

**RED BLUFF
CITY COUNCIL
REGULAR ADJOURNED MEETING MINUTES**

DATE OF MEETING: October 17, 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
Donna Gordy, City Treasurer
Cheryl Smith, Deputy City Clerk

CLOSED EXECUTIVE SESSION – 6:15 p.m.

1. CONFERENCE WITH LEGAL COUNSEL - LIABILITY CLAIMS

CASE NO. 2006052081 -- WATKINS, DOROTHY

2. **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 Fire Unit.**

Mayor Houghton called the meeting to order at 7:10 p.m. and reported that the City Council met in closed session on the above referenced items and had given direction in each matter.

Mayor Houghton introduced new City Manager Martin Nichols, who will take over effective December 4, 2006.

Martin Nichols led the Pledge of Allegiance at the request of Mayor Houghton and the Assemblage joined in.

CITIZEN'S COMMENT

Richard Clapp thanked Scot Timboe, John Blacklock and others that were interested in the Sanitec issue. He wanted to make everyone aware that Sanitec would be giving an informational presentation on Friday, October 20th beginning at 6:00 p.m. at the Westside Grange. He also reported that he and Wilkie Talbert were visiting a facility on Wednesday.

Dr. Ron Clark reported that it had been a great experience working with the Building, Fire and Public Works Departments to get the Kraft Library back open and that he wanted to take the time to thank them and say that they had all worked well together.

PROCLAMATIONS

DOMESTIC VIOLENCE AWARENESS MONTH

Mayor Houghton read the Proclamation for Domestic Violence Awareness Month and present the proclamation to Diane Rabalais, Director of Alternatives to Violence.

Ms. Rabalais stated that the program currently has a 24 hour crisis hot line, emergency shelter, they assist with restraining orders and have recently started a High School Program.

RED RIBBON WEEK

Councilmember Flynn read and presented the Red Ribbon Week Proclamation to Amy Henderson.

Ms. Henderson thanked the City Council and invited both the City Council and public to the kick off celebration which will be held on October 23rd from 4 to 6 p.m. at the State Theatre.

FORGET-ME-NOT CAMPAIGN

Mayor Pro Tem Brown read the Proclamation for Forget-Me-Not Campaign which will be observed November 1st through November 10th, 2006.

CONSENT CALENDAR

M/S/C Brown, Flynn to pull items # 10 and 11 and approve the remainder of the Consent Calendar.

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

NOES: None

ABSENT OR NOT VOTING: None

REPORT REGARDING CONTRACT AWARDS – SEPTEMBER 2006

APPROVED 5-0-0

APPROVAL OF MINUTES

A) **OCTOBER 3, 2006** – REGULAR MEETING

B) **OCTOBER 10, 2006** – SPECIAL MEETING

APPROVED 5-0-0

REQUEST FOR SOLE SOURCE CONSULTANT SERVICES FOR SALES TAX

Recommendation:

That the City Council approve the sole source consultant services for sale tax with HDL Companies.

APPROVED 5-0-0

EXPIRATION OF TERMS; VARIOUS COMMISSIONS

Recommendation: That the City Council direct the Deputy City Clerk to solicit applications for the various commissions. These vacancies will be advertised as per the dates on the Legal Notice and Press Release will be distributed to the media.

APPROVED 5-0-0

RESOLUTION NO. 66-2006; STREET CLOSURES; ANNUAL CHRISTMAS PARADE

Recommendation: That the City Council adopt Resolution No. 66-2006 providing for street closures along the Christmas Parade route and on Pine Street for Christmas activities.

APPROVED 5-0-0

ALCOHOL BEVERAGE LICENSE; PERSON TO PERSON TRANSFER; TYPE 47 (ON-SALE GENERAL EATING PLACE); FULL SERVICE RESTAURANT; 220 ANTELOPE BLVD.; APPLEBEE'S (NAME OF BUSINESS); APPLE AB ENTERPRISES INC (FIRST OWNER)

Recommendation: That the City Council:

1. Acknowledge the application for a Person to Person transfer of a Type 47 (On-Sale General Eating Place) Alcoholic Beverage License for the Applebee's Restaurant located at 220 Antelope Blvd.
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 (Applebee's; 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 transfer of a Type 47 (On-Sale General Eating Place).

APPROVED 5-0-0

RESOLUTION NO. 68-2006; KIMBALL ROAD PARKING RESTRICTIONS AT THE CORP YARD ENTRANCE

Recommendation: That the City Council adopt Resolution No. 68-2006 restricting parking in front of the CORP Yard as shown on the attached plan.

APPROVED 5-0-0

PEST CONTROL SERVICES

Recommendation: That the City Council authorize the City Manager to enter into an agreement with Rayco in the amount of \$220.00 per month for Pest Control Services for the period of November 1, 2006 to October 31, 2007 with a two year renewal option.

APPROVED 5-0-0

TREASURER'S REPORT

Recommendation: That the City Council accept the report for the second quarter of Fiscal Year 2005.

APPROVED 5-0-0

ANNUAL STATEMENT OF INVESTMENT POLICY

Recommendation: That the City Council approve the City Treasurer's Investment Policy Statement.

Councilmember Irving stated that it seemed like a document of importance and questioned the guidelines supersede current guidelines and if this was done in accordance with Government Code.

Donna Gordy, City Treasurer, stated that it was done in accordance with Government Code and that no new policies were being made.

M/S/C Irving, Brown to approve the City Treasurer's Investment Policy Statement.

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

NOES: None

ABSENT OR NOT VOTING: None

SUPPLEMENTAL BUDGET APPROPRIATION FOR GRANT CONSULTANT

Recommendation: That the City Council authorize supplemental appropriation in the amount of \$3,600 from Fund 19 Program Income to prepare the grant application by John Turner.

Mayor Pro Tem Brown requested clarification on the purpose of the grant and what activities would be eligible.

Margaret Van Warmerdam, Finance Director, stated that the grant was created to provide incentives for Cities to build low income housing. There are three (3) units that qualify within the City at this time and the City can received between \$1,000 and \$2,000 per low income unit that are established. This request will cover the cost of the consultant to compete the paperwork for the grant. At this time the estimated amount of the grant funds is \$150,000-175,000. The funds can be used for Capital Improvement projects, it's up to the City to designate what they want to use it for and she will bring back a list of possible items that the money can be used for that the City Council can choose from.

M/S/C Brown, Irving to authorize a supplemental appropriation in the amount of \$3,600 from Fund 19 Program Income for preparation of the grant application by John Turner.

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

NOES: None

ABSENT OR NOT VOTING: None

CURRENT BUSINESS:

PUBLIC HEARING – 2006/2007 SUPPLEMENTAL LAW ENFORCEMENT SERVICES GRANT FUNDS - \$100,000

Police Chief Al Shamblin reviewed the staff report and gave staff's recommendation that the City Council open the Public Hearing, consider public comments and approve the expenditure plan for Supplemental Law Enforcement Services Funds.

Mayor Houghton opened and after receiving no public comments, closed the public hearing at 7:33 p.m.

M/S/C Flynn, Brown to approve the expenditure plan for Supplemental Law Enforcement Services Funds.

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

NOES: None

ABSENT OR NOT VOTING: None

PUBLIC HEARING TO CONSIDER; TENTATIVE TRACT MAP 06-1015 AND PLANNED DEVELOPMENT USE PERMIT NO. 363; CITY COUNCIL RESOLUTION NO. 67-2006; 606 REEDS AVE.; GREY & SNOW (APPLICANT/OWNER)

Scot Timboe, Interim Planning Director, gave a brief history of the project, 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. Adopt Resolution No. 67-2006 approving Tentative Tract Map 06-1015 and Planned Development Use Permit No. 363 with the Findings and Conditions of approval shown in Resolution No. 67-2006.

Mayor Houghton opened the public hearing at 7:37 p.m.

Don Shearing, Grey & Snow thanked Scot Timboe and Fire Chief Gerry Gray for working together with them to make this project work. In regards to the letter received from Tom Stroing which voiced concerns regarding water runoff onto his property. He had viewed the site with both the Public Works Director and the Interim Planning Director and found that their project will not be running any water onto Mr. Stroing's property.

Councilmember Irving requested clarification on the block wall along reeds Avenue.

Mr. Shearing stated that the block wall will be on three (3) of the four (4) sides of the project.

Mayor Houghton closed the public hearing at 7:40 p.m.

Mayor Houghton questioned if this was the project that originally proposed 8 lots and was cut down to 7 lots.

Mr. Timboe stated that it was and that these would be a type of senior and/or starter home project with smaller lots.

Councilmember Flynn stated that he was not necessarily in favor of making streets narrower but it looks like it will work.

Fire Chief Gray stated that he had expressed some significant concerns about access and he wanted to comment the developer for going back providing two way access to the project and thanked the developer for a job well done.

Councilmember Stevens questioned if any of these homes would be set up to accommodate persons with disabilities.

Mr. Shearing stated that there were currently no plans at this time, but if they have a buyer they could go in at the design stage to make the changes.

Mayor Pro Tem Brown requested clarification of the wording in the zoning densities.

Mr. Timboe stated that the developer would have to submit grading plans and building permits for each lot. When those building permit requests come in they are routed to the Planning Department where he will verify that they meet the conditions imposed on the subdivision by the City Council.

Councilmember Irving requested clarification on whether the City was relaxing its density standards with this project.

Mr. Timboe stated that C-3 general commercial allows 20 build able units per acre and this will amount to 7 build able units per acre, so we are less than half of the density allowed.

Councilmember Irving questioned the standard was being relaxed in regards to the setbacks.

Mr. Timboe stated that this was just reducing some of the setbacks, rather than having no setbacks at all.

Councilmember Flynn requested clarification that the City would not be responsible for enforcing the no parking, it would be the responsibility of the Homeowners Association and that also the City would not be responsible for the maintenance of the streets.

Mr. Timboe stated that was correct and that it was his understanding that streets are often designed for 30 year standard and the Homeowner Association will be responsible for maintenance.

M/S/C Flynn, Irving to adopt Resolution No. 67-2006 approving Tentative Tract Map 06-1015 and Planned Development Use Permit No. 363 with the Findings and Conditions of approval shown in Resolution No. 67-2006.

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

NOES: None

ABSENT OR NOT VOTING: None

DEPARTMENT HEAD CONTRACTS

John Blacklock, Interim City Manager, reviewed the staff report and gave staff's recommendation that the City Council:

1. Authorize amending department head employment agreements to provide that the City Manager shall adjust department head salaries annually within the Council approved salary range.

2. Authorize removal of the provision that department head salaries will be automatically adjusted based on Cost of Living adjustments that other management employees receive.
3. Authorize amendment of any other language in the department head employment agreements requiring modification to be consistent with Recommendations 1 and 2.

He noted that in Section 6 of the sample contract entitled Salary it says "subject to performance review by City Manager", but at the section it says "Annually on July 1st of each year the City agrees to increase salary by the same cost of living amount as other management employees receive". The confusion is that other management employees is not defined and that raised a question if it meant the unrepresented mid-management employees or other department heads. He is recommending that the City Council maintain authority to set salary ranges, but the City Manager would make the decision on whether or not to move the employee up in salary range and the City Manager has the best knowledge of how the department head is performing. He will work closely with the City Attorney on this and any increases will be based on performance, but within the range authorized by the City Council. He has spoken with the department heads and they are in concurrence with him.

City Attorney Rick Crabtree stated that the proposal from the City Manager will remove the automatic clause that is included in the current contracts.

Mayor Pro Tem Brown questioned if the City Manager and City Attorney would put a new employment agreement and bring back to the City Council.

Mr. Blacklock stated that they would be happy to bring them back to the City Council but the recommendation allows the City Manager to draft and implement the changes.

Mayor Pro Tem Brown stated no, the only concern was if there was additional language that needed to be cleaned up.

Councilmember Irving questioned if this applies to the new contracts.

Mr. Crabtree stated that staff would be changing the current ones also.

Councilmember Flynn stated that he felt this was needed to move forward and he applauded staff for bringing it to their attention.

M/S/C Brown, Irving to:

1. Authorize amending department head employment agreements to provide that the City Manager shall adjust department head salaries annually within the Council approved salary range.

2. Authorize removal of the provision that department head salaries will be automatically adjusted based on Cost of Living adjustments that other management employees receive.
3. Authorize amendment of any other language in the department head employment agreements requiring modification to be consistent with Recommendations 1 and 2.

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

RATIFY/APPROVE SEPTEMBER PAYABLES CHECK NUMBERS 53313-53706

M/S/C Stevens, Flynn to ratify/approve September Payables Checks Number 53313-53706.

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

COMMITTEE REPORTS/COUNCIL COMMENTS:

Mayor Houghton commended the Planning Commission on the Wal-Mart hearing held the evening before as it had been a long meeting.

At 8:00 P.M. Mayor Houghton adjourned the meeting to November 7, 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