

**RED BLUFF
CITY COUNCIL
REGULAR COUNCIL MEETING**

Date of Meeting: Tuesday, August 19, 2008
Time of Meeting: 6:15 p.m. Closed Executive Session
7 p.m. Regular Meeting
Place of Meeting: Council Chambers, City Hall
555 Washington Street
Red Bluff, CA 96080

Council Members Present: Forrest Flynn, Mayor
Daniel Irving, Mayor Pro Tem
Wayne Brown
Jeff Moyer
James Byrne

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 Resource Director
J.D. Ellison, Building Director
Debbie Carlisi, Park and Recreation Director
Donna Gordy, City Treasurer

Mayor Flynn Called the Meeting to order at 7 p.m.

Mayor Flynn asked the Red Bluff Girls All-Star Baseball Team to lead the Pledge of Allegiance and the assembly joined in.

CLOSED EXECUTIVE SESSION:

1. EXISTING LITIGATION

Sunseri v. Kimball Crossing, Tehama County Case 60414

2. CONFERENCE WITH LEGAL COUNSEL- Executive Session in accordance with Government Code Section 54956.9-One potential case

3. PUBLIC EMPLOYEE PERFORMANCE REVIEW

Title: City Manager (Government Code Section 54957)

Mayor Flynn reported that there were no decisions made.

CITIZENS' COMMENT:

No comments at this time.

PROCLAMATIONS:

11 TO 12 YEAR OLD GIRLS ALL STARS LITTLE LEAGUE TEAM

Mayor Flynn read and presented the Proclamation to the Girls All – Star little league team.

2008 RECOVERY HAPPENS

Sue McVean, Director Tehama County Drug and Alcohol Division and Cynthia Cook, Tehama County Drug and Alcohol Advisory Board member.

Mayor Flynn read and presented the proclamation to the Tehama County Drug and Alcohol program.

CONSENT AGENDA:

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

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

NOES: None

ABSENT OR NOT VOTING: None

1. APPROVAL OF MINUTES

- A) AUGUST 5, 2008 – REGULAR MEETING
- B) AUGUST 12, 2008 – SPECIAL MEETING

City Attorney, Richard Crabtree stated on August 12, 2008 he was present at the meeting.

M/S/C: Councilmembers Brown and Moyer to approve the minutes of August 12, 2008 with the changes noted.

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

5/0/0 Approved

2. REPORT REGARDING CONTRACT AWARDS – JULY 2008

Recommendation: That the City Council ratifies Contract Awards for July 2008 and approves disposal of equipment with proceeds deposited in Fund 19 Facilities & Equipment Reserve for each department under Capital Replacement.

5/0/0 Approved

CURRENT BUSINESS:

1. ANNOUNCEMENT OF AUGUST 12, 2008 CLOSED SESSION ACTION REGARDING THE FISH PASSAGE PROJECT EIS/EIR

The Red Bluff City Council has unanimously directed its City Attorney to file a lawsuit in Federal Court challenging the adequacy of the Federal Bureau of Reclamation's Environmental Impact Statement (EIS) and the Tehama Colusa Canal Authority's Environmental Impact Report (EIR).

Jason Larrabee read a statement on behalf of Tehama Colusa Canal Authority.

Jackson Williams spoke in favor of keeping the dam on the same schedule it is on now.

This was informational only no other action needed at this time.

PRESENTATION ON THE CALIFORNIA AIR RESOURCES BOARD SCOPING PLAN BY AL ABBS, AIR POLLUTION CONTROL OFFICER

Recommendation: That the City Council hears the presentation by Air Pollution Control Officer Alan Abbs on the California Air Resources Board Climate Change Scoping Plan.

Alan Abbs gave an informational presentation to the City Council on the California Air Resources Board Scoping Plan.

Mayor Flynn called for a recess at 8:18 p.m.

Mayor Flynn called the meeting back to order at 8:25 p.m.

DISCUSSION ABOUT COMMERCIAL COACHES (TACO TRUCKS) ON PRIVATE PROPERTY WITHIN THE CITY LIMITS

Scot Timboe, Planning Director, reviewed staff report and gave staff's recommendation that the City Council provides policy direction to City staff regarding the permitting of mobile food vendors on private property. Staff recommends that the current policy of prohibiting this use is continued.

Nancy Sureno, owner of a mobile vender (Taco Truck) expressed her concern with the ordinance she feels the ordinance should be rewritten allowing the Taco Trucks within the city limits.

Mr. Noah Morfin, Taco Truck Vendor asked for the ordinance to be rewritten so he could get his permit to operate within the city limits. The truck would be there in the morning and would leave in the evening.

After much discussion between Council and Staff a solution was reached which would send the request to the Planning Commission for their review and recommendation.

M/S/C: Councilmember Irving and Brown to send this back to the Planning Commission for their review and recommendation.

AYES: Councilmembers: Brown, Irving and Flynn

NOES: Councilmembers: Moyer and Byrne

ABSENT OR NOT VOTING: NONE

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDMENT REGARDING RESIDENTIAL USES IN CERTAIN COMMERCIAL ZONES

Scot Timboe, Planning Director reviewed 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. 987; Rezone No. 206.
2. Find that Ordinance No. 987; Rezone No. 206 is exempt from CEQA pursuant to Section 15061 (b) (3) of the CEQA Guidelines; and
3. Waiver the First Reading and Introduce Ordinance No. 987; Rezone No. 206, amending 25.79 COMMERCIAL ZONES AND PERMIT REQUIREMENTS; removing-Residential; Dwellings, ground floor and Dwellings, other than ground floor and Mobil home parks, in C-1, C-2, C-3, CF and Dwellings ground floor in HC along with Section 25, 138 Planned Development Use Permit-Permitted Uses (B) for those planned development located within C-1, C-2, C-3 districts, any use permitted or uses permitted with a use permit in C-1,C-2,C-3, FC and HC districts, and associated zoning code typo (Next Allowed changed to read as Not Allowed), or (M) 25,138 Planned Development Use Permit-Permitted Uses (C) within located – 1,-2 districts (changed to read as located M-1,M-2).

Mayor Flynn opened the Public Hearing at 9:13 p.m. and hearing no comments closed the Public Hearing at 9:13 p.m.

After staff answered Council questions and concerns Mayor Flynn asked if there was a motion and a second.

M/S/C: Councilmember Irving and Moyer to

1. Find that Ordinance No. 987; Rezone No. 206 is exempt from CEQA pursuant to Section 15061 (b) (3) of the CEQA Guidelines; and
2. Waiver the First Reading and Introduce Ordinance No. 987; Rezone No. 206, amending 25.79 COMMERCIAL ZONES AND PERMIT REQUIREMENTS; removing-Residential; Dwellings, ground floor and Dwellings, other than ground floor and Mobil home parks, in C-1, C-2, C-3, CF and Dwellings ground floor in HC along with Section 25, 138 Planned Development Use Permit-Permitted Uses (B) for those planned development located within C-1, C-2, C-3 districts, any use permitted or uses permitted with a use permit in C-1,C-2,C-3, FC and HC districts, and associated zoning code typo (Next Allowed changed to read as Not Allowed), or (M) 25,138 Planned Development Use Permit-Permitted Uses (C) within located – 1,-2 districts (changed to read as located M-1,M-2).

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

Mayor Pro Tem Irving asked the City Council to continue items 7 and 8 until the next meeting due to an emergency in the Fire Department.

M/S/C: Councilmembers Irving and Moyer to continue items 7 (Fire Department Briefing) and 8 (Report on Sales Tax) until the meeting of September 16, 2008.

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

AUTHORIZATION OF GRANT FUND EXPENDITURES – SAFE ROUTES TO SCHOOL (SR2S) PROJECT

Mark Barthel, Public Works Department reviewed staff report and gave staff's recommendation that the City Council authorize additional expenditures of Safe Routes to school grant funds for project costs not to exceed the total grant and city matching funds project funding of \$600,000.

M/S/C: Councilmembers Moyer and Brown to accept staff recommendation.

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

TRANSFER OF FUNDS TO PROGRAM INCOME

Margaret Van Warmerdam, Finance Director, reviewed staff report and gave staff's recommendation that the City Council approves the transfer of funds from the General Fund to the Program Income Fund to cover the cost of loan monitoring in the 2007/08 fiscal year in the amount of \$24,223.

M/S/C: Councilmembers, Moyer and Brown to approve the transfer of funds.

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

APPROVAL OF WARRANT LIST

Recommendation: That the City Council approves Check Warrant No. 60500 through 60769 dated July 2, 2008 through July 31, 2008

M/S/C: Councilmembers Irving and Moyer to approve the Warrant List.

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

APPROVAL OF MINUTES

July 15, 2008

M/S/C: Councilmembers Moyer and Byrne to approve the minutes as written.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

COMMITTEE REPORTS/COUNCIL COMMENTS:

Councilmember Brown asked Mayor Flynn to revisit item # 3 (Taco Trucks) and Mayor Flynn asked Councilmember Brown to put this on an upcoming agenda.

Councilmember Byrne let it be known that a lot on Monroe Street has a drainage problem that is causing the gutter to be filled with dirt for several hundred feet.

Mr. Barthel stated he would look into that problem.

Mayor Flynn stated there would be no meeting on September 2, 2008 and the next meeting would be September 16 2008.

There being no further business, Mayor Flynn adjourned the meeting at 9:25 p.m. until the meeting of September 16, 2008 at 7:00 p.m.

s/ Forrest Flynn, Mayor

ATTEST:

s/ Jo Anna Lopez, City Clerk