

**RED BLUFF
CITY COUNCIL
REGULAR MEETING MINUTES**

Date of Meeting: July, 17, 2007
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
Daniel Irving
Jeff Moyer
James Byrne

Councilmembers Absent: Forrest Flynn (absent-excused)

Staff Present: Martin Nichols, City Manager
Richard Crabtree, City Attorney
Gerry Gray, Fire Chief
Scott Capilla, Police Chief
Tessa Pritchard, Human Resource 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
Margaret Van Warmerdam, Finance Director
J.D. Ellison, Building Director

Mayor Brown asked Mr. Alan Abbs 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, 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 Mid-Management Unit.

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

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION ONE POTENTIAL MATTER

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

CITIZEN'S COMMENTS:

Mattie Gates, Concerned Citizen Mrs. Gates handed out some literature regarding the U.S. Bank located on the corner of Main Street and Walnut Street. Ms. Gates stated the bank is scheduled for demolition and that she would like to have the building stay as is and just do the repairs as this is a historical building. Ms. Gates requested that this be brought back as an agenda item for further discussion.

Janice Stedman, concerned citizen spoke on behalf of the Peace Vigil that is held every Saturday morning in front of Winchell's Donuts. There is a problem with the people from another group harassing the people from the Peace Vigil and noted that the City Manager had been notified. The Peace Vigil has tried to talk to the other group and they continue to harass the Peace Vigil. Ms. Stedman is concerned that the other group might become violent with them and she is seeking help from the City Council for some sort of solution as the Peace Vigil feels their first amendment right is being violated.

Mayor Brown questioned if the Police or the City Manager have been notified of the problem.

Ms. Stedman stated the Police had not been notified but the City Manager's office had been.

Richard Crabtree, City Attorney, stated that this had been discussed by staff internally and that the problem is that the City doesn't have the right to designate a time for one group and exclude other groups. The Police Department has had no calls for service related to these protests, so there is no action in this matter that the City can take.

Councilmember Irving questioned if anyone had been assaulted.

Ms. Stedman stated no

CONSENT AGENDA:

Councilmember Irving Pulled item 2 on the Consent Agenda.

Mayor Brown Pulled item 3 on the Consent Agenda.

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

AYES: Councilmembers Irving, Moyer, Byrne and Brown

NOES: NONE

ABSENT OR NOT VOTING: Mayor Pro Tem Flynn (absent-excused)

REPORT REGARDING CONTRACT AWARDS – June 2007

Recommendation: That the City Council accept the report.

Approved 4/0/1

APPROVAL OF MINUTES

June 5, 2007

Councilmember Irving stated the minutes of June 5, 2007 this regards the approval of the contract with Cal Fire. The motion should be to adopt Resolution No. 29-2007 conditioned upon receipt of a letter from CDF indicating that medical instructions would be provided to City residents during an emergency.

M/S/C: Councilmember Irving, Moyer to correct the motion on the June 5, 2007 notes to read as shown above.

AYES: Councilmembers: Irving, Moyer, Byrne and Brown

NOES: NONE

ABSENT OR NOT VOTING: Mayor Pro Tem Flynn (absent-excused)

June 25, 2007 – Special Meeting

Approved 4/0/1

ALCOHOL BEVERAGE LICENSE; PERSON TO PERSON TRANSFER; TYPE 20 & 42 (OFF-SALE BEER AND WINE/ON-SALE BEER AND WINE FOR PUBLIC PREMISES); 645 MAIN STREET; CA KITCHEN & COMPANY (NAME OF BUSINESS); MR. HAROLD HARVEY (FIRST OWNER)

Recommendation: That the City Council:

1. Acknowledge the application for a person to person transfer of a Type 20-42 (Off-Sale Beer and Wine/On-Sale Beer and Wine Public Premises) Alcoholic Beverage License for the CA Kitchen & Co Located at 645 Main Street.
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 conditions:
 - a. The applicant (Harold Harvey; First Owners) 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 20&42 (Off-Sale Beer and Wine/On-Sale Beer and Wine Public Premises).

Approved 4/0/1

NORTH STATE EMPLOYMENT RELATIONS CONSORTIUM

Recommendation: That the City Council authorize staff to sign the Agreement for Special Services, thus renewing the City's membership in the North State Consortium

Mayor Brown pulled this item for clarification on how much this is used and if one department uses it more than others.

Tessa Pritchard, Human Resource Director, stated this gets used fairly broadly. The Human Resources Department does utilize it a lot and she does ask Department Heads to utilize as Laws are continually changing and this keeps departments updated.

M/S/C: Mayor Brown and Councilmember Irving to authorize staff to sign the Agreement for Special Services, thus renewing the City's membership in the North State Consortium.

AYES: Councilmembers: Irving, Moyer, Byrne and Brown

NOES: NONE

ABSENT OR NOT VOTING: Mayor Pro Tem Flynn (absent-excused)

AMENDMENT OF THE POLICE CAPTAIN AND POLICE LIEUTENANT CLASS SPECIFICATIONS

Recommendation: That the City Council approve the proposed amended job Classifications of Police Lieutenant and Police Captain.

Approved 4/0/1

CURRENT BUSINESS:

COMPETITIVE BIDS - GARBAGE SERVICE

Recommendation: That the City Council:

1. Receive this report.
2. Provide direction to the City Manager on:
 - a. Implementing a Garbage Request for Proposals process, or
 - b. Negotiating an extension to our current garbage franchise agreement, or
3. Schedule this matter for future Council discussion and action.

Martin Nichols, City Manager, gave a brief background on this item.

Councilmember Irving requested clarification on the \$40,000 indicated for a consultant services and what type of consultant.

Mr. Nichols stated that the Consultant would be someone who was an expert in the area of preparing the RFP Contract and that everything has to be carefully done so no one can come back and sue the City.

Councilmember Byrne requested clarification on why the existing company could operate under the contract that exists now and questioned why a new company couldn't operate under the same conditions.

Mr. Nichols stated they could if that was the criteria of the RFP, but it would be a separate contract with a new company.

Councilmember Byrne stated he was looking over the alternative for tonight and he feels that this is a discussion that needs a lot more time, as this is a large amount of money we are talking about and he didn't feel that the City Council could spend the amount of time that is needed for this tonight. Councilmember Byrne stated that he felt this item requires a special meeting.

M/S/C: Councilmembers Byrne, Moyer to bring this item back at a special meeting just for further discussion.

Dave Bailey, Concerned Citizen, asked that City Council put this item up for a competitive bid. Mr. Bailey also asked that if the City Council does decide to go with Waste Connections that they please leave the drop boxes out of their contract so Waste Connections does not have a monopoly on the whole business.

AYES: Councilmembers: Byrne, Moyer and Brown

NOES: Councilmember: Irving

ABSENT OR NOT VOTING: Mayor Pro Tem Flynn (absent-excused)

RED BLUFF MUNICIPAL AIRPORT TAXIWAY LIGHTING, WINDCONE, AND PAVEMENT IMPROVEMENT PROJECT – AIP-08

Recommendation: That the City Council:

1. Award the Taxiway Lighting, Windcone and Pavement Improvement Project to Sunrise Excavating for the amount of \$368,188.50, which is the base bid plus alternatives A, B and C. Also authorize a supplemental budget appropriation in the amount of \$23,960.00 from Fund 52-50-530-107

OR

2. Award the Taxiway Lighting, Windcone and Pavement Improvement Project Base Bid, Alt B and Alt, C only (removal of water line replacement) to Sunrise Excavating in the amount of \$344,228.50

Mark Barthel, Public Works Director, gave a brief background on the above item.

Mayor Brown asked for Clarification on alternates A, B, and C.

Mr. Barthel stated Alternate A was the installation of the fire main, the water lines and the fire hydrants; Alternate B additionally provided some edge drains along taxiway delta to relieve some of the water pressure that is along that sub grade; and Alternate C is a gutter drainage structure that runs between the new hangers.

Councilmember Irving requested clarification on whether Alternates B and C are fully funded.

Mr. Barthel stated yes.

Martin Nichols, City Manager, stated the fire improvements are necessary and if we don't do it as a part of this project and put out the extra money we are going to pave the runways and at a later date we will have to dig them back up and patch it to put this line in.

Mayor Brown requested clarification that everything was covered under the grant except Alternate A.

Mr. Barthel stated yes.

M/S/C: Councilmembers: Irving and Moyer to approve the first recommendation.

AYES: Councilmembers: Irving, Moyer, Byrne and Brown

NOES: NONE

ABSENT OR NOT VOTING: Mayor Pro Tem Flynn (absent-excused)

DEPART. OF WATER RESOURCES PROPOSITION 50 GRANT APPLICATION – WELL #15

Recommendation: That the City Council approve the submittal of a Department of Water Resources grant application with the assistance of PACE Civil.

Mark Barthel, Public Works Director, gave a brief background on the subject item.

Councilmember Byrne requested clarification on whether we had \$500,000 budgeted for this project

Mr. Barthel stated no, that this was a grant application.

Councilmember Byrne requested clarification on what would happen if we didn't get this grant.

Mr. Barthel stated then staff would have to look for alternate funding sources or re-apply for a grant in the future.

Councilmember Byrne requested clarification on how it worked out that we already have a design for the project.

Mr. Barthel stated originally it was thought that portions of this well were going to be tagged along with the 3 Million Gallon Tank Project, but that is not true. If we are able get this grant we would not be paying a debt service on the I Bank loan.

Councilmember Byrne questioned the amount of the contract with PACE.

Mr. Barthel stated at this time it was \$96,500.

Councilmember Byrne asked if we need to get title of the well site.

Mr. Barthel stated yes we would with the site staff is looking.

Margaret Van Warmerdam, Finance Director, stated that originally PACE was contracted as part of the 3 Million Gallon Tank Project and part of the 3 Million Gallon Tank Project was for looking at Well 15.

Mayor Brown questioned if we going to put this where well 13 was.

Mr. Barthel stated that staff is looking at the areas where Wells 1 and 3 are.

M/S/C: Councilmembers: Moyer and Irving to approve staff's recommendation.

AYES: Councilmembers: Moyer, Irving and Brown

NOES: Councilmember: Byrne

ABSENT OR NOT VOTING: Mayor Pro Tem Flynn (absent-excused)

SEXUAL ASSAULT FELONY ENFORCEMENT TEAM (S.A.F.E.) GRANT 2007/ 2008

Recommendation: That the City Council authorize staff to enter into a MOU to Participate in the Region III Sexual Assault Felony Enforcement Team for fiscal year 2007/ 2008.

Police Chief Scott Capilla gave a brief background on the above item.

Mayor Brown asked do we already have an investigator on this team whether or not we get this grant.

Chief Capilla stated we do have an investigator assigned to this, but this grant will allow us to pay this investigator for just this assignment so he can focus on the cases as they come in.

M/S/C: Councilmembers Byrne and Moyer to approve staff recommendation.

AYES: Councilmembers: Byrne, Moyer, Irving and Brown

NOES: NONE

ABSENT OR NOT VOTING: Mayor Pro Tem Flynn (absent-excused)

TAXICAB PERMIT REQUEST FOR JERRY RINDAHL DOING BUSINESS AS SUNSET CAB COMPANY

Recommendation: That the City Council authorize Mr. Rindahl a permit operate Sunset Cab Company within the City Limits of Red Bluff, contingent upon meeting all requirements for the operation of taxicab service in the City of Red Bluff.

Police Chief Scott Capilla gave a brief background on the above item.

M/S/C: Councilmembers: Irving and Byrne to accept staff recommendation.

Mayor Brown questioned if there was only 1 car.

Chief Capilla stated that currently there are 2 cars.

AYES: Councilmembers: Irving, Byrne, Moyer and Brown

NOES: NONE

ABSENT OR NOT VOTING: Mayor Pro Tem Flynn (absent-excused)

FEE WAIVER REQUEST POLICY

Recommendation: That the City Council approve the Fee Waiver Request Policy.

Margaret Van Warmerdam, Finance Director, gave a brief background of the above item.

Councilmember Irving questioned if the criteria was suitable for any type of fee and if it was generic enough.

Ms. Van Warmerdam stated that she had looked at other cities and how they tried to benefit organizations, but the big question is what is the general benefit to the residents of the city. She stated that if we find this doesn't work we can bring it back to the City Council.

Mayor Brown asked for clarification on number 1.

Ms. Van Warmerdam stated one example in another City was a trail that individuals wanted to be built, not by the City, but by an outside organization. They came to the City and wanted fees to be waived and the trail was a benefit to the people in the community.

Martin Nichols, City Manager, stated that this is not to restrict anyone from coming to the City Council, but is intended to establish criteria.

Councilmember Irving stated that he believed the word whether should be in front of each phrase so that it doesn't take away from the City Council's discretion.

Mr. Nichols stated that he would like to amend item 6 to put it in the future tense, like whether Organization will comply.

Mayor Brown stated he didn't like item number 4 as it limits their access to Council.

Richard Crabtree, City Attorney, stated that the modification suggested by Councilmember Irving would just be a criteria to be considered. He would suggest the first sentence be modified to read fee waiver request will be evaluated based on the following criteria rather than the way it reads now that it is mandatory.

Councilmember Byrne requested clarification on what the definition of fee was.

Ms. Van Warmerdam stated any user fee that has been established by the City and that the City Council has adopted, but that does not include impact fees.

Mr. Nichols asked if Council would like to table this matter and bring it back at a later date.

Ms. Van Warmerdam stated that staff can make the changes and bring it back to a future meeting.

M/S/C: Councilmembers Moyer and Irving to table the matter and direct staff to bring back a modified version.

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

CHANGE TO APPOINTMENT OF FINANCE COMMITTEE MEMBER

Recommendation: That the City Council discuss and if appropriate approve the Replacement of Councilmember Byrne on the Finance Committee by Mayor Brown.

Martin Nichols, City Manager, gave a brief background on the above item.

M/S/C: Councilmembers: Byrne and Irving to approve the replacement of Councilmember Byrne on the Finance Committee by Mayor Brown.

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

DESIGNATION OF VOTING DELEGATE AND ALTERNATE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE SEPTEMBER 7-10, 2008

Recommendation: That the City Council designate, from those attending the Conference, a voting delegate and alternate, if any, for the League Annual Conference in Sacramento.

Martin Nichols, City Manager, gave a brief background on the above item.

Mayor Brown asked if Mr. Nichols could attend this meeting.

Mr. Nichols stated no that he thought it must be one of the Councilmembers.

Mayor Brown asked to have this brought back before Council at a later date.

APPROVAL OF MINUTES

JUNE 19, 2007

M/S/C: Councilmembers: Byrne and Irving to approve the June 19, 2007 minutes.

Mayor Brown asked for clarification on item number 8 and if the priority list was the same or had it been changed.

Martin Nichols, City Manager, stated there had been some changes and some minor additions and that he would give Mayor Brown an updated list.

AYES: Councilmembers: Byrne, Irving and Moyer

NOES: NONE

ABSENT OR NOT VOTING: Mayor Brown (abstained -absent that meeting) and
Mayor Pro Tem Flynn (absent-excused)

APPROVAL OF WARRANT LIST

Recommendation: That the City Council approve Check Warrants No. 56207 through 56618 dated June 7, 2007 through June 28, 2007.

M/S/C: Councilmembers Irving and Byrne to approve the warrant list.

AYES: Councilmembers: Irving, Byrne and Moyer

NOES: NONE

ABSENT OR NOT VOTING: Mayor Brown (abstained and Mayor Pro Tem Flynn (absent-excused)

COMMITTEE REPORTS/ COUNCIL COMMENTS

NONE

There being no further business Mayor Brown adjourned the meeting at 8:19 p.m. until the next meeting of August 7, 2007 at 7:00 p.m.

s/b Wayne Brown, Mayor

Attest:

s/b Jo Anna Lopez, City Clerk