

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

**DATE OF MEETING:** December 19, 2006

**TIME OF MEETING:** 7:00 P.M. Regular Meeting

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

**Councilmembers Present:** Wayne Brown, Mayor  
Forrest Flynn, Mayor Pro Tem  
Daniel Irving  
James Byrne  
Jeffery Moyer

**Councilmembers Absent:** None

**Staff Present:** Martin Nichols, City Manager  
Gerry Gray, Fire Chief  
Scot Timboe, Interim Planning Director  
Al Shamblin, Police Chief  
Margaret Van Warmerdam, Finance Director  
Mark Barthel, Public Works Director  
Tessa Pritchard, Human Resources Director  
Donna Gordy, City Treasurer  
J.D. Ellison, Building Director/ Official  
Jo Anna Lopez, City Clerk

Mayor Wayne Brown asked John Yingling to lead the pledge of allegiance and the assemblage joined in

**CITIZEN'S COMMENT**

Mayor Pro Tem Forrest Flynn stated that he read in the paper that Jack Winter passed away. Mr. Winter was on the Planning Commission for a number of years and he will be missed.

Mayor Wayne Brown stated he forgotten to give the new Councilmembers recognition. Mayor Brown apologized and asked them if they would like to say anything.

Councilmember Jeff Moyer thanked everyone and stated that he looked forward to working with everyone. Mr. Moyer said he would do his best for the citizens of Red Bluff.

Councilmember James Byrnes stated he was glad to be here and he will do the best he can.

### **CONSENT AGENDA**

M/S/C Moyer, Flynn to approve the consent calendar.

**AYES: Councilmembers:** Flynn, Moyer, Byrne, Brown and Irving

**NOES: NONE**

**ABSENT OR NOT VOTING: NONE**

#### **1. REPORT REGARDING CONTRACT AWARDS – NOVEMBER 2006**

**Recommendation:** That the City Council accept the report.

***APPROVED 5-0-0***

#### **2. MOSQUITO AND VECTOR CONTROL DISTRICT TRUSTEE**

**Recommendation:** That the City Council appoint Mr. Ronald Etzler to serve as the Tehama County Mosquito and Vector Control District Trustee representing the City of Red Bluff for the term of January 1, 2007 through December 31, 2008.

***APPROVED 5-0-0***

#### **3. APPROVAL OF MEETING MINUTES**

**December 5, 2006**

***APPROVED 5-0-0***

## **CURRENT BUSINESS**

### **PRESENTATION AND ACCEPTANCE OF THE ANNUAL FINANCIAL REPORTS FOR FISCAL YEAR ENDED JUNE 30, 2006.**

Margaret Van Warmerdam, Finance Director, introduced Rob Griffith from Nystrom & Company.

Rob Griffith gave a brief overview of the Annual Financial Report.

Mayor Brown thanked Mr. Griffith and Margaret Van Warmerdam and her staff for their hard work.

Ms. Van Warmerdam thanked her staff as well as all the different departments for their hard work.

Martin Nichols, City Manager, said he was very happy about the City's Finance Department and that they have done a great job.

M/S/C Flynn, Irving to except the Annual Financial Report.

**AYES: Councilmembers:** Irving, Flynn, Moyer, Byrne and Brown

**NOES: NONE**

**ABSENT OR NOT VOTING: NONE**

### **RESOLUTION NO 73-2006, A RESOLUTION OF INTENTION TO LEVY A FISCAL YEAR ASSESSMENT FOR THE DOWNTOWN RED BLUFF PARKING AND BUSINESS IMPROVEMENT AREA.**

Margaret Van Warmerdam, Finance Director, stated the recommendation is that City Council adopt the resolution to levy the assessment and set a public hearing for January 2, 2007.

Mayor Brown requested clarification that this was required to set the hearing date.

Ms. Van Warmerdam said yes.

M/S/C Moyer, Irving to adopt the Resolution to Levy an assessment to set a public hearing.

**AYES Councilmembers: Moyer, Irving, Flynn, Byrnes, Brown**

**NOES: NONE**

**ABSENT OR NOT VOTING: NONE**

## **AIRPORT PROPERTY SALE**

Mark Barthel, Public Works Director, stated the property is a portion of Assessor's Parcel #031-220-17 comprised of 1.7 acres and is currently owned by the City. The City Council gave direction and authority to staff to negotiate a sale of the property to S. Stanley French. The City is now ready to complete the sale of the property. The recommendation is that the City Council approves this sale in the amount of \$160,000 to S. Stanley French.

Councilmember Irving asked which street the property was located on.

Mr. Barthel stated that it was on the corner of Kimball and Airport,

Mayor Brown commented that this has taken ten months.

Councilmember Irving questioned if the City was receiving the appraised price or near the appraised price.

Mr. Barthel stated that it was the appraised.

Councilmember Byrne questioned how many more parcels the City had left to sell in the Airport Industrial Park.

Mr. Barthel stated just a few more.

Councilmember Byrne requested clarification on if these are all portions of the Airport Industrial Tract.

Mr. Barthel stated that was correct.

Mayor Pro Tem Flynn requested clarification on whether these were considered surplus properties.

Councilmember Irving commented that these were ideal properties, as it's close to the Airport.

**M/S/C Byrne, Flynn** to approve the sale of 1.7 acres of City property being a portion of Assessor's Parcel # 031-220-17 in the amount of \$160,000 to S. Stanley French.

**AYES Councilmembers:** Flynn, Byrne, Brown, Irving and Moyer

**NOES: NONE**

**ABSENT OR NOT VOTING: NONE**

## **RESEARCH FACILITY AS PERMITTED AND ALLOWED OUTRIGHT AS A LAND USE IN ALL INDUSTRIAL ZONING DISTRICTS; M-1, M-2, AND P-1**

Scot Timboe, Interim Planning Director reported that Staff was seeking City Council input and direction on an Amendment to the Code in the form of a Text Rezone for RBCS Section 25.92 Industrial Zones and Permit Requirements that would remove "Research Facilities" or require a Conditional Use Permit Approval from the Planning Commission in order to control the Land Use activities of such a broad Land Use Term, Staff supports the change in the Zoning Code and believe it is reasonable to have the option to condition this type of use. Staff is prepared to move forward and prepare the text rezoning and bring it back to council by January or February. Research Facility is a broad term with all the PhD's out there. Staff is alarmed that any medical research facility could come to Red Bluff North and what they are researching could be worse than North State Specialties.

Councilmember Irving stated that the newspaper stated that the City was targeting medical waste but he wanted to clarify that what the City was targeting is a very expansive ordinance.

Mr. Timboe stated that he agreed that it is too broad of a term not to be controlled by some type of discretionary body.

Mayor Pro Tem Flynn stated that this would not change any existing business this is just any future business.

Mr. Timboe stated that was correct.

City Manager Martin Nichols indicated that in paragraph 1 where it says the proposed change to the zoning code will not affect any existing business, that he believes that this is in the best interest of the community given the fact that we do have so many schools and single family homes that has expanded to the Kimball Road area.

Councilmember Irving stated that if a present business wanted to change their use in some way they could run into conflict with this statute

Mayor Brown requested clarification on whether staff was leaning more to removing the word Research Facility or if they were moving more to require a Use Permit.

Mr. Timboe stated that Research Facility is a broad term and that they can do research in anything like AIDS and the Bird Flu. He stated that he thought a Conditional Use Permit would be appropriate enough. He stated that the land use staff was referring to is called a Research Facility and depending on what that facility is studying, could have an impact on the community.

Councilmember Irving stated that this ordinance has language that can be interrupted as vague and opens the City up to litigation.

Mr. Timboe stated that this is a major concern.

Mayor Brown questioned if staff had any guidelines or examples to go by when working on the text.

Mr. Timboe stated yes and that there wouldn't be a problem to do the text rezoning.

Mr. Nichols stated that the City Attorney will be consulted on the text.

Mayor Pro Tem Flynn questioned if this would give the City the ability to know what type of research is going on at that facility.

Councilmember Byrne requested clarification on the current status of Sanitech.

Mr. Timboe stated that they bought the facility and that they have indicated in a letter to the City that they did not plan on changing anything at this point in time.

Councilmember Byrne stated that it didn't seem right for them to call their business a Research Facility and questioned what they were researching.

Mr. Nichols stated that if Sanitech changed their technology they come under the terms of the new Ordinance and give the City Council more discretion as to their continued use.

Councilmember Byrne questioned that if we change this wouldn't it make it harder for another company to come in and compete with Sanitech.

Mr. Timboe stated either that or some Scientist can come in and start messing around with something that's not healthy for the community.

Councilmember Byrne stated that he would like to see this held over until the City Attorney is present, so that the City Council could discuss if this permit could be rescinded and he didn't think it's right for Sanitech to be here.

Mr. Timboe stated that they do require State permits from the State Health and Social Human Services and that they are held accountable at the scientific level just not at the City level.

Mayor Brown requested clarification on that if this goes through tonight staff would be conferring with Mr. Crabtree as they proceed with this re-write.

Mr. Timboe stated that was correct and that he had been speaking with Mr. Crabtree for the last 2 months if not longer and he agrees with what we are trying to do.

Mayor Brown requested clarification that the City was not trying to put Sanitech out of business, but are just trying to close the loop hole.

Mr. Timboe stated that by doing this Ordinance as soon as possible was not going to hurt anything in the City at this time and that it's better to be safe than sorry when your dealing with industrial areas that are near schools and homes.

Councilmember Flynn questioned if this would come back to the City Council again for its final approval.

Mr. Timboe stated that was correct.

Mr. Nichols stated that all that is being requested at this meeting is that the City Council allows staff to begin working on this.

Mayor Pro Tem Flynn stated that he saw no reason to table this matter as this will be a long process and we should get started on it.

Mr. Timboe stated that he would have this back to the City Council by late January or early February.

Councilmember Byrne questioned if a hold could be put on any other applications until this matter is finished.

Mr. Timboe stated that at this time there were no other applications and that he would discuss with the City Attorney Mr. Crabtree.

Mayor Brown thanked Councilmember Irving for catching this loop hole.

**M/S/C Flynn, Moyer** to proceed with a Text Rezone of RBCC Section 25.92 (Industrial Zones and Permit Requirements) that would change the existing "P" Permitted use of "Research Facilities" to a Conditional Use Permit that can be conditioned and potentially approved by the Planning Commission in order to control the Land Use activities of such a broad Land Use Term.

AYES Councilmembers: Flynn, Moyer, Brown, Irving and Byrne.

NOES: NONE

ABSENT OR NOT VOTING: NONE

**AGREEMENT BETWEEN CITY AND COUNTY OF TEHAMA ON EXPENDITURE OF FUNDS FOR PURCHASE OF MOBILE AIR COMPRESSOR IN THE AMOUNT OF \$8,271.91**

Gerry Gray, Fire Chief, stated that at the last City Council meeting the City Council directed staff to review the contract agreement between the City and the County. City Attorney Richard Crabtree had conferred with County Counsel, and with the City Manager. There have been some revisions on items # 4 and 10 and Mr. Crabtree was comfortable with the new language in the contract.

Mayor Brown stated that he had read the changes in items # 4 and 10 and they were very clear to him.

**M/S/C Irving, Byrne** to authorize the Mayor to sign the written agreement and enter the City of Red Bluff into agreement with the County of Tehama for the contribution and expenditure of 2005 Homeland Security Grant funds in the amount of \$8,271.91 and terms as specified in agreement.

AYES Councilmembers: Irving, Byrne, Moyer, Flynn and Brown  
NOES: NONE  
ABSENT OR NOT VOTING: NONE

**ORDINANCE NO. 976 UPDATING FEES IN CHAPTER 12 SECTIONS 12.21 THROUGH 12.25**

Margaret Van Warmerdam reviewed the staff report and gave staff's recommendation that the City Council waive the second reading and adopt Ordinance No. 976.

**M/S/C Flynn, Moyer** to waive the second reading and adopt the Ordinance No. 976.

AYES Councilmembers: Flynn, Moyer, Byrne, Irving and Brown  
NOES: NONE  
ABSENT OR NOT VOTING: NONE

**RATIFY/APPROVE NOVEMBER PAYABLES CHECK NUMBERS 53908-54329**

Mayor Pro Tem Flynn requested clarification on page 12 Statewide Sign and Safety for programmable message board in the amount of \$15,000.00.

Al Shamblin, Police Chief, stated that this was purchased from safety grant funding and that the board was purchased with savings from that money that was

not used on overtime. He stated that the Police Department did have the board and that they also had purchased a DUI trailer and some small signs to put up.

**M/S/C Irving, Flynn** to approve the warrant list.

AYES Councilmember: Irving, Flynn, Moyer and Byrne

NOES: NONE

ABSENT OR NOT VOTING: Councilmember: Brown (abstained)

**COMMITTEE REPORTS/COUNCIL COMMENTS:**

Mayor Pro Tem Flynn reported that he had attended his first Tri-Counties meeting in Chico and that he didn't have anything to report at this time.

Mayor Brown reported that he had taken a ride-a-long with Fire Chief Gray and got to go on my first incident with him. He thanked Chief Gray for allowing him to accompany him.

Councilmember Byrne reported that he would not be at the next meeting (January 2, 2007) as he would be out of town.

At 8:00 p.m. Mayor Brown adjourned the meeting to January 2, 2007 at 7:00 p.m. in the Red Bluff City Council Chambers.

*s/b Wayne Brown*  
Mayor

ATTEST:

*s/b Jo Anna Lopez, City Clerk*