Van Warmerdam stated that staff is not saying the Anderson Study is wrong, but just need to find out what we are going to do with the pool, fiberglass etc.

Councilmember Irving stated the study said the pool was structurally sound.

Mr. Barthel stated the shell of the pool is structurally sound, but it leaks and that it has gaps in the joints that need to be dealt with.

Councilmember Byrne requested clarification on what would be used if not a PVC liner.

Mr. Barthel stated that there are a number of issues with any one of the types of the repairs.

Councilmember Byrne stated it doesn't seem worth spending \$10,000 to find out they are going to use PVC liner since that's what they usually use.

Mr. Barthel stated that could be true, but the Anderson Study said to do the fiber glassing of the pool. There are a lot of other technologies out there and at this time he could not say for sure that PVC is the way to go.

Councilmember Irving asked what the time frame of the study is.

Mr. Barthel stated we don't have an exact time frame on it.

Mayor Brown stated that what he was having a problem with is that the Anderson Study told us what to do and now we aren't sure if we want to do it so we are getting another consultant .

Ms. Van Warmerdam stated she is seeking information about getting reimbursed for the consultant. She stated that you can add things to the grant after the fact, but is not sure yet if she can add this for reimbursement.

Councilmember Byrne questioned what the gaps would be filled with as a temporary fix of the pool.

Ms. Warren stated that staff has grout and a sealant that is being using.

Ms. Van Warmerdam stated if we don't use the grant she will have to turn it back over to the state and our cash match will just sit in the impact fees.

Mayor Pro Tem Flynn stated he understands the City Council's concerns but it is something that staff has put a lot of work into securing these grants, as they don't come that easy.

M/S/C Moyer, Irving to authorize a supplemental appropriation in the amount of \$10,000 from the General Fund to account number 60-62-340-100, for engineering consultation services for McGlynn Pool.

AYES: Councilmembers: Moyer, Irving, Flynn and Brown

NOES: Councilmember: Byrne

ABSENT OR NOT VOTING: NONE

There being no further business Mayor Brown adjourned the meeting at 7:52 p.m. until the meeting of May 15, 2007.

s/b Wayne Brown, Mayor

ATTEST:

s/b Jo Anna Lopez, City Clerk