

**RED BLUFF
CITY COUNCIL
REGULAR COUNCIL MEETING**

Date of Meeting: Tuesday, December 15, 2009
Time of Meeting: 6:15 p.m. Closed Executive Session
7 p.m. Regular Meeting
Place of Meeting: Red Bluff Community/Senior Center- Westside Room
1500 South Jackson Street
Red Bluff, CA 96080

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

Staff Members Present: Martin Nichols, City Manager
Richard Crabtree, City Attorney
Margaret Van Warmerdam, Finance Director
Jo Anna Lopez, City Clerk
Paul Nanfito, Police Chief
Mark Barthel, Public Works Director
Mike Bachmeyer, Fire Chief
Tessa Pritchard, Human Resources Director
Debbie Carlisi, Parks and Recreation Director
J.D. Ellison, Building Official/Director
Donna Gordy, City Treasurer

Mayor Jeff Moyer called the meeting to order at 7:05 p.m.

Mayor Jeff Moyer asked Fire Chief Mike Bachmeyer to lead the Pledge of Allegiance and the Assembly joined in.

CLOSED EXECUTIVE SESSION:

1. PENDING LITIGATION

- a. **PENDING LITIGATION: CASE NO. 58342 Citizens for a Healthy Community v. City of Red Bluff – Wal-Mart.**
- b. **PENDING LITIGATION; CASE NO 61476 Red Bluff Citizens for Sensible Planning v. City of Red Bluff – Wal-Mart.**

Mayor Moyer reported that the City Council given direction to staff.

CITIZEN'S COMMENTS:

NO CITIZEN'S COMMENTS

CONSENT CALENDAR:

M/S/C Councilmembers Brown and Flynn to approve Consent Calendar.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

APPROVAL OF MINUTES

- a. NOVEMBER 17, 2009
- b. DECEMBER 1, 2009

Approved 5/0/0

POLICE DEPARTMENT VEHICLE BID AWARD

Recommendation: That the City Council approve the waiver of the City of Red Bluff bid process for the purpose of vehicle acquisitions, thereby enabling the City of Red Bluff to take advantage of the CMSA State of California contract pricing from Downtown Ford in the amount of \$50,426.70 from SAFE Grant Funds.

Approved 5/0/0

REPORT REGARDING CONTRACT AWARDS – NOVEMBER 2009

Recommendation: That the City Council accept the Contract Awards for November 2009.

Approved 5/0/0

MEMORANDUM OF UNDERSTANDING; DRUG ENDANGERED CHILDRED (DEC)

Recommendation: That the City Council authorize the Chief of Police to sign the Memorandum Of Understanding regarding law enforcements response to Drug Endangered Children (DEC) arrests and prosecutions with other Tehama County Law Enforcement agencies.

Approved 5/0/0

CURRENT BUSINESS:

RESOLUTION NO. 46-2009, A RESOLUTION OF INTENTION TO LEVY A FISCAL YEAR ASSESSMENT FOR THE DOWNTOWN RED BLUFF PARKING AND BUSINESS IMPROVEMENT AREA

Martin Nichols, City Manager reviewed staff report and gave staff’s recommendation that the City Council adopt the Resolution of intention to Levy an assessment and set a public hearing for January 5, 2010.

M/S/C Councilmembers Flynn and Brown to adopt the Resolution of intention to Levy an assessment and set a public hearing for January 5, 2010.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

PUBLIC HEARING; CITY COUNCIL RENEWAL OF URGENCY ORDINANCE 1003 AND REZONE NO. 213 FOR A PERIOD OF 10 MONTHS AND 15 DAYS ALONG WITH THE ASSOCIATED CEQA EXEMPTION 15061 (b) (3), PRC 21080 SUB, (b) (4) & CCR TITLE 14 SECTION'S 15307 & 15308 AND WILL TAKE ACTION ON SAID ORDINANCE AND REZONE; AMENDING SECTION 25.213 OF THE RED BLUFF CITY CODE PROHIBITING USES – PROHIBITING MEDICAL MARIJUANA DISPENSARIES, COLLECTIVES, AND COOPERATIVE IN ANY ZONING DISTRICT ALONG WITH AMENDING RED BLUFF CITY CODE SECTION 25.239 DEFINITIONS BY ADDING A DEFINITION FOR MEDICAL MARIJUANA DISPENSARIES, COLLECTIVES, AND COOPERATIVES

Martin Nichols, City Manager, reviewed staff report and gave staff's recommendation that the City Council renew/adopt Urgency Ordinance No. 1003; Rezone No. 213 amending Section 25.213 of the Red Bluff City Code Prohibiting Uses by adding Medical Marijuana Dispensaries, Collectives, and Cooperatives in any Zoning District along with amending Red Bluff City Code Section 25.239 definition by adding a Medical Marijuana Dispensaries, Collectives and Cooperatives.

Mayor Moyer opened the Public Hearing at 7:10 p.m.

Alyssa Eastman, Dawn Will, John Prinz, Paul Ellis, Ken Prather, Julie Fox, Mike Mason, Torrez Reed, and Thomas Scott all spoke in opposition of the ordinance.

Jackson Williams, Kathy Bonner, Ali Abbassi, Charles Jackson and Diana Thompson spoke in favor of the ordinance.

Mayor Moyer Closed the Public Hearing at 8:13 p.m.

M/S/C Councilmembers Flynn and Brown to renew/adopt Urgency Ordinance No. 1003; Rezone No. 213 amending Section 25.213 of the Red Bluff City Code Prohibiting Uses by adding Medical Marijuana Dispensaries, Collectives, and Cooperatives in any Zoning District along with amending Red Bluff City Code Section 25.239 definition by adding a Medical Marijuana Dispensaries, Collectives and Cooperatives.

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

Mayor Moyer called for a recess at 8:15 p.m. and reconvened at 8:28 p.m.

LAKE RED BLUFF ECONOMIC MITIGATION PROJECT

Martin Nichols, City Manager reviewed the staff report and gave staff's recommendation that the City Council accept a \$30,000 WIRED initiative Grant from the Job Training Center and authorize the City Manager to:

1. Sign a WIRED initiative funding agreement with the Job Training Center, and
2. Sign an amended agreement with CTS II for additional services to identify and obtain funding for Lake Red Bluff Mitigation Projects.

M/S/C Councilmembers Brown and Carrel to authorize the City Manager to sign a WIRED initiative funding agreement with the Job Training Center and sign an amended agreement with CTS II for additional services to identify and obtain funding for Lake Red Bluff Mitigation Projects.

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

ORDINANCE NO. 1004 UPDATING FEES IN CHAPTER 12 SECTIONS 12.21 THROUGH 12.25

Margaret Van Warmerdam, Finance Director, reviewed the staff report and gave staff's recommendation that the City Council waive the second reading and adopt Ordinance No. 1004 which increase City Business License fees by .30 percent.

M/S/C Councilmembers Flynn and Brown to waive the second reading and adopt Ordinance No. 1004.

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

APPROVAL OF WARRANT LIST

Recommendation: That the City Council approve Check Warrant No. 64905 through 65170 dated November 1, 2009 through November 30, 2009.

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

AYES: Councilmembers Carrel, Byrne, Flynn and Moyer

NOES: NONE

ABSENT OR NOT VOTING: Councilmember Brown (abstained)

ENERGY CONSERVATION RETRO-FIT FUNDING FOR COMMERCIAL AND RESIDENTIAL PROPERTIES

Martin Nichols, City Manager, reviewed the staff report and gave staff's recommendation that the City Council authorize the City Manager to send a letter of intent to participate in a State Energy Commission funded program to provide funding for certain commercial and residential properties to install energy savings equipment.

M/S/C Councilmembers Flynn and Carrel to authorize the City Manager to send a letter of intent to participate in a State Energy Commission funded program.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

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

Reminder that the employee potluck luncheon is on Wednesday, December 16th from 11 a.m. to 1 p.m. at the Community Center.

ADJOURNMENT:

There being no further business Mayor Moyer adjourned the meeting at 8:39 p.m. until the next meeting of the Red Bluff City Council on January 5, 2010 at 7:00 p.m.

s/Jeffery M. Moyer, Mayor

ATTEST:

s/Jo Anna Lopez, City Clerk