

**RED BLUFF  
CITY COUNCIL  
REGULAR MEETING MINUTES**

**Date of Meeting:** Tuesday April 1, 2008  
**Time of Meeting:** 6:15 Closed Executive Session  
7 p.m. Regular Meeting  
**Place of Meeting:** Council Chambers, City Hall  
555 Washington Street  
Red Bluff, Ca 96080

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

**Councilmember Absent:** Jeff Moyer (absent-excused)

**Staff Present:** Martin Nichols, City Manager  
Richard Crabtree, City Attorney  
Margaret Van Warmerdam, Finance Director  
Jo Anna Lopez, City Clerk  
Scott Capilla, Police Chief  
Scot Timboe, Planning Director  
Mark Barthel, Public Works Director  
Gerry Gray, Fire Chief  
Tessa Pritchard, Human Resources Director  
Debbie Carlisi, Parks and Recreations Director  
J.D. Ellison, Building Official/Director  
Donna Gordy, City Treasurer

Mayor Flynn asked Judge Schuler to lead the Pledge of Allegiance and the Assembly joined in.

**CLOSED EXECUTIVE SESSION:**

**PUBLIC EMPLOYEE PERFORMANCE REVIEW**

**Title: City Manager (Government Section 54957)**

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

**One potential case. Government Code Section 54956.9**

**CONFERENCE WITH LEGAL COUNSEL-**

**Government Code Section 54956.9**

**EXISTING LITIGATION: Citizens for a Healthy Community v. City of Red Bluff, Tehama County Superior Court Case No. 58342**

Mayor Flynn stated that the City Council had discussed the above items and given direction to staff.

**CITIZEN'S COMMENT:**

Vern Raglin, President of the Fire Fighters Association, stated he was looking forward to working with the City Council.

**PROCLAMATIONS:**

**RELAY FOR LIFE-** Mayor Pro Tem Irving read and presented the Proclamation for Relay for Life which will begin May 17<sup>th</sup> and May 18<sup>th</sup>.

**POLICE COMMUNICATIONS DISPATCHERS WEEK-** Councilmember Brown read and presented the Proclamation for Police Communications Dispatchers Week which will be April 13-19, 2008

**DRESS WESTERN WEEK-** Mayor Flynn read and presented the Proclamation for Dress Western Week which will be held on April 12-20, 2008

**CONSENT AGENDA:**

M/S/C: Councilmembers Irving and Brown to approve the Consent Agenda.

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

NOES: NONE

ABSENT OR NOT VOTING: Councilmember Moyer (absent)

**UNCLAIMED CHECKS OVER THREE YEARS OLD**

Recommendation: That the City Council approve Resolution No. 14-2008 to transfer funds for unclaimed checks from their respective fund (s) to the General Fund pursuant to California Government Code Section 55053.

***APPROVED 4/0/1***

**CURRENT BUSINESS:**

**LAND DIVISION AND ENGINEERING DESIGN STANDARDS PUBLIC HEARING – RESOLUTION NO. 13-2008 – A RESOLUTION UPDATING THE LAND DIVISION AND ENGINEERING DESIGN STANDARDS**

Public Works Director, Mark Barthel reviewed the staff report and gave staff recommendation that the City Council:

1. Continue the Public Hearing.
2. Direct staff as necessary to address the public hearing comments.
3. Adopt the Land Division and Engineering Design Standards and Resolution No. 13-2008 superceding Resolution No. 44-1990 adopted August 7, 1990.

Mayor Flynn opened the Public Hearing at 7:17 p.m. and hearing no comments Mayor Flynn Closed the Public Hearing at 7:18 p.m.

Mayor Flynn explained that this book was a set of rules that builders would need to follow in this City.

Mayor Pro Tem Irving asked if the City was just duplicating building codes and State laws.

Mark Barthel stated this is basically Engineering Designs Standards, Fire Code, Building Code all stand alone. This is Public Works, the public portion of developing.

Councilmember Byrne stated he had showed this book to some contractors, engineers, and people that are in the construction business, which are friends, and came back with a list of things that were concerns or had questions about.

Councilmember Byrne stated he would like to move to table this item until Mr. Barthel could get together with some of the people he had spoken with to get some of these items resolved.

Mort August, Vice President of Wildan Engineering, stated that there are no universally accepted standards that are used in the Public Works industry. There are various standards that have been published over the years. The green book was published back in the 1970's. This was developed because they found that CalTrans specs work very well for freeways and rural highways, however they don't work with the type of construction we see in municipal areas. So what we have done in the past is where there is a problem we make a note in there that we take exception on section whatever that is that it will be this.

After much discussion between Council and Staff the Council made a motion.

M/S/C: Councilmember Irving and Flynn to adopt the Resolution 13-2008 Land Division and Engineering Design Standards.

AYES: Councilmembers: Irving, Flynn and Brown

NOES: Councilmember: Byrne

ABSENT OR NOT VOTING: Councilmember Moyer (absent- excused)

*APPROVED*

M/S/C: Councilmembers Brown and Irving asked that this item come back to City Council in one year to re-visit the recommendation of updates.

AYES: Councilmembers Brown, Irving and Flynn

NOES: Councilmember Byrne

ABSENT OR NOT VOTING: Councilmember Moyer (absent)

## **ADOPTION OF NEW GARBAGE FRANCHISE**

Martin Nichols, City Manager, reviewed the staff report and gave staffs recommendation that the City Council:

1. Approve terms of the new agreement.
  - a) Continue current agreement to May 16, 2008 to provide sufficient time for the City Attorney to review the proposed franchise for legal sufficiency.

- b) Authorize the City Manager to sign the City approved Franchise Agreement.
- 2. Continue consideration of the new franchise.
  - a) Continue current franchise agreement to June 1, 2008
  - b) Continue consideration of the new franchise until the May 20<sup>th</sup>, 2008 City Council meeting.

Dave Bailey, concerned citizen, stated it would not be fair for GreenWaste to collect all solid waste. As an independent hauler for construction waste this contract will put all independent haulers out of business as the contract reads GreenWaste has exclusive rights to all solid waste.

Councilmember Byrne stated that this contract should go out to bid. It isn't fair for the City to give a contract out without putting the contract out to bid first. We need to make sure we are getting the best deal.

M/S/C: Councilmembers Brown and Irving to continue consideration of the new franchise agreement to June 1, 2008 and continue consideration of the new franchise until May 20<sup>th</sup>, 2008 City Council meeting.

AYES: Councilmembers: Brown, Irving and Flynn

NOES: Councilmembers: Byrne

ABSENT OR NOT VOTING: Councilmember Moyer (absent-excused)

**FLOOD DAMAGE PROTECTION ORDINANCE AMENDMENT; PUBLIC HEARING TO CONSIDER TEXT REZONE NO. 205 (ORDINANCE NO. 985); REVISING CITY CODE SECTIONS 26.4-3(C), (1), (A), (B), (C) AND 26.4-3(C), (2), (A), (B) AND 26.4-3(C), (3) OF THE RED BLUFF CITY CODE**

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

1. Conduct the Public Hearing and consider all public testimony and other information submitted relating to Ordinance No. 985; Rezone No. 205.
2. Find that Ordinance No. 985; Rezone No. 205 is exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines, (Class 8 Categorical Exemption, Actions by Regulatory Agencies for Protection of the Environment).
3. Waive the first reading and introduce Ordinance No. 985 (Rezone No. 205), amending RBCC Section 26.4-3 (c),(2,(a),(b),(c)- Notification of Other Agencies, 26.4-3 (C)(2)(a)(b)- Base Flood Elevation Changes Due to Physical Alteration, and 26.4-3(C)(3) Section 26.5-7 of the Red Bluff City Code.

Mayor Flynn opened the Public Hearing at 8:33 p.m. and hearing no comments Mayor Flynn closed the Public Hearing at 8:33 p.m.

M/S/C: Councilmembers Irving and Brown to waive the first reading and introduce Ordinance No. 985.

AYES: Councilmembers Irving, Brown, Byrne and Flynn

NOES: NONE

ABSENT OR NOT VOTING: Councilmember Moyer (absent-excused)

## **PUBLIC HEARING FOR USER FEES**

Finance Director Margaret Van Warmerdam reviewed staff's report and gave staff's recommendation that the City Council:

1. Conduct a Public Hearing and consider any public comments received.
2. Adopt Resolution No. 15-2008. A Resolution of the City Council of the City of Red Bluff establishing as schedule for fees and charges for City services.

Mayor Flynn opened the Public Hearing at 8:35 p.m. hearing no comments Mayor Flynn Closed the Public Hearing at 8:35 p.m.

M/S/C: Councilmembers Irving and Flynn to adopt Resolution No 15-2008 with the direction that there be multiple year adjustments when justified.

Councilmember Brown stated that just because it is a new year doesn't mean that the fees need to be raised.

AYES: Councilmembers: Irving, Flynn, Brown and Byrne

NOES: NONE

ABSENT OR NOT VOTING: Councilmember Moyer (absent-excused)

## **2008 CDBG APPLICATION SUBMITTAL – PUBLIC HEARING**

Finance Director Margaret Van Warmerdam gave a short power point presentation to show Council how the money would be used, reviewed the staff report and gave staff's recommendation that the City Council:

1. Open the Public Hearing
2. Receive public comments.
3. Close the Public Hearing.
4. Adopt Resolution No. 16-2008.
5. Direct staff to submit application.

Mayor Flynn opened the Public Hearing at 8:42 p.m. and hearing no comments Mayor Flynn closed the Public Hearing at 8:43 p.m.

M/S/C: Councilmembers Irving and Byrne to adopt Resolution No. 16-2008 and direct staff to submit application.

AYES: Councilmembers: Irving, Byrne, Brown and Flynn

NOES: NONE

ABSENT OR NOT VOTING: Councilmember Moyer (absent-excused)

## **APPROVAL OF MINUTES**

March 18, 2008

M/S/C: Councilmembers Byrne and Irving to approve the March 18, 2008 Minutes.

AYES: Councilmembers Byrne, Irving, Brown and Flynn

NOES: NONE

ABSENT OR NOT VOTING: Councilmember Moyer (absent-excused)

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

No comments at this time

## **ADJOURNMENT:**

There being no other business Mayor Flynn adjourned the meeting at 8:52 p.m. until the meeting of April 15, 2008 at 7 p.m.

s/b Forrest Flynn, Mayor

ATTEST:

s/b Jo Anna Lopez, City Clerk