

**RED BLUFF  
CITY COUNCIL  
REGULAR MEETING MINUTES**

**DATE OF MEETING:** September 5, 2006

**TIME OF MEETING:** 6:15 P.M. Closed Executive Session  
7:00 P.M. Regular Meeting

**PLACE OF MEETING:** RED BLUFF COUNCIL CHAMBERS, CITY HALL

**Councilmembers Present:** Andy Houghton, Mayor  
Wayne Brown Mayor Pro Tem  
Forrest Flynn  
Daniel Irving  
Larry Stevens

**Councilmembers Absent:** None

**Staff Present:** John Blacklock, Interim, City Manager  
Richard Crabtree, City Attorney  
Gloria Shepherd, City Clerk  
Gerry Gray, Fire Chief  
Al Shamblin, Police Chief  
Scot Timboe, Interim Planning Director  
Margaret Van Warmerdam, Finance Director  
Mark Barthel, Public Works Director  
Tessa Pritchard, Human Resources Director  
Nik Reikalas, Parks & Recreation Director  
Donna Gordy, City Treasurer

Fire Captain Vern Raglin led the Pledge of Allegiance at the request of Mayor Houghton and the Assemblage joined in.

**CLOSED EXECUTIVE SESSION – 6:15 p.m.**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**

Executive Session in accordance with Government Code Section 54956.9

CASE NO. 55896 -- MICHAEL J. AND MARGARET L. GUTTIERREZ

**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 John Blacklock, Interim 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 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 John Blacklock, Interim 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.

**City Council gave direction to negotiators on two of the items and moved item on existing litigation to the end of this meeting.**

**CITIZEN'S COMMENT**

Greg Latourell, concerned citizen, has met with Charles Allen, Superintendent of Red Bluff Schools, to push for a school policy that encourages the pledge of allegiance or other patriotic events at school in an effort to remind students of patriotism. He also invited everyone to a Remembrance Prayer Service at the Court House lawn on 9/11/06 at 7:00 a.m. in observance of the 5<sup>th</sup> anniversary of 9/11. The promise made to victims of the terrorist attacks was that "we will never forget" and anyone is encouraged to bring your flags to this community gathering to remember them in prayer. He also commented on future concerns of Red Bluff as the Council and staff will be having turnovers and encouraged them to keep the continuity in process on big important items like Wal-Mart.

Mayor Houghton welcomed Scot Timboe, Interim Planning Director, to the meeting and Mr. Timboe, commented that he was pleased to fill in.

Kathy Nelson, concerned citizen, commented that she had hoped to be on the Agenda tonight regarding the cleanup issue on her son-in-laws property. She again reiterated that she believes that J. D. Ellison Sr., Building Director/Official, told her lies about the asbestos issue in the cleanup area and she felt she and her husband can prove it. She claimed that the City staff bullied, lied, and threatened them because of the CHIP housing issues. She commented that the City lot 2 doors down stock piles asphalt and

she requested that she be put on the next Agenda to address the hazardous material issues and certification requirements.

Richard Clapp, concerned citizen, suggested that since larger cities require million dollar deposits from developers that Red Bluff should consider that we could do that with anyone who wishes to do business with the City. He also commented that County TAC meetings are open for the Public to attend and asked that the City consider this open to Public process for their TAC meetings as well.

Wilkie Talbert, concerned citizen, felt the Wal-Mart Traffic Study was flawed and suggested the consultant not just redo the actual count, but look at maps and residents to make conclusions. Additions on Luther Road were not included and he requested that an actual count and traffic study be done before approved by the Planning Commission to bring back to the Council.

Dorothy Bonds, concerned citizen, commented that her property was next to Kathy Nelson's and that she supported the Nelson's in saying that no further dumping in that area had been done.

Patricia Houck Talbert, retired teacher and concerned citizen, commented on her concerns for the safety of the children in the City with no bike lanes and suggested that at the least the City could paint a strip defining a bike lane.

Ron Nelson commented that the letter from the City did not answer their concerns about staff referencing codes without being able to show where the law states it.

## **REGULAR MEETING – 7:00 P.M.**

### **PROCLAMATION**

#### **NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH**

Susan McVean, Director, Drug & Alcohol Division

Sue Gallagher, Chairman, Tehama County Drug & Alcohol Advisory Board

Mayor Houghton presented the Proclamation that proclaimed September 2006 as National Alcohol and Drug Addiction Recovery Month and that September 9<sup>th</sup> in Corning is "Recovery Happens" Day. Through education and by recognizing the achievement of those who seek treatment services, then the City can begin to build a stronger, healthier community.

Both Susan McVean and Sue Gallagher invited everyone to the 4<sup>th</sup> Annual Recovery Happens Celebration on Saturday, September 9, 2006 from 11 a.m. to 1 p.m. at the Red Bluff River Park to celebrate the success of treatment and recovery by those of all ages.

## **CONSENT CALENDAR**

**M/S/C** Flynn, Brown to pull item #7 for discussion and approve the remainder of the Consent Calendar.

**AYES:** Councilmembers: Brown, Flynn, Houghton, Irving, and Stevens

**NOES:** None

**ABSENT OR NOT VOTING:** None

## **APPROVAL OF MINUTES**

August 23, 2006

*Approved 5-0-0*

**RESOLUTION NO. 58-2006; STREET CLOSURE FOR ANNUAL FALL SIDEWALK SALE**

*Approved 5-0-0*

**RESOLUTION NO. 59-2006 AUTHORIZING STREET CLOSURES FOR THE MONSTER TRUCK DISPLAY**

*Approved 5-0-0*

**ON-CALL LIST OF AUCTION COMPANIES FOR SURPLUS VEHICLES AND EQUIPMENT**

*Approved 5-0-0*

**ACCEPTANCE OF GRANT DEED TO THE CITY OF RED BLUFF FROM KIMBALL CROSSING**

*Approved 5-0-0*

**WINGS AND WHEELS FUN DAY AT THE RED BLUFF MUNICIPAL AIRPORT**

*Approved 5-0-0*

**ACCEPTANCE OF GRANT DEED TO THE CITY OF RED BLUFF FROM SIERRA PACIFIC INDUSTRIES FOR THE NEIGHBORHOOD PARK IN VILLA POINTE SUBDIVISION**

That the City Council accept the Grant Deed to the City of Red Bluff from Sierra Pacific Industries for Lot 22 of Tract No. 02-1002 and authorize the Interim City Manager to sign the deed.

Councilmember Stevens suggested having the housing projects provide space for community parks. He cautioned that new parks will mean additional maintenance by staff and he had concerns on how this would impact the City.

John Blacklock, Interim City Manager, agreed that this was a concern being looked at by the Technical Advisory Committee about parks and services and that although they will be limited with revenue it will keep pace in the study.

**M/S/C** Stevens, Irving to accept the Grant Deed to the City of Red Bluff from Sierra Pacific Industries for Lot 22 of Tract No. 02-1002 and authorize the Interim City Manager to sign the deed.

**AYES:** Councilmembers: Brown, Flynn, Houghton, Irving, and Stevens  
**NOES:** None  
**ABSENT OR NOT VOTING:** None

**TREASURER’S REPORT**

*Approved 5-0-0*

**CONTRACT AMENDMENT WITH TRI-COUNTY ECONOMIC DEVELOPMENT CORPORATIONS FOR FAÇADE IMPROVEMENT PROGRAM**

*Approved 5-0-0*

**MEMORANDUM OF AGREEMENT CITY OF RED BLUFF/TEHAMA COUNTY SANITARY LANDFILL AGENCY BEVERAGE CONTAINER RECYCLING GRANT - \$5,000**

*Approved 5-0-0*

**PURCHASE OF GRANT-FUNDED MOBILE BREATHING AIR COMPRESSOR**

*Approved 5-0-0*

## **RESIGNATION OF PLANNING COMMISSION MEMBER**

### ***Approved 5-0-0***

The resignation of Commissioner Jack Winters was due to his ill health only and he was thanked for doing a terrific job.

## **CURRENT BUSINESS**

**PUBLIC HEARING TO CONSIDER; REZONE NO. 200 (ORD. 973); GENERAL PLAN AMENDMENT NO. 06-001 (CITY COUNCIL RESOLUTION NO. 57-2006); FROM R-1 SINGLE-FAMILY; LOW DENSITY RESIDENTIAL LAND USE DESIGNATION TO C-3 GENERAL COMMERCIAL; COMMERCIAL LAND USE DESIGNATION, NEGATIVE DECLARATION; PLANNING COMMISSION RESOLUTION NO. 06-011; APN: 29-140-25 & 26; 1415 BULKELEY STREET AND 1910 THRU 1930 PARK AVE.; MR. BILL MOULE (OWNER)**

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

1. Conduct the Public Hearing.
2. Consider all public testimony and all other information relating to this project submitted to the Commission.
3. Waive the first reading and introduce Ordinance No. 973; Rezone No. 200, Rezoning of the Zoning Map, and
4. Adopt Resolution No. 57-2006; General Plan Amendment (GPA 06-001) with the findings of approval shown in Resolution No. 57-2006.

Mayor Houghton opened the Public Hearing at 7:45 p.m.

Discussion about rezoning this property from a Single-Family Residential Zoning District (R-1) and Residential Low Density (R-L) to a Commercial (C-3). It brought up questions about other property surrounding the area. The National Guard and Sheriff Rescue are both "public agency" and are not considered a zoned area but are both nearby. Mr. Bill Moule is the owner of the two parcels and after several attempts to find tenants; he is requesting a rezone from R-1 and RL to C-3. The property was formerly the Church of the Latter Day Saints and then the Salisbury Continuation High School and will now be used as commercial office use. A conditional use permit was not wanted by Bill Moule.

Mayor Houghton closed the Public Hearing Closed at 7:59 pm.

Intermingling the zoning was a concern and whether it could potentially set a precedent for the future.

The Salisbury School was closed due to a mold issue, but according to Bill Moule this is not a mold issue, but dry rot only.

**M/S/C** Flynn, Brown to Waive the first reading and introduce Ordinance No. 973; Rezone No. 200, Rezoning of the Zoning Map, and Adopt Resolution No. 57-2006; General Plan Amendment (GPA 06-001) with the findings of approval shown in Resolution No. 57-2006.

**AYES:** Councilmembers: Brown, Flynn, Houghton and Stevens  
**NOES:** Councilmember: Irving  
**ABSENT OR NOT VOTING:** None

### **POLICY FOR PROVIDING SEWER SERVICE/PLANT CAPACITY TO PROPOSED DEVELOPMENTS AND EXISTING PARCELS OUTSIDE THE CITY LIMITS**

Mark Barthel, Public Works Director, reviewed the staff report and gave staff's recommendation that the City Council discuss and provide direction to staff on the following items:

1. A policy for providing sewer service to those parcels/developments not abutting the City limits and therefore unable to annex. Staff recommends not providing service unless the parcel can annex.
2. A policy regarding providing a single sewer service to existing parcels outside the City limits which abut existing sewer mains. Staff recommends providing service to these parcels.

In addition any request for sewer service not addressed by policies made today will be brought before the City Council at the time of the request.

City policy is to provide sewer service to projects as long as they are in the City, but there are areas outside the City limits seeking sewer service and within the Sphere of Influence that was completed and adopted on June 4, 2006. Some of these properties abut the City limit, which means they could request the sewer service, but many of the parcels not abutting the City Limits are not able to annex without the cooperation of intervening parcels that would need to agree to annex as well. These parcels outside the City Limits can be developed to a higher density if City sewer serves them. These parcels would be required to pay a portion of the development impact fees, but would not contribute too many of the City revenues. Mark Barthel, Public Works Director presented slides showing the City Council where these parcels are located on an Aerial map.

The question is whether we want to extend these lines out and open up potential for other developments to come in and never annex and not provide continuous revenue to the City. Once a parcel is sold it's hard to get annexation and you have to get the permission of every property owner.

Existing homes with a failing septic system have no choice but to hook up with the City.

It was mentioned that the City wants the development to grow out into the Sphere of Influence (SOI), so if we provide services without annexation it becomes meaningless to have the SOI.

The City can deny or condition hookups out of the City limits, but the annexation process would have to get the cooperation of all of the parcels in between and it's difficult to commit future property owners, as it can't be binding on future property owners since they have the right to vote on it.

EC Ross, Engineer representing the two clients, explained that a letter to Water Quality Control Board response was that individual septic systems could lead to nitrate contamination. He sent 48 letters to property owners and had six responses supporting getting water and sewer and annexation. He felt it was a good idea to develop the area and improve the density by allowing City hookups. Advantages included other fees that could be collected by the City like, road improvements, pavement fees to impose land development standards for curb sidewalks, and streetlights. The population increases and sales tax revenue, and increased sewer fees would also contribute to development.

No other City services are required along with the hook ups without the annexation.

Another concern mentioned was that a policy needs to be set for future applications that could have an impact to our sewage treatment facility if this is approved.

Mr. Williams, concerned citizen, felt that letting developers pay to put that sewer line in was an opportunity for the City that they wouldn't have to pay for later. He suggested putting an agreement in the sales contract that the future buyer will agree to the annexation.

It was explained that the developer who puts in that line is planning to put in for a reimbursement by passing a portion of the cost on to buyers.

Also, the initial property buyer can't make other buyers legally bound to the consent of annexation.

Scot Timboe, Interim Planning Director, cautioned the City Council about this decision as the ramification will be a lot wider than they are looking at today. A policy that says that no matter where you are outside the City limits and that you can get City services without annexation within the SOI, is going to make it very hard to deny other people who apply for it.

Phil Gunsauls, former Board of Supervisor, commented that he lives in the SOI and has been very active in the City Council meetings speaking out. He was told that the SOI has impacted the amount of animals he can have on his property now and he raises goats and mules.

Richard Clapp, concerned citizen, suggested that when you provide services without getting paid for it is not sensible.

Greg Latourell commented that there are many things such as roads, electricity, cable, to consider in development as well as water and sewer capacity.

**M/S/C** Irving, Flynn to not provide sewer service to those parcels and/or developments not abutting the City limits and therefore unable to annex.

**AYES:** Councilmembers: Flynn, Houghton and Irving  
**NOES:** Councilmember: Brown  
**ABSENT OR NOT VOTING:** Councilmember: Stevens (abstained)

**M/S/C** Irving, Flynn to continue a policy of requiring City Council review of parcels that want to hook up with City sewer that abuts existing sewer mains for single service outside the City Limits.

**AYES:** Councilmembers: Brown, Flynn, Houghton and Irving.  
**NOES:** None  
**ABSENT OR NOT VOTING:** Councilmember: Stevens (abstained)

*A 5 minute break was taken at this time.*

**REVIEW OF DEVELOPER PARTICIPATION AGREEMENT AND AUTHORIZATION OF FUNDING PERTAINING TO THE MUNICIPAL SERVICE REVIEW (MSR) STUDY ASSOCIATED WITH THE CITY OF RED BLUFF SPHERE OF INFLUENCE (SOI) BOUNDARY MAP EXPANSION**

Richard Crabtree, City Attorney, reviewed the staff report and gave staff's recommendation that the City Council:

1. Approve the form of the draft Participation Agreement with the one developer, consisting of a ½ split between the City of Red Bluff and Duke Leggett, Alexander Leggett Development and authorize the Mayor and City Attorney to sign the agreement.

2. Approve payment of \$33,200.00 from Municipal Service Review (Fund 21) Accounts to Tehama County LAFCO for the City's ½ share of the MSR study cost proposal of \$66,400.00.
3. Direct staff to request Tehama County LAFCO to proceed with authorization of Diaz Associates to prepare the MSR study for the proposed City of Red Bluff Sphere of Influence boundary map expansion upon receipt of all MSR funding cost payments from the City and the one developer.

The City Council discussed the offer of two developers Duke Leggett, Alexander Leggett Development and Ron Moser, Tuscan Village Development, that had agreed to pay 1/3 each of the Municipal Service Review (MSR) study cost, with the City paying the other 1/3 cost. After the Participation Agreement went out to the two developers Ron Moser withdrew and in order to move the MSR Study forward, Duke Leggett offered to pay half of the payment with the City paying the other half.

**M/S/C** Brown, Flynn to approve recommendations 1, 2 & 3 above.

**AYES:** Councilmembers: Brown, Flynn, Houghton and Irving.  
**NOES:** Councilmembers: Stevens  
**ABSENT OR NOT VOTING:** None

**CATHOLIC HEALTHCARE WEST 2006 COMMUNITY GRANTS PROGRAM FOR TRAIL EXPANSION**

Nik Reikalas, Parks & Recreation Director reviewed the staff report and gave staff's recommendation that the City Council approve the Parks and Recreation Department to submit the application for grant funds from the Catholic Healthcare West Community Grant Program.

**M/S/C** Flynn, Stevens to approve the Parks and Recreation Department to submit the application for grant funds from the Catholic Healthcare West Community Grant Program.

**AYES:** Councilmembers: Brown, Flynn, Houghton, Irving and Stevens  
**NOES:** None  
**ABSENT OR NOT VOTING:** None

**CATHOLIC HEALTHCARE WEST 2006 COMMUNITY GRANTS PROGRAM FOR MCGLYNN SWIMMING POOL**

Nik Reikalas, Parks & Recreation Director reviewed the staff report and gave staff's recommendation that the City Council approve the Parks and Recreation Department to

submit the application for grant funds from the Catholic Healthcare West Community Grant Program.

**M/S/C** Flynn, Stevens to approve the Parks and Recreation Department to submit the application for grant funds from the Catholic Healthcare West Community Grant Program.

**AYES:** Councilmembers: Brown, Flynn, Houghton, Irving and Stevens

**NOES:** None

**ABSENT OR NOT VOTING:** None

### **APPROVAL OF MINUTES**

August 15, 2006

**M/S/C** Flynn, Brown to approve.

**AYES:** Councilmembers: Brown, Flynn, Houghton and Stevens

**NOES:** None

**ABSENT OR NOT VOTING:** Councilmember: Irving (abstained-absent from that meeting)

### **COMMITTEE REPORTS/COUNCIL COMMENTS**

Fire Chief Gerry Gray mentioned that on 9/11/06 the large American flag will be displayed over Main Street in memory of the victims of the 9/11 terrorist bombing of the Twin Towers.

At 9:20 P.M. Mayor Houghton adjourned the meeting to September 19, 2006 at 7:00 P.M., in the Red Bluff City Council Chambers and then resumed the continuation of the Closed Session.

*s/b Andy Houghton, Mayor*

ATTEST:

*s/b Gloria Shepherd, City Clerk*

**CLOSED SESSION RESUMED**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**

Executive Session in accordance with Government Code Section 54956.9

CASE NO. 55896 -- MICHAEL J. AND MARGARET L. GUTTIERREZ

The City Council gave direction to the City Attorney.