

RED BLUFF
CITY COUNCIL
REGULAR COUNCIL MEETING

Date of Meeting: Tuesday, April 7, 2009
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

Councilmembers Present: Wayne Brown, Mayor
Jeff Moyer, Mayor Pro Tem
Forrest Flynn
Bob Carrel
James Byrne

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

Mayor Brown called the meeting to order at 6:15 p.m. and adjourned into closed session.

CLOSED EXECUTIVE SESSION:

CONFERENCE WITH LABOR NEGOTIATORS: Executive Session in accordance with Government Code Section 54957.6 for the purpose of instructing the City's designated representatives Martin Nichols, City Manager, and Tessa Pritchard, Human Resource Director, regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits with the Police Unit, Fire Unit, Miscellaneous Unit, Mid-Management and Management Employees.

Mayor Brown reported that the City Council had given direction to staff.

PLEDGE OF ALLEGIANCE:

Mayor Brown asked Lieutenant Kyle Sanders to lead the Pledge of Allegiance and the assembly joined in.

CITIZEN'S COMMENTS:

Mayor Brown asked for Citizen's Comments and hearing none moved on to the next item.

PROCLAMATION:

Mayor Pro Tem Moyer read and presented the Proclamation proclaiming it Dress Western Week for the Red Bluff's 88th Round up starting April 17th, 2009.

PROCLAMATION:

Councilmember Carrel read the Proclamation for Police Communications Dispatchers Week and presented Captain Paul Nanfито with the certificate.

CONSENT CALENDAR:

Councilmember Byrne pulled item #3 for clarification.

Councilmember Flynn pulled item #6 for clarification.

M/S/C: Councilmembers Moyer and Byrne to approve the remainder of the Consent Calendar.

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

1. REPORT REGARDING CONTRACT AWARDS – FEBRUARY 2009

Recommendation: That the City Council ratifies Contract Awards for February 2009.

5/0/0 Approved

2. DEBARMENT POLICY

Recommendation: That the City Council Approve the Debarment Policy.

5/0/0 Approved

3. TREASURER'S REPORT

Recommendation: That the City Council accept the report for the seventh month of Fiscal year 2008.

M/S/C: Councilmembers Byrne and Moyer to approve the Treasurer's Report after clarification.

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

4. RESOLUTION NO. 11-2009; STREET CLOSURE FOR CHURCH EASTER CELEBRATION

Recommendation: That the City Council adopt Resolution No. 11-2009; authorizing the Requested street closure for the First Baptist Church Easter Celebration.

5/0/0 Approved

5. APPROVAL OF MINUTES

- a) February 25, 2009
- b) March 3, 2009
- c) March 25, 2009
- d) April 1, 2009

5/0/0 Approve

6. WWTP FLOW METER – REQUEST TO ADVERTISE FOR BIDS

Recommendation: That the City Council:

1. Authorize the Public Works Director to advertise for bids for the purchase and installation of an influent flow meter at the WWTP.
2. Authorize a supplemental budget appropriation in the amount of \$22,000 to Fund 45-43-530-100.

M/S/C Councilmembers Flynn and Moyer to approve this item after clarification.

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

NOES; NONE

ABSENT OR NOT VOTING:

5/0/0 Approved

7. REINSTATEMENT OF UNEMPLOYMENT INSURANCE ACCRUAL

Recommendation: That the City Council approve the reinstatement of Unemployment Insurance accrual effective July 1, 2009.

5/0/0 Approved

8. RESOLUTION NO. 10-2009; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED BLUFF IMPLEMENTING THE PROVISIONS OF SECTION 414(H) (2) OF THE INTERNAL REVENUE CODE FOR EMPLOYER PICK –UP OF EMPLOYEE CALPERS CONTRIBUTIONS

Recommendation: That the City Council adopt Resolution No. 10-2009 implementing the provisions of Section 414(h) (2) of the Internal Revenue Code for Employee CALPERS contributions.

5/0/0 Approved

CURRENT BUSINESS:

APPEARANCE REQUEST FROM POLICE OFFICERS AND MISCELLANEOUS UNIT EMPLOYEE ORGANIZATIONS

Martin Nichols, City Manager, reviewed the staff report and gave staff's recommendation that the City Council receives the presentations by the Police Officers and Miscellaneous Unit representatives and request that these organizations meet with the City's Human Resources Director regarding any changes to their collective bargaining agreements.

Josiah Ferrin, R.B.P.O.A. submitted and read to the City Council a proposal on how the Police Officers of Red Bluff have proposed to help with the budget cuts (proposal in file).

Art Frolli, Business Representative for Operating Engineers Local Union No.3, submitted a letter in response to the City Council's request for voluntary concessions from the Miscellaneous Bargaining Unit (proposal in file).

Requested that these organizations meet with the City's Human Resources Director.

POLICE DEPARTMENT REORGANIZATION

Martin Nichols, City Manager, reviewed the staff report and gave staff's recommendation that the City Council approves the reorganization plan and salary adjustments.

Councilmember Byrne did not find this fair that the current Police Chief not take a cut in pay. Then when he leaves on July 3, 2009, his replacements the Captain will get a pay increase of 10% and Lieutenant's increase will be 5%, when they are asking all their other officers to take a 7% cut in pay.

Councilmember Flynn asked how many more years the Chief had in his contract.

Mayor Brown stated 2 years left.

Martin Nichols stated that staff will come back to the City Council to approve the agreements with the new job descriptions for the Captain and Lieutenant.

Mayor Brown asked if this was the final deal, if the amounts could move up or down with the Capt and Lieutenant or if the Council could make changes now.

Mr. Nichols stated that this was what the Capt and Lieutenant were asking for with the additional duties.

M/S/C Councilmembers Flynn and Carrel to approve staff recommendations.

AYES: Councilmembers: Flynn, Carrel, Flynn, and Brown

NOES: Councilmember: Byrne

ABSENT OR NOT VOTING: NONE

PUBLIC HEARING TO CONSIDER ORDINANCE NO. 990; REZONE NO. 209; REVISING CITY CODE SECTION 25.79 OF THE RED BLUFF CITY CODE ALLOWING MOBILE VENDORS IN AC -3 (GENERAL COMMERCIAL) ZONING DISTRICT ALONG WITH AMENDING CHAPTER 25 BY ADDING SECTION 25.198 MINIMUM STANDARDS FOR MOBILE VENDORS AND AMENDING RED BLUFF CITY CODE SECTION 25.239 DEFINITIONS BY ADDING A DEFINITION WITHIN THE CITY OF RED BLUFF AND REFORMATTING ARTICLE XX CORRECTION

Scot Timboe, Planning Director, 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. 990; Rezone No. 209.
2. Find that Ordinance No.990; Rezone No. 209 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.990; Rezone No. 209, amending Section 25.79 COMMERCIAL ZONES AND PERMIT REQUIREMENTS; Miscellaneous: MOBILE VENDOR", Section 25.198, Section 25.239 and ARTICLE XX: CERTIFICATES OF OCCUPANCY

Mayor Brown opened the Public Hearing at 7:57 p.m. Hearing no comments
Mayor Brown Closed the Public Hearing at 7:57 p.m. Mayor Brown brought it back to Council.

Councilmember Carrel would like to see a limit put on the length of time the vending trucks can stay in one spot.

Mayor Brown felt this was an understanding that the trucks would go home every night or every 10 hours.

Mr. Timboe stated there was nothing in the ordinance that stated the trucks must go home every night, but that is what these trucks usually do. They go home every night to restock and clean get ready for the next day but they are there usually by 9 or 10 a.m. until 8 or 9 p.m. But there is nothing in this item that states the trucks must go home every night, he could take it back to the Planning Commission to add a number 12 stating that the vending trucks can only be there 10 or 12 hours a day.

M/S/C Councilmembers Byrne and Moyer to waive the first reading and introduce Ordinance No. 990.

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

M/S/C Councilmembers Moyer and Byrne to refer back to staff to amend this item by adding time limits for the vehicles.

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

DISCUSSION OF ANNUAL CPI-U FOR USER FEES.

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

1. Direct staff to postpone CPI-U increases for the 2009 until 2010 which will include a CPI-U for 2009

OR

2. Direct Staff to prepare CPI-U increase for all departments for the annual revision for 2009.

Councilmember Flynn requested clarification on some of the fees listed on line 9 false alarm third response fees, a six month period; Line 10 is false alarm and line 14 is DUI arrest. Councilmember Flynn stated that he is reluctant to change these fees.

Ms. Van Warmerdam replied that some fees such as dog licensing fees have gone up the last few years, but due to the current economy we looked at whether we would be hurting ourselves as a jurisdiction or are we going to help ourselves.

M/S/C Councilmembers Byrne and Carrel to direct staff to postpone CPI-U increase for 2009 until 2010 which will include a CPI-U for 2009.

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

COMMUNITY ORIENTED POLICING SERVICES (COPS) GRANT

Scott Capilla, Police Chief, reviewed the staff report and gave staff's recommendation that the City Council authorizes staff to apply for the American Recovery and Reinvestment Act (ARRA) of 2009 COPS Grant.

This will be brought back before Council once Chief Capilla hears back that it's been awarded to the City.

M/S/C Councilmembers Byrne and Flynn to authorize staff to apply for the American Recovery and Reinvestment Act (ARRA) of 2009 COPS Grant.

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

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FY 2009

Scott Capilla, Police Chief, reviewed the staff report and gave staff's recommendation that the City Council authorize staff to submit for the FY2009 Edward Byrne Memorial Justice Assistance Grant for the eligibility award of \$71,318.00.

M/S/C Councilmembers Byrne and Moyer to authorize staff to submit for the FY2009 Edward Byrne Memorial Justice Assistance Grant for the eligibility award of \$71,318.00.

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

ORDINANCE NO. 997; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RED BLUFF MODIFYING RED BLUFF CITY CODE CHAPTER 5 ARTICLE II – SECTION 5.2 BUILDING CODE AND ACCEPTING THE APPROVED MAP OF THE “CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION VERY HIGH FIRE HAZARD SEVERITY ZONES IN LRA TEHAMA COUNTY (RED BLUFF, CA)”. THE APPROVED CAL-FIRE MAP IS IN RELATION TO THE REQUIREMENTS OF THE 2007 CALIFORNIA BUILDING CODE CHAPTER 7-A

J.D. Ellison, Building Director/official reviewed staff report and gave staff's recommendation that the City Council waive the second reading and adopt Ordinance No. 997 an Ordinance of the City of Red Bluff modifying Red Bluff City Code Chapter 5 Article II – Section 5.2 Building Code and accepting the approved map of the “California Department of Forestry and Fire Protection Very High Fire Hazard Severity Zones in LRA Tehama County (Red Bluff, CA)” as it relates to the 2007 California Building Code Chapter 7-A.

M/S/C Councilmembers: Flynn and Byrne to waive the second reading and adopt Ordinance No. 997.

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

RESOLUTION NO. 12-2009 AMENDING THE COMPENSATION PLAN FOR PARKS AND RECREATION SPORT OFFICIALS NOT COVERED BY A BARGAINING AGREEMENT

Debbie Carlisi Parks and Recreation Director reviewed staff report and gave staff's recommendation that the City Council adopt Resolution No. 12-2009.

M/S/C Councilmembers Flynn and Carrel to adopt Resolution No. 12-2009.

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

RECOGNITION OF EMPLOYEES' LENGTH OF SERVICE TO THE CITY OF RED BLUFF

Tessa Pritchard, Human Resource Director reviewed staff report and gave staff's recommendation that the City Council formally recognizes the employees listed and hold an Employee recognition luncheon from 12:00 p.m. to 1:00 p.m. on Wednesday, April 15, 2009.

M/S/C Councilmembers Moyer and Flynn to approve staffs recommendation.

AYES: Councilmembers: Moyer, Flynn, Carrel, Moyer and Brown

NOES: NONE

ABSENT OR NOT VOTING: NONE

APPROVAL OF WARRANT LIST

Recommendation: That the City Council approves Check Warrant No. 62753 through 62988 dated March 3, 2009 through March 26, 2009.

M/S/C Councilmembers Moyer and Byrne to approve Warrant List.

AYES: Councilmembers: Moyer, Byrne, Carrel and Flynn

NOES: NONE

ABSENT OR NOT VOTING: Councilmember Brown (abstained)

STAFF ITEMS/ REPORTS/COMMITTEE REPORTS/COUNCIL COMMENTS/STAFF UPDATES OF COMING EVENTS:

Margaret Van Warmerdam, Finance Director, advised the Council that the City and the TOT Consultant selected were unable to work out an agreed contract, so it will be coming back to Council to go back out to bid.

Councilmember Carrel let Council know that the Tehama County Community Action Agency was in the process of finalizing their mission statement and would have it completed by the end of this month.

Mayor Brown announced that all Councilmembers would be in the Rodeo Parade and will be riding quads and Rhinos.

There being no further business Mayor Brown adjourned to meeting at 8:59 p.m. until the meeting of April 21, 2009 at 7:00 p.m.

s/Wayne Brown, Mayor

ATTESTED:

s/Jo Anna Lopez, City Clerk