

**RED BLUFF
CITY COUNCIL
REGULAR MEETING MINUTES**

DATE OF MEETING: October 3, 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
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
Cheryl Smith, Deputy City Clerk

CLOSED EXECUTIVE SESSION – 6:15 p.m.

PUBLIC EMPLOYEE PERFORMANCE REVIEW

Title: Interim City Manager (Government Code Section 54957)

City Council gave a performance evaluation to the Interim City Manager.

REGULAR MEETING – 7:00 P.M.

Venita Philbrick led the Pledge of Allegiance at the request of Mayor Houghton and the Assemblage joined in.

Mayor Houghton asked the assemblage to join him in a moment of silence in honor of Fire Deputy Chief Don Allen who passed away today.

CITIZEN'S COMMENT

Una Jordan reported to the City Council that Fire Chief Gerry Gray had given a wonderful presentation at the Rotary meeting earlier in the day and wanted to extend her thanks to him.

PROCLAMATIONS

WESTERN OPEN FIDDLE WEEK

Mayor Houghton read the Proclamation for Western Open Fiddle Week and presented the Proclamation to Tex Ash.

Mr. Ash thanked the City Council and the community for their support over the years. He invited everyone to see John & Evan Marshall who would be performing at the State Theater on October 14th.

The City Council and audience were then given a sample of the music to be heard at the Western Open Fiddle.

LIGHTS ON AFTERSCHOOL

Mayor Pro Tem Brown read and presented the Lights on Afterschool to Beth Birk of the SERRF Afterschool Program.

Ms. Birk thanked the City Council for their continued support and invited everyone to stop by a school on October 14th for the Lights on Afterschool program.

FIRE PREVENTION WEEK

Councilmember Flynn read and presented to Fire Chief Gerry Gray the Proclamation for Fire Prevention Week.

Chief Gray thanked everyone. He reported that Fire Marshal Mike Bachmeyer has an extensive community outreach program planned for next week.

CONSENT CALENDAR

M/S/C Brown, Irving to pull items # 1 and 2 and approve the remainder of the Consent Calendar.

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

NOES: None

ABSENT OR NOT VOTING: None

RESOLUTION NO. 63-2006; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED BLUFF APPROVING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD AND AUTHORIZING THE FINANCE DIRECTOR TO EXECUTE ALL APPLICATIONS, CONTRACTS, AND AGREEMENTS, NECESSARY FOR THE PURPOSES OF SECURING GRANT FUNDS AND TO IMPLEMENT AND CARRY OUT THE PURPOSES OF SECURING GRANT FUNDS AND TO IMPLEMENT AND CARRY OUT THE PURPOSES SPECIFIED IN THE GRANT

Mayor Pro Tem Brown requested clarification on who would be in charge of administering this grant and the policies.

Margaret Van Warmerdam, Finance Director, stated that the Finance would be in charge of the grant and that the policies are something that it would be worked in to the procurement and can be included in future RFP's.

M/S/C Brown, Irving to adopt Resolution No. 63-2006 and adopt the Waste Reduction and Recycling Directive.

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

NOES: None

ABSENT OR NOT VOTING: None

PROGRAMMABLE MESSAGE BOARD FOR POLICE DEPARTMENT

Mayor Pro Tem Brown requested clarification on what the time line was for the reimbursement from grant monies and what fund the money would come out of.

Margaret Van Warmerdam, Finance Director, stated that reimbursement usually occurred within 14 days from the date of the reimbursement request and that this would be paid for out of the General Fund.

M/S/C Brown, Flynn to authorize the City Manager to issue a purchase order with Statewide Safety & Sign, Inc. in the amount of \$15,115.41 for a Programmable Message Board with the cost being paid for by the Traffic Safety Grant.

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

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; 248 SOUTH MAIN STREET; THAI HOUSE (NAME OF BUSINESS); KNOGPACHITH LAMPHOUNE (FIRST OWNER)

Recommendation: That the City Council:

1. Acknowledge the application for a Person to Person transfer of a Type 41 (On-Sale Beer and Wine Eating Place) Alcoholic Beverage License for the Thai House Restaurant located at 248 South 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 condition(s):
 - A. The applicant (Mr. Kongpachith Lamphoune; 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

RESOLUTION NO. 62-2006, RECOMMENDED STOP SIGN INSTALLATION ON JOHNSON ST. AT WALBRIDGE ST.

Recommendation: That the City Council adopt Resolution No. 62-2006, for the installation of a stop sign in the south bound direction on Johnson Street at the intersection of Walbridge Street.

Approved 5-0-0

REQUEST FOR QUALIFICATION (RFQ) – CITY ENGINEER CONSULTANT SERVICES

Recommendation: That the City Council authorize the advertisement of the RFQ for City Engineer.

Approved 5-0-0

TREASURER’S REPORT

Recommendation: That the City Council accept the report for July, August and September 2005.

Approved 5-0-0

Mayor Pro Tem Brown thanked City Treasurer Donna Gordy for the work she has been doing to get the Treasurer’s Reports caught up.

CURRENT BUSINESS

APPOINTMENT OF PLANNING COMMISSION MEMBER

Cheryl Smith, Deputy City Clerk, reviewed the staff report and gave staff’s recommendation that the City Council make the necessary appointment to the Planning Commission from the applications received. She reported that six (6) applications had been received and that four (4) of those applicants were in attendance.

Mayor Houghton asked each applicant that was in attendance to make a statement.

Bob Carrel, applicant, stated that he felt that the Planning Commission should be an arm of the City Council and that they should research and review of the issues brought to them so that they can give the City Council a very solid recommendation. He stated that if chosen he would do the best job he could.

Jean Moran-Pool, applicant, stated that she was retired and had recently moved back to Red Bluff. She stated that she would be honored to serve on the Planning Commission and that she felt that the Planning Commission needed to do a very thorough review of the projects presented.

Greg Ellis, applicant, stated that he was borne and raised in Red Bluff and that he was very active in the community. He stated that he would do the very best job for the City and the people of the City of Red Bluff.

Richard Clapp, applicant, stated that he had lived in Red Bluff for 35 years and the City has changed with a lot of businesses. He believes that you can work together in building, growth, as well as retaining the rural community. He felt that citizen input should always be taken seriously and considered important.

Deputy City Clerk Smith passed out ballots to the City Council for the vote, collected them back from the City Council and tallied the votes.

Councilmembers Stevens, Flynn, Brown and Houghton voted for Bob Carrel and Councilmember Irving voted for Richard Clapp.

Deputy City Clerk Smith reported that with a 4 to 1 vote the new Planning Commission member was Bob Carrel.

Mayor Houghton thanked the applicants for applying.

Deputy City Clerk Smith reported that at the next City Council meeting there would be an agenda item to advertise the annual vacancies on various Commissions and/or Boards.

Councilmember Irving thanked the applicants and stated that most Commissioners would say that it took them 2 to 3 tries to be appointed to a Commission.

TRAFFIC SIGNAL AT CEDAR AND MAIN STREET - CALTRANS

Mark Barthel, Public Works Director, reviewed the staff report and gave staff's recommendation that the City Council approve the installation of the pre-emptive device and the Audible Pedestrian Signals. Costs associated with the work approved tonight shall be brought back to the City Council at a later date.

Councilmember Stevens questioned if the curb cuts would have the yellow traction and identification materials that are being used at other curb cuts.

Mr. Barthel stated that he could not give a definitive answer, but the ramps would be installed according to the current CalTrans standards.

Councilmember Stevens stated that he had been out of town over the weekend and that he had noticed that a lot of new curb cuts have been replaced with this type of material in other cities. He stated that if it is something that is available he would like to see it used.

Mr. Barthel stated that he would take Councilmember Stevens comment to CalTrans.

Mayor Houghton requested clarification on why they want to eliminate 5 parking spaces on the west side of Main Street to the north of Cedar Street.

Mr. Barthel stated that it was basically to improve sight distance. He did go out with CalTrans and in that area you can not see down the street to the north with the existing trees. The idea is to be able to see cars coming from the north if you are approaching Main Street from the west on Cedar St.

Mayor Houghton felt that this was an excessive amount of trees.

Mr. Barthel stated that since this was in the CalTrans right-of-way the City may not have any say in the matter. He had spoken with CalTrans and they felt that all the trees had to go.

Councilmember Flynn questioned if the City had the same issue with basically every intersection within the City.

Mr. Barthel stated that was correct.

Councilmember Flynn stated that he agreed with Mayor Houghton's comment that it was an excessive amount of trees and asked if Mr. Barthel could relay the City Council's concerns regarding this to CalTrans.

Mr. Barthel stated that he could take any concerns that the City Council might have back to CalTrans.

Mayor Houghton asked if the trees would be just trimmed or taken out completely.

Mr. Barthel stated that CalTrans had talked about taking out every other one, or maybe the first three and replacing with some shrubbery and that he did not think CalTrans had determined just what they were going to do.

Mayor Pro Tem Brown requested clarification on the reference to the former Public Works Director that the City was willing to contribute 1/3 of the funds.

Mr. Barthel stated that there had been some initial discussion with CalTrans on that but it had never been added to the City's Capital Improvement Plan, or budgeted and staff has informed CalTrans that the City did not have funds budgeted for that signal and has CalTrans agreed to pay the full cost.

Councilmember Irving requested clarification on whether the audible pedestrian signals were the rule now.

Mr. Barthel stated that they are not the rule and that typically CalTrans does not install them because of the noise.

Councilmember Stevens stated that he was under the impression that they could be set lower for the late hours so that they didn't disturb people and questioned if CalTrans was still paying 50% of the cost to install as they have in the past.

Mr. Barthel stated that the City pays for the cost of the audible pedestrian signal and that CalTrans pays for the installation so it does work out similarly to the 50/50 share.

Councilmember Irving requested clarification on the staff report comment that the costs would be brought back at a later date to the City Council.

Mr. Barthel stated that he wanted to bring back the exact figure and the funds that the money would be paid out of.

Motion by Mayor Pro Tem Brown to approve staff's recommendation.

Mr. Barthel stated that he would like direction on was whether or not the City wanted to pay the additional cost of painting.

Councilmember Stevens requesting clarification on what this would entail.

Mr. Barthel explained that was putting a color coating on the mast similar to the ones on Main and Walnut, which are the only two in town that are painted.

Mayor Houghton and Councilmember Flynn both agreed that they felt they could do without the painting.

Councilmember Irving questioned if it was essential that the audible signals be installed at the same time as the signal.

Mr. Barthel stated that there still would be crosswalk buttons so the City would have to pay to remove those and rewire for the audible signal, so he believed the costs would be significantly larger.

Mayor Houghton questioned if the pedestrian traffic warranted the audible signals.

Mr. Barthel stated that it was up to the City and that staff had recommended the audible because the City did have them at other signals and thought the City should be consistent.

Councilmember Irving and Mayor Houghton both felt it was mainly vehicle traffic and that \$15,000 was quite a bit of money if it was not serving a lot of people.

Mr. Barthel explained that the \$15,000 includes the pre-emptive devise which serves the Fire Department and allows them to change the signal in an emergency, as well as the audible cross walk signals. If the City Council decided to go with just the pre-emptive devise then the cost would approximately \$6,500 to \$7,000.

Councilmember Stevens stated that the previously audible were done for pedestrian safety and that he feels that the audible signals are worthwhile and that these can be changed to function differently at night because the volume can be set lower at night. He felt that anything done now while CalTrans is doing it would be more cost effective.

Councilmember Irving questioned who was responsible for maintaining the audible, as well as the pre-emptive.

Mr. Barthel stated that CalTrans would be responsible for maintaining the entire signal.

Chief Gray responded that CalTrans has been maintaining the signals and have never billed the City for any maintenance.

Mr. Barthel reported that it was CalTrans' goal to have the light installed by next year and that they are looking for some direction from the City Council.

Councilmember Irving requested clarification on how the costs were obtained.

Mr. Barthel stated that the cost for the audible signal and painting was provided by CalTrans and that Chief Gray had provided the pre-emptive cost.

Mayor Pro Tem Brown withdrew his previous motion.

M/S/C Flynn, Brown to accept staff's recommendation and allow for the cost of the pre-emptive devise only, no audible crosswalk or painting.

AYES: Councilmembers: Brown, Flynn, Houghton and Irving

NOES: Councilmember: Stevens

ABSENT OR NOT VOTING: None

VISTA RIDGE APARTMENTS – OFFSITE IMPROVEMENTS BID AWARD

Mark Barthel, Public Works Director, reviewed the staff report and gave staff's recommendation that the City Council award the Vista Ridge Offsite Improvement Project to Valley Paving in the amount of \$256,669.70, which is the base bid plus alternative "A".

Councilmember Stevens requested clarification on whether or not there would be bicycle lanes on Vista Way. He commented that safety was brought up at a recent Neighborhood Watch meeting and that one of the things that was brought up was the safety of children on their way to schools in the area and he would highly recommend a bicycle lane so that children would have a safe way to get to school.

Mr. Barthel stated that there would be bike lanes on South Ridge in front of the apartment complex. For the time being there will be bike lanes that start at the south end of the project and go to Kimball. When the property is developed along Vista Way it will have off street paths as well as on street bike lanes.

Councilmember Stevens questioned if striping could be done from Vista Ridge to the Meadow Vista Apartments.

Mr. Barthel stated that the only striping that will exist will be from south end of this apartment complex where there's paving to Kimball Road.

Councilmember Irving questioned if Mr. Barthel was comfortable with Valley Paving.

Mr. Barthel stated that he was and that they had done many projects for the City.

M/S/C Irving, Flynn to award the Vista Ridge Offsite Improvement Project to Valley Paving for the amount of \$256,669.70 which is the base bid plus alternative "A".

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

SCHEDULING OF SPECIAL CITY COUNCIL MEETING FOR THE PUBLIC HEARING ON THE ENVIRONMENTAL IMPACT REPORT AND PROJECT APPLICATIONS FOR THE WAL-MART SUPERCENTER PROJECT

Councilmember Irving recused himself from this discussion and left the chambers.

Scot Timboe, Interim Planning Director, reviewed the staff report and gave staff's recommendation that the City Council schedule a Special City Council meeting for the Wal-Mart Supercenter Project Public Hearing at the Community/Senior Center Auditorium and direct staff as follows:

- a. Secure the City of Red Bluff Community/Senior Center Auditorium for the Wal-Mart Supercenter Project City Council Public Hearing on Monday November 6, 2006 at 7:00 p.m., or
- b. Secure the City of Red Bluff Community/Senior Center Auditorium for the Wal-Mart Supercenter Project City Council Public Hearing on Monday November 13, 2006 at 7:00 p.m., or
- c. Direct staff to secure both dates (November 6th and 13th) at this time and review the progress of the Planning Commission Public Hearing on October 16, 2006 in order to provide more specific direction at the Tuesday October 17, 2006 City Council Meeting.

Chief Gray reported that November 7th was Farm City Night.

Councilmember Stevens questioned if there would be one or two meetings before the City Council for public input.

Mr. Timboe stated that the Planning Commission will be reviewing on October 16th for specific recommendations if they feel comfortable with it, as there are no changes to the mitigations, but there may be one change to the conditions and he believed that would be favorable to the community.

Councilmember Stevens stated that his concern was that two current City Councilmembers will be leaving and two new members coming on and if a meeting is held in November for the City Council and they choose to hold it over you will have different Councilmembers that will have to be brought up to speed with the history of the project and felt that this could create some issues.

Mr. Timboe stated that he could understand Councilmember Stevens concerns and that he has prepared summary reports that will bring the two new City Councilmembers up to speed with the project and had provided it to Mr. Byrne and Mr. Moyer approximately week ago.

Mayor Pro Tem Brown stated that if the hearing was set for November 13th then if needed could be carried over to the next regular meeting which would be November 21st.

Councilmember Stevens stated that he just wanted to make sure that whatever was needed from a legal stand point in terms of time lines for additional public comments after the City Council.

Richard Crabtree, City Attorney, stated that there is a legal requirement that the City Council hold a public hearing, but you are not required to hold more than one public hearing.

Councilmember Stevens replied that Mr. Crabtree had answered his question and that he was fine with the date.

M/S/C Flynn, Brown to hold the Wal-Mart Public Hearing on November 13th at 7:00 p.m. at the Red Bluff Community/Senior Center.

AYES: Councilmembers: Brown, Flynn, Houghton and Stevens

NOES: Councilmembers: NONE

ABSENT OR NOT VOTING: Councilmember: Irving (not voting - recused self from discussion)

CONTRACT FOR CITY MANAGER

John Blacklock, Interim City Manager reviewed the staff report and gave staff's recommendation that the City Council approve the Employment Agreement between Martin J. Nichols and the City of Red Bluff.

M/S/C Flynn, Brown to approve the Employment Agreement between Martin J. Nichols and the City of Red Bluff.

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

NOES: Councilmembers: NONE

ABSENT OR NOT VOTING: NONE

RESIGNATION OF CITY CLERK

John Blacklock, Interim City Manager, reviewed the staff report and gave staff's recommendation that the City Council accept the resignation of the City Clerk effective October 3, 2006 and discuss to determine which method to utilize for filling the vacancy. Also, the City Council may wish to consider whether to place a ballot measure on the next regular election to determine if either or both of the elected positions of City Clerk and City Treasurer should become appointive positions in the future.

Mr. Blacklock reported that the cost to hold a special election that was not consolidated with a general election would likely cost more than the \$12,000 saved by recently appointing the City Council candidates.

Councilmember Irving requested clarification on if the City Clerk was just an administrable function.

Mr. Blacklock stated that it was and that the majority of the City Clerk duties were currently being done by the Deputy City Clerk.

Councilmember Stevens stated that he had always opposed taking an elected office and appointing someone when there is more than half of the term is remaining. The only reason he went along with appointing the candidates for City Council was because there were only three that showed interest and there was plenty of time for people to show interest in running.

Councilmember Irving stated that he would be in favor of appointing a City Clerk.

Mayor Pro Tem Brown stated that he did have some reservations about taking this to a ballot measure to change to an appointed position on a fulltime basis, but saw no problem in filling the position at this time with an appointment.

M/S/C Brown, Irving to appoint a replacement to the position of City Clerk to complete the current term.

AYES: Councilmembers: Brown, Flynn, Irving and Houghton

NOES: Councilmember: Stevens

ABSENT OR NOT VOTING: None

Richard Crabtree stated that the appointment would have to be done either on October 17th or hold a special meeting.

Councilmember Stevens stated that he felt a special meeting should be held for the appointment so that adequate time is giving for people to consider applying.

Commissioner Flynn stated that he agreed with Councilmember Stevens that a special meeting be held.

The closing date for applications was discussed and October 25th at 5 p.m. was selected in order to give sufficient time for interested people to apply.

M/S/C Flynn, Stevens to hold a special meeting on November 2, 2006 beginning at 7:00 p.m. for the appointment.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

RESOLUTION NO. 64-2006, A RESOLUTION AUTHORIZING A FISCAL YEAR 2006/2007 4% COST OF LIVING SALARY INCREASE FOR THE UNREPRESENTED MID-MANAGEMENT & CONFIDENTIAL EMPLOYEE GROUP; AS WELL AS A RESTRUCTURING OF SALARY RANGES FOR CERTAIN MID-MANAGEMENT AND/OR CONFIDENTIAL POSITIONS.

M/S/C Stevens, Flynn to adopt Resolution No. 64-2006; a Resolution authorizing a fiscal year 2006/2007 4% cost of living salary increase for the unrepresented Mid-Management and Confidential Employee Group; as well as a restructuring of salary ranges for certain Mid-Management Positions and approve the revised class specification for Payroll Specialist.

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

NOES: Councilmember: NONE

ABSENT OR NOT VOTING: NONE

RATIFICATION OF AGREEMENT BETWEEN THE CITY OF RED BLUFF AND THE POLICE BARGAINING UNIT; AND ADOPT RESOLUTION 65-2006, A RESOLUTION ELECTING TO BE SUBJECT TO PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT AND FIXING THE EMPLOYER'S CONTRIBUTION AT AN AMOUNT AT OR GREATER THAN THAT PRESCRIBED BY SECTION 22892(b)(1) OF THE GOVERNMENT CODE

Tessa Pritchard, Human Resources Director reviewed the staff report and gave staff's recommendation that the City Council:

1. Adopt Resolution No. 65-2006, A Resolution to be subject to Public Employees Medical and Hospital Care Act and fixing the Employer's contribution at an amount at or greater than that prescribed by Section 22892(b)(1) of the Government Code.
2. Approve the agreement with the understanding that the agreement will be incorporated into a comprehensive MOU to be brought back at a future date for approval.

M/S/C Brown, Flynn to accept staff's recommendation.

Councilmember Irving requested clarification on page 2 item 4B of the resolution regarding the full cost of enrollment and questioned if it was correct as he thought that it was a cost share.

Ms. Pritchard stated that it was a cost share and that it was PERS language used per PERS instructions. She believed the amount shown is the amount contributed to the Retirees which is the same amount as the employees and then the amount will be put into a cafeteria plan which they can apply to their medical.

Richard Crabtree, City Attorney, agreed that was not what it says when reading the resolution and that it should be tabled and brought back.

Mayor Pro Tem Brown and Councilmember Flynn withdrew their previous motion and second.

M/S/C Irving, Brown to hold this item over until the next meeting of October 17, 2006.

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

NOES: Councilmembers: NONE

ABSENT OR NOT VOTING: Councilmembers: NONE

Ms. Pritchard requested clarification as to whether this was both recommendations.

Councilmember Irving responded that both seemed to go together and should be addressed at the same time.

Ms. Pritchard stated that she did not know if the language was wrong as she had used a PERS template, but she would have to have some discussions with PERS and perhaps she could attached some written correspondence.

Mayor Pro Tem Brown stated that he knew the Police Unit was anxious to move forward.

Ms. Pritchard stated that she had a discussion with them and they understood that she was not guaranteeing them that it would go through at tonight's meeting. Staff was trying to facilitate the quickest process possible, but we also want to make sure that the process is correct so she agrees with bringing it back.

Councilmember Irving questioned if the Police Unit understood that the City had come to an agreement with them and are not balking at the agreement.

Ms. Pritchard stated yes.

COMMITTEE REPORTS/COUNCIL COMMENTS

At 8:42 P.M. Mayor Houghton adjourned the meeting to October 17, 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 Cheryl Smith, Deputy City Clerk