

**RED BLUFF
CITY COUNCIL
REGULAR COUNCIL MEETING**

Date of Meeting: Tuesday, May 5, 2008
Time of Meeting: 6:15 p.m. 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
Jeff Moyer, Mayor Pro Tem
James Byrne
Forrest Flynn
Bob Carrel

Staff Present:

Martin Nichols, City Manager
Richard Crabtree, City Attorney
Scot Timboe, Planning Director
Jo Anna Lopez, City Clerk
Scott Capilla, Police Chief
Mark Barthel, Public Works Director
Mike Bachmeyer, Fire Chief
Tessa Pritchard, Human Resources Director
Debbie Carlisi, Parks and Recreation Director
J.D. Ellison, Building Director/Official
Donna Gordy, City Treasurer
Trisha Blair, Accountant

Mayor Brown called the meeting to order at 7 p.m.

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 representatives 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 Police Unit, Fire Unit, Miscellaneous Unit, Mid-Management and Management employees.

Mayor Brown reported that the City Council had given direction to staff.

PLEDGE ALLEGIANCE:

Mayor Brown asked Police Chief Scott Capilla to lead the pledge of Allegiance and the Assembly joined in.

CITIZEN'S COMMENTS:

Don Williams, Red Bluff Business owner, would like to see better communication between the City of Red Bluff and the businesses of Red Bluff regarding the closures of streets etc.

PROCLAMATIONS:

Mayor Pro Tem Jeff Moyer proclaimed May Mental Health Month and presented the Proclamation to Jean Shackelford, Chairperson.

Mayor Brown read the Proclamation for May Veterans Appreciation Month.

CONSENT AGENDA:

Item 1-c pulled by Councilmember Moyer so that it could be voted on separately since he was not at that meeting.

M/S/C Councilmembers Carrel and Flynn to approve the remainder of the Consent Agenda.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

APPROVAL OF MINUTES

a. April 7, 2009

5/0/0 Approved

b. April 20, 2009

5/0/0 Approved

c. April 21, 2009

Mayor Pro Tem Moyer asked that this be voted on separately since he was absent from this meeting.

M/S/C Councilmembers Carrel and Flynn to make the change in the minutes and adopt as written with the correction.

AYES: Councilmembers, Carrel, Flynn, Byrne and Brown
NOES: NONE
ABSENT OR NOT VOTING: Councilmember Moyer
(abstained)

PARKS AND RECREATION COMMISSION VACANCY

Recommendation:

That the City Council declares that a vacancy has occurred and direct the Deputy City Clerk to advertise for applicants to fill the vacancy on the Parks and Recreation Commission.

5/0/0/Approved

REQUEST FOR AUTHORIZATION TO APPLY FOR THE ASSISTANCE TO FIREFIGHTERS GRANT (AFG) ADMINISTERED BY FEMA

Recommendation:

That the City Council authorize the Fire Chief to submit an application for the 2009 FEMA AFG. If awarded, staff will bring the matter back to Council for Appropriation of the matching funds.

5/0/0 Approved

CURRENT BUSINESS:

PUBLIC HEARING TO CONSIDER ORDINANCE NO.990; REZONE NO 209; REVISING CITY CODE SECTION 25.79 OF THE RED BLUFF CITY CODE ALLOWING MOBILE VENDORS IN A C-3 (GENERAL COMMERCIAL) ZONING DISTRICT ALONG WITH AMENDING CHAPTER 25 BY ADDING SECTION 25.198 MINIMUM STANDARDS FOR MOBILE VENDORS AND AMENDING RED BLUFF CITY CODE SECTION 25.239 DEFINITIONS BY ADDING A DEFINITION WETHIN THE CITY OF RED BLUFF AND REFORMATTING ARTICLE XX CORRECTION

Scott Timboe, Planning Director, reviewed staff report and gave staff's recommendation that the City Council:

1. Conduct the public hearing and consider all public testimony and other information submitted relating to Ordinance No. 990; Rezone no. 209.
2. Find that Ordinance No. 900; Rezone No. 990 is exempt from CEQA Guidelines, (Class 8 Categorical Exemption, Actions by regulatory Agencies for Protection of the Environment)

3. Waive the First Reading and Introduce Ordinance No. 990; Rezone No. 209, amending Section 25.198, and COMMERCIAL ZONES AND PERMIT REQUIREMENTS; Miscellaneous “MOBILE VENDOR”, Section 25.239 and ARTICLE XX CERTIFICATES OF OCCUPANCY.

Mayor Brown opened the Public Hearing at 7:20 p.m. and hearing no comments Mayor Brown closed the Public Hearing at 7:20 p.m.

Councilmember Carrel stated that he did not agree with this item.

M/S/C: Councilmembers Flynn and Byrne to waive the first reading and introduce Ordinance No. 990; Rezone No. 209, amending Section 25.198, and COMMERCIAL ZONES AND PERMIT REQUIREMENTS; Miscellaneous “MOBILE VENDOR”, Section 25.239 and ARTICLE XX CERTIFICATES OF OCCUPANCY.

AYES: Councilmembers Flynn, Byrne, Moyer and Brown

NOES: Councilmember Carrel

ABSENT OR NOT VOTING: NONE

PUBLIC HEARING TO CONSIDER REZONE NO. 211 (ORDINANCE NO. 996) REVISING CHAPTER 26 OF THE CITY CODE AND ADOPTING UPDATED FLOOD INSURANCE STUDIES, FLOOD INSURANCE RATE MAP No. 065053002G, FIRM MAP INDEX AND CITY OF RED BLUFF BASE IMAGE (GGIS CA STATE PLANE COORDINATES NAD 83 ZONE 1 GEOREFENCED; 2004 ARIAL PHOTO DATED 2-9-07) ALONG WITH ASSOCIATED D-FIRM SHAPE FILE LAYER BY REFERENCE

Scot Timboe, Planning Director, reviewed the staff report and gave staff's recommendation that the City Council:

1. Conduct the public hearing and consider all public testimony and other information submitted relating to Ordinance No. 996; Rezone No. 211.
2. Find that Ordinance No. 996; Rezone No. 211 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).
3. Waive the First Reading and Introduce Ordinance No. 996; Rezone No. 211 Revising Chapter 26 Of the

Red Bluff City Code and Adopting updated Flood Insurance Studies, Flood Insurance Rate Map No. 065053002G, FIRM Map Index and City of Red Bluff Base Image (GIS CA State Plane Coordinates NAD 83 Zone 1 Georeferenced; 2004 Arial Photo dated 2-9-07) along with associated D-FIRM Shape File Layers by reference.

Mayor Brown opened the Public Hearing at 7:27 p.m. and hearing no comments Mayor Brown closed the Public Hearing at 7:27 p.m.

M/S/C: Councilmembers Moyer and Byrne to waive the First Reading and Introduce Ordinance No. 996; Rezone No. 211 Revising Chapter 26 Of the Red Bluff City Code and Adopting updated Flood Insurance Studies, Flood Insurance Rate Map No. 065053002G, FIRM Map Index and City of Red Bluff Base Image (GIS CA State Plane Coordinates NAD 83 Zone 1 Georeferenced; 2004 Arial Photo dated 2-9-07) along with associated D-FIRM Shape File Layers by reference.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

ORDINANCE NO.998; AN ORDINANCE REVISING CHAPTER 23 SECTION 23A.6(A) OF THE CITY CODE ALLOWING THE CITY OF RED BLUFF TO REMOVE TREE(S) WITHIN THE CITY OF RED BLUFF RIGHT-OF-WAY BY POSTING A 10 DAY TREE REMOVAL NOTICE ON EACH TREE TO BE REMOVED WITH CITY CONTACT INFORMATION AND APPEAL INFORMATION

Mark Barthel, Public Works Director reviewed staff report and gave staff's recommendation that the City Council:

1. Find that Ordinance No. 998 is exempt from CEQA pursuant to Section 15061. b. 3 of the CEQA Guidelines, Adoption and implementation will not have the potential to cause a significant environmental effect.
2. That the City Council waives the First Reading and Introduce Ordinance No. 998; AN ORDINANCE REVISING CHAPTER 23 SECTION 23A.6(A) OF THE CITY CODE ALLOWING THE CITY OF RED BLUFF TO REMOVE TREE (S) WITHIN THE CITY OF RED BLUFF RIGHT-OF-WAY BY POSTING A 10 DAY TREE REMOVAL NOTICE ON EACH TREE TO BE

REMOVED WITH CITY CONTACT INFORMATION
AND APPEAL INFORMATION.

Richard Crabtree, City Attorney, reported that he and staff had cleaned up some of the wording and made it a 10 day notice.

Mayor Brown asked if anyone had any citizen's comments.

Mattie Yates, concerned citizen, questioned if the City Council would consider having a tree committee.

M/S/C Councilmembers Flynn and Moyer to waive the first reading of Ordinance No. 998 and introduce Ordinance No. 998; An Ordinance Revising Chapter 23 Section 23A.6(A) of the City Code allowing the City of Red Bluff to remove tree(s) within the City of Red Bluff right-of-way by posting a 10 day tree removal notice on each tree to be removed with City contact information and appeal information.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

RESOLUTION NO. 13-2009, DESIGNATION OF NO PARKING ZONES ALONG MONROE AVE/STREET AND WALNUT STREET

Mark Barthel, Public Works Director, reviewed the staff report and gave staff's recommendation that the City Council adopt Resolution No. 13-2009 designating portion of Monroe Ave/ Street and Walnut Street as a No Parking Zone.

Letters were sent out and no responses were received for this job.

M/S/C Councilmembers Carrel and Moyer to adopt Resolution No. 13-2009 designating portions of Monroe Avenue/Street and Walnut Street as No Parking Zones.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

REQUEST FOR SEWER SERVICE OUTSIDE THE CITY LIMITS; 1020 LAKESIDE DRIVE – APN 41-020-06

Mark Barthel, Public Works Director, reviewed the staff report and gave staff's recommendation that the City Council reviews discuss and direct staff regarding the connection of Sewer facilities to the County Property located at 1020 Lakeside Drive, APN 41-020-06.

M/S/C: Councilmembers Flynn and Byrne to accept staff's recommendation of approval for this connection.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

RENEWAL OF CITY MANAGER EMPLOYMENT AGREEMENT

Richard Crabtree, City Attorney, reviewed the staff report and gave staff's recommendation that the City Council authorize the Mayor to sign the City Manager's Employment agreement extension.

Councilmember Byrne expressed his concerns about this employment agreement and the deal that was made with the Police Chief. * ***copy of concerns attached to these minutes.***

M/S/C: Councilmembers Flynn and Carrel to authorize the Mayor to sign the City Manager's Employment Agreement extension.

AYES: Councilmembers Flynn, Carrel, and Brown

NOES: Councilmember Byrne and Moyer

ABSENT OR NOT VOTING: NONE

TRI-COUNTY ECONOMIC DEVELOPMENT CORPORATION (TCEDC) MEMBERSHIP CONTRACT FOR ECONOMIC PLANNING AND COORDINATION SERVICES - \$2,850.

Martin Nichols reviewed staff report and gave staff's recommendation that the City Council authorize the City Manager to execute the contract for service with Tri-County Economic Development Corporation for economic planning and coordination membership activities for the 2009/10 fiscal year in the amount of \$2,850.

M/S/C: Councilmembers Moyer and Flynn to authorize the City Manager to execute the contract for service with Tri-County Economic Development Corporation for economic planning and coordination membership activities for the 2009/10 fiscal year in the amount of \$2,850.

AYES; Councilmembers, Moyer, Byrne, Flynn, Carrel and Brown

NOES; NONE

ABSENT OF NOT VOTING; NONE

5/0/0 Approved

RATIFICATION OF SIDE LETTERS TO THE REPRESENTED EMPLOYEE GROUPS CURRENT MEMORANDUMS OF UNDERSTANDING TO ADDRESS THE CITY'S CURRENT BUDGET CONCERNS

Tessa Pritchard, Human Resources Director, reviewed the staff report and gave staff's recommendation that the City Council authorize the Human Resources Director to sign on behalf of the City, the attached Side Letters to the Miscellaneous Unit, Red Bluff Peace Officers Association, and the Red Bluff police Mid-Managers Association MOU's.

M/S/C Councilmembers Moyer and Byrne to authorize the Human Resources Director to sign on behalf of the City, the attached Side Letters to the Miscellaneous Unit, Red Bluff Peace Officers Association, and the Red Bluff police Mid-Managers Association MOU's.

Councilmember Flynn thanked all the City Employees for taking the pay cuts so other employee's could keep their jobs.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

BUILDING DEPARTMENT BRIEFING

J.D. Ellison, Building Director/Official reviewed staff report and gave a brief presentation on the duties and activities of the Building Department.

Informational item only, no action needed.

QUARTERLY REPORT

Police Capilla reviewed the Quarterly Report for the Police Department. Informational item only, no action needed.

STAFF ITEMS/REPORTS/COMMITTEE REPORTS/COUNCIL COMMENTS/STAFF UPDATES OF COMING EVENTS

Police Chief Capilla invited Council, Staff, and everyone else to attend the Fallen Peace Officers for the year 2008. This will also be a first, a special occasion to honor Fire Engineer Brian Smalley. This is the first time that a Fallen Firefighter will be recognized and there will be a candle lit for Engineer Smalley. The event takes place on May 6, 2009, at 7:00 p.m., at the Bethel Temple Church on Luther Road.

Michael Bachmeyer Fire Chief thanked Police Chief Capilla and the Peace Officers Association for the change to recognition one of our Firefighters Brian Smalley.

ADJOURNMENT

There being no further business Mayor Brown adjourned the meeting at 8:34 p.m. until the meeting of May 19, 2009 at 7:00 p.m.

s/b Wayne Brown, Mayor

ATTEST:

s/b Jo Anna Lopez, City Clerk

Regarding the city managers renewal of employment agreement.

I cannot vote to extend this contract for the following reasons.

1. In december the manager gave the management employee raises irrespective to city rules. This in effect negated the request for employees to accept a salary reduction of 7%.
2. The manager negotiated a sweetheart deal with the Police chief for early retirement without a 7% reduction in salary as requested from other employees.
3. In presenting the golden handshake deal with the police chief the city manager misrepresented Capt Nanfito's compensation as 151,000 knowing full well that his employment costs the city 164,000⁰⁰

- ④ He has allowed a feud between 2 dept heads to persist to the point of lawsuits threat of lawsuits and suspensions.
- ⑤ City contracts are routinely handed out to vendor prior to authorization of the council.
- ⑥ He negotiated a long term contract with escalation clauses for the garbage collection in Red Bluff. A better deal could have been received by the city by going out to bid. The city regularly requires 3 bids on most items.
- ⑦ He has failed to reorganize the Public Works Dept that has way too many chiefs for the number of employees.

For the above reasons I feel that is foolish
to reward the managers poor performance
with an extension of 3 years with
unspecified raises in years 2 and 3.
The current extension has a starting
Salary of 124,000 plus perks.