

**RED BLUFF
CITY COUNCIL
REGULAR MEETING MINUTES**

DATE OF MEETING: May 15, 2007
TIME OF MEETING: 6:15 Closed Executive Session
7 p.m. Regular Meeting
PLACE OF MEETING: Council Chambers, City Hall
555 Washington Street
Red Bluff, Ca 96080

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

Staff Present: Martin J. Nichols, City Manager
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
Andrea Warren, Parks and Recreation Director
Donna Gordy, City Treasurer
Tessa Pritchard, Human Resource Director

Mayor Brown asked Bill Moule to lead the Pledge of allegiance and the assembly joined in.

CLOSED EXECUTIVE SESSION:

CONFERENCE WITH LABOR NEGOTIATORS: Executive Session in accordance with Government Code Section 54957.6 for the purpose of instructing the City's designated representative, Nicholaus and Haeg, Labor Negotiators and 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 Fire Units.

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 Mid-Managers Unit.

PUBLIC EMPLOYEE PERFORMANCE REVIEW

Title: City Manager (Government Code Section 54957)

A Closed Session item was added to the agenda, as this item could not wait until the next meeting.

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

M/S/C: Councilmember Irving, Byrne to approve the above item being added to the Closed Session agenda.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

Councilmember Moyer recused himself from all Fire Negotiations.

The City Council gave direction to Staff on the above Closed Session items.

CITIZEN'S COMMENTS:

John Elko, Concerned Citizen, stated that he was not in favor of the I-5 expansion unless there would be a reduction in sound by using materials that reduce tire noise.

Bob Logan, with the American Cancer Society, wanted to thank the Red Bluff Fire Department for their donation for the Relay for Life. The Red Bluff Fire Department is the largest donor in Tehama County. Mr. Logan gave a brief description of what the money goes to.

Bill Moule, Concerned Citizen, asked that the City Council make sure that the Public Sector mixes with the Private Sector in the fee schedule for the I-5 project. Mr. Moule suggested that an impact fee be charged on every car sold in California.

Venita Philbrick wanted to let everyone know about the fundraiser for the Cone-Kimball Tower Project that would be held on June 7, 2007 from 6-9 p.m. in the lobby of the State Theatre.

CONSENT AGENDA:

Mayor Brown requested that the Treasurer's Report be pulled from the Consent Calendar.

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

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

APPROVAL OF MINUTES

April 27, 2007

May 1, 2007

Approved 5/0/0

RESOLUTION NO. 22-2007; A RESOLUTION AUTHORIZING A WEEKLY STREET CLOSURE FOR THE SATURDAY "RED BLUFF FARMERS' MARKET"

AND

RESOLUTION NO. 23-2007; A RESOLUTION AUTHORIZING WEEKLY STREET CLOSURE FOR THE WEDNESDAY "RED BLUFF FARMERS' MARKET"

Recommendation: That the City Council adopt Resolutions No. 22-2007 and 23-2007 and authorize the street closure for the Saturday morning Farmers' Market to beginning June 2, 2007 and continuing through October 2007 and the Wednesday evening Farmers' Market beginning July 11th, 2007 through September 26, 2007.

Approved: 5/0/0

INTEGRATED WASTE MANAGEMENT TASK FORCE CITIZEN MEMBERS

Recommendation: That the City Council approve the appointments of C. Bordeaux, Richard Clapp, Tom Russ and Jim Bacquet to the Integrated Waste Management Task Force with terms to expire 3/31/2008.

Approved 5/0/0

REPORT ON COMMUNITY CENTER ROOF REPAIRS

Recommendation: Informational only

Approved 5/0/0

TREASURER'S REPORT

Recommendation: That the City Council accept the report for the third quarter of Fiscal Year 2007.

This item was pulled by Mayor Brown for clarification on whether or not this was current.

Donna Gordy, City Treasurer, stated that the Treasurer's Reports were current.

M/S/C: Councilmembers Brown, Irving to approve the Treasurer's Report.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

ALCOHOL BEVERAGE LICENSE; NEW TYPE 42 ON SALE BEER AND WINE FOR PUBLIC PREMISES; 4 SUTTER STREET; LA COAHUILA (NAME OF BUSINESS); IGNACIO ZAMACONA (FIRST APPLICANT)

Recommendation: That the City Council:

1. Acknowledge the applications for a New (Type 42, On-Sale Beer and Wine for Public Premises) Alcoholic Beverage License for 4 Sutter Street, La Coahuila Tavern; and,

2. Determines, in accordance with Business and Professions Code that issuance of the subject licenses would serve the public convenience and necessity, and therefore, directs staff to send a letter to ABC to that effect; and,
3. 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 (Mr. Ignacio Zamacona; 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; New Type 42 (On-Sale Beer and Wine Public Premises). The applicant for this proposed ABC License shall be billed by the City Finance Department.

Approved: 5/0/0

REPORT REGARDING CONTRACT AWARDS – April 2007

Recommendation: That the City Council accept the report.

Approved: 5/0/0

UNCLAIMED CHECK POLICY UNDER FIFTEEN DOLLARS

Recommendation: That the City Council approve the transfer to the General Fund

Approved: 5/0/0

ASPHALT CONCRETE, PAVING ASPHALT, PG&E SAND

Recommendation: That the City Council accept the on call list for Asphalt Concrete. Paving asphalt and PG&E Sand for the Public Works Department for the period of July 1, 2007 through June 30, 2008.

Approved: 5/0/0

AGREEMENT BETWEEN THE CITY OF RED BLUFF AND THE RED BLUFF JOINT UNION HIGH SCHOOL DISTRICT FOR THE OPERATION OF THE RED BLUFF UNION HIGH SCHOOL SWIMMING POOL.

Recommendation: That the City Council authorize the City Manager to sign the attached agreement between the City of Red Bluff and Red Bluff Joint Union High School District for the use of the Red Bluff Joint Union High School swimming pool.

Approved: 5/0/0

RESOLUTION NO. 21-2007; STREET CLOSURE BOAT DRAGS “SHOW AND SHINE”

Recommendation: That the City Council adopt Resolution no. 21-2007 and authorize the street and parking closure times for the Memorial Day Boat Drags “Show and Shine” to be held on May 25. 2007.

Approved: 5/0/0

SODIUM BISULFITE BID AWARD

Recommendation: That the City Council approve the purchase of Sodium Bisulfite from Basic Chemical Solutions for the Wastewater Treatment Plant for Fiscal Year 2007/2008.

Approved: 5/0/0

CURRENT BUSINESS:

UPDATE ON THE TEHAMA COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT – ANDREW COX, MANAGER

Recommendation: That the City Council hears the presentation by Andrew Cox, Manger of the Tehama County Mosquito and vector Control District.

Martin Nichols, City Manager, introduced Andrew Cox.

Mr. Cox, Manager of the Tehama County Mosquito and Vector Control District, gave a brief update of the on the District’s control activities.

REQUEST FOR LETTER OF SUPPORT – HOUSEHOLD HAZARDOUS WASTE COUNTY – WIDE COORDINATION GRANT

Recommendation: That the City Council approve the letter of Support and authorize the Mayor to sign on behalf of the City of Red Bluff.

Martin Nichols, City Manager, gave a brief background on the Tehama County Sanitary Landfill Joint Powers Agency.

Kristina Miller, Solid Waste Program Manager, gave a brief description of what the program is and how it works.

Mayor Pro Tem Flynn requested clarification on how the sharp objects are currently dealt with.

Ms. Miller stated that most of the sharp objects are just discarded in the regular trash.

Mayor Brown questioned if they were going to use different types of containers.

Ms. Miller stated that they are looking for containers that will hold the sharps and not be in danger. They are also contacting the Post Office to see if they will donate some of their old collection boxes.

Councilmember Irving inquired as to who would be responsible for picking up and disposing of these containers.

Ms. Miller stated that it would be contracted out to a medical waste collection company.

M/S/C Councilmember Irving and Flynn, to approve the letter of support for Household Hazardous Waste Collection.

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

NOES: NONE

ABSENT OF NOT VOTING: NONE

FIX 5 PARTNERSHIP – PRESENTATION OF PHASE 1 TIF PROGRAM:

Recommendation: That the City Council:

1. Receive a presentation regarding Phase 1 of the proposed Interstate 5 Regional Traffic Impact Fee (TIF); and

2. Agree to the preparation of the Fix 5 Partnership Phase 1 program to be presented for adoption to all partner agencies in three months.

Martin Nichols, City Manager, gave a brief summary of the I-5 Partnership proposal.

Gary Antone, Public Works Director for Tehama County, gave a brief overview of the I-5 Partnership.

Robert Spencer, Principal with Mutual Financial, gave a Power Point Presentation (*see case file*). This project will extend from Liberal Avenue in Corning to Mountain Gate near Shasta Lake.

Mr. Nichols questioned if once Phase 1 recommendation was brought back if we will have an opportunity to have those required meetings with our Chamber, Development Corporation and other Businesses.

Mr. Spencer stated yes and they would like to be invited to those meetings to help out. He also stated that they will also be holding public workshops to help out.

Councilmember Irving stated that Mr. Spencer said 20% of the traffic was inter-regional, but there was a lot of semi truck traffic.

Mr. Spencer stated that they are reviewing some Cal-Trans data on that subject.

Mr. Nichols stated that on the traffic and transportation issue that was discussed, CalTrans has the equipment and software to take photos of license plates and run them through the computer to compile a report that would be accurate to find out where the traffic comes from.

Mr. Spencer stated that this is done locally on the on and off ramps.

Councilmember Byrne stated that it seems like the new home buyers are being saddled with the solution to this problem, and questioned how businesses and old homeowners would participate.

Mr. Spencer replied that they would be handled through the gas taxes.

Councilmember Byrne stated that was not true as the gas taxes have been put in the General Fund for years. He stated that there have had three different incentives to put the gas taxes back into the highways and it never happens.

Mr. Spencer stated that the gas tax is what funds the State Gas Station Improvement Plan. He continued by reporting that recently an initiative was

passed to guarantee that the Sales Tax on gas stays in the transportation account.

Councilmember Byrne stated that the sales tax wasn't a fixed fee, but a percentage and that now the sales tax fee is going up. He stated that this is a politically correct thing to do, but felt that this was not a problem for Tehama and Shasta County. This is a state or interstate national problem and that is where the solution should be. To saddle the developers and the home buyers with the impact fees doesn't make sense.

Robert Schultz with Grayrock Development questioned if they knew what the Phase 1 fee might be.

Mr. Wayne, Shasta County Regional Transportation Planning Agency Representative, stated that they don't have a specific fee right now, as it is very early in this project. He stated that they were here tonight to let you know we are working on it and we will have a fee as soon as it comes forth. A rough estimate at this time would be approximately \$1,000 per home.

Scot Timboe, Planning Director, requested clarification on how we know our fees stay in our County.

Mr. Spencer stated the plan is to collect the money locally and to keep that in the County. They are still going through an extensive process right now to figure that out.

Mr. Nichols stated that the overpass in Cottonwood that crosses the Sacramento River may be done regionally because that would be an extensive project.

Councilmember Irving stated to clarify that each County would have their own pot of money, so we wanted to widen the Freeway between here and Corning then there would be coordination between Red Bluff, Corning, and the County and questioned if this was how it will work

Mr. Spencer stated that you would have to realize that there will be some regional benefits to improving I-5.

Councilmember Irving stated that in the past when the freeway needed widening it was just widened and questioned if that was no longer going to happen and questioned if by joining this Fix 5 Partnership takes the place of the State doing it.

Mr. Spencer stated that an option is to wait until State and Federal monies are available, but that maybe way beyond what we as a Region will accept.

Mayor Brown requested clarification on who would administer these funds, and stated that he still doesn't understand how the City collecting Impact Fees would jump start the State giving us more money.

Mr. Spencer replied to your first question on who controls the dollars, it's a joint partnership with Shasta County, Tehama County and all the Cities within them. Shasta County is a much larger county, so we have allowed them to take the lead in regards to being the contact point for getting a consultant on board; we have been fully involved with that process, so it is a coordinated effort. In regards to your second question on the dollars and how they are collected, they will be collected for activities, or projects defined in this study. The money will be collected in the counties and put into an account within those counties or within those cities.

Mayor Brown stated that if we have no money then the State won't care and the widening will not happen.

Mr. Spencer stated that the State will keep up the flow of traffic North and South.

Mayor Brown questioned what the State had done with all the tax dollars that are to fix the freeways.

Mr. Spencer stated with the tax dollars that are coming in there is not enough money to accomplish what needs to be done on the State highway system. So we are trying to look for ways to help with those costs.

Mayor Brown questioned if there was a structure in place that holds the I-5 Partnership responsible to a set of standards, or a way of administering those funds.

Mr. Spencer stated the current program is a Capital Improvement Program with a Traffic Impact Fee, which is the same as what you have with the City of Red Bluff Development Impact Fees and that it has very definite rules.

Mayor Brown requested clarification on what the result of the outreach to the construction community was.

Mr. Spencer stated in Tehama County there hasn't been involvement with the Construction Industry or the Chambers, but that they had extended an invitation to speak with them and go through the information. He stated that they were just getting started and that they haven't reached Shasta County either, but the first meeting with them will be June 30, 2007.

Mayor Brown stated that on the agenda item it states there will be no cost to the City's General Fund, but we are collecting the money, keeping track of the

money and handing out the money using City staff so there will be a cost to the City's General Fund.

Mr. Spencer stated that the programs that we are involved with there are a very small 1 to 2% administrative charge that is attached to the fee that is paid in addition to fund those costs.

Mayor Brown stated on the interim fee program it says that the impact fee could be reduced if we have success in using our money to leverage.

Mr. Spencer stated if you collect more money that was correct.

Councilmember Byrne questioned that if the fee for Phase 1 is \$1,000 what would Phase 2 be.

Mr. Spencer stated that has not yet been determined.

Councilmember Irving requested clarification on why has this been limited to road widening and not interchanges or overpasses, as a community we would be interested in this more.

Mr. Spencer stated with the amount of money we have we would not be able to do all that. Phase 2 will look at the traffic load and we will deal with that then.

3. M/S/C Councilmembers Moyer, Flynn to agree to the preparation of the Fix 5 Partnership Phase 1 program to be presented for adoption to all partner agencies in three months.

AYES: Councilmembers: Moyer, Flynn and Irving

NOES: Councilmembers: Byrne and Brown

ABSENT OR NOT VOTING: NONE

A ten minute break was taken at this time.

PUBLIC HEARING FOR WATER RATES ANNUAL CPI-U

Recommendation: That the City Council:

1. Conduct the Public Hearing and consider any public comments received.
2. Adopt Resolution No. 20-2007 a Resolution of the City Council of the City of Red Bluff amending water rates.

Margaret Van Warmerdam, Finance Director, gave a brief background, asking for approval to adopt Resolution No. 20-2007.

Mayor Brown opened the Public Hearing at 8:42 p.m. and after receiving no comments closed the Public Hearing at 8:42 p.m.

Mayor Brown stated he was adamant last year about all the increases going into funds for repair.

Ms. Van Warmerdam explained what they did was when the City Council adopted the Final Budget last year the percentage was changed and that we are now seeing that money set aside in the Capitol Replacement Fund.

Mayor Pro Tem Flynn requested clarification on if this was a 2 ½ percent or a 7 ½ percent increase.

Ms. Van Warmerdam stated this was a 7 ½ percent increase.

Councilmember Byrne asked if the water rate included the sewer rate too.

Ms. Van Warmerdam stated no that was a separate fee, which is a flat fee of \$25.

Councilmember Irving questioned if this would be brought to the City Council every time there was a rate increase.

Richard Crabtree, City Attorney, stated that because it is on a set increase the 5% increases were built in and adopted altogether, but because this is not a set increase State Law requires that a Public Hearing be held, so that the Public has an opportunity to comment.

M/S/C Councilmember Flynn and Moyer to adopt Resolution 20-2007.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

**LEASE AGREEMENT BETWEEN THE CITY OF RED BLUFF AND SHASTA –
TEHAMA- TRINITY COMMUNITY COLLEGE DISTRICT FOR LAND LOCATED
AT 1545 LINCOLN STREET**

Recommendation: That the City Council approve the land lease agreement with Shasta College for land located at 1545 Lincoln Street and Authorize the Mayor to sign the lease agreement.

Martin Nichols, City Manager, gave a brief background on the Lease Agreement.

M/S/C Councilmembers: Irving and Byrne to approve the new contract.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

REPORT ON SALES TAX

Recommendation: Informational Only.

Margaret Van Warmerdam, Finance Director, gave a brief background on the quarterly sales tax report.

Informational only, no action required.

APPROVAL OF WARRANT LIST

Recommendation: That the City Council approve Check Warrant No. 55555 through 55861 dated April 4, 2007 through April 26, 2007.

M/S/C Councilmembers: Flynn and Moyer, to approve the Warrant List

AYES: Councilmembers: Flynn, Moyer, Irving and Byrne

NOES: NONE

ABSENT OR NOT VOTING: Councilmember: Brown (abstained)

COMMITTEE REPORTS / COUNCIL COMMENTS

Mayor Brown reported that he had attended the Fire Academy Graduation and it was outstanding. He also the reminder the City Council and those in attendance that the Peace Officers Memorial would be held on Wednesday, May 16th at 7 pm. and encouraged everyone to attend if possible.

ADJOURNMENT

There being no further business Mayor Brown adjourned the meeting at 8:50 p.m. until the meeting of June 5, 2007.

s/b Wayne Brown, Mayor

ATTEST:

s/b Jo Anna Lopez, City Clerk