

**RED BLUFF
CITY COUNCIL
REGULAR CITY COUNCIL MEETING**

Date of Meeting: Tuesday, December 1, 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: Jeff Moyer, Mayor
Bob Carrel, Mayor Pro Tem
Wayne Brown
Forrest Flynn
James Byrne

Staff Present: Martin Nichols, City Manager
Richard Crabtree, City Attorney
Margaret Van Warmerdam, Finance Director
Jo Anna Lopez, City Clerk
Paul Nanfito, Police Chief
Scot Timboe, Planning Director
Mark Barthel, Public Works Director
Mike Bachmeyer, Fire Chief
Tessa Pritchard, Human Resources Director
Cheryl Smith, Executive Assistant to the City Manager/Deputy City Clerk
J.D. Ellison, Building Director
Donna Gordy, City Treasurer

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

Mayor Brown led the Pledge of Allegiance and the assembly joined in.

CLOSED EXECUTIVE SESSION:

PUBLIC EMPLOYEE PERFORMANCE REVIEW Title: City Manager (Government Code Section 54957)

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

CITIZEN'S COMMENTS:

Rob Schmidt, Airport Commission, stated that he would like to see more meetings of the Airport Commission than what are currently being held as the public would like to come to these meetings but none are being held.

ADMINISTRATION:

ELECTION OF MAYOR AND MAYOR PRO TEM

Mayor Brown turned the meeting over to Cheryl Smith, Deputy City Clerk for the election of Mayor and Mayor Pro Tem for the coming year.

Cheryl Smith, Deputy City Clerk, called for nominations for Mayor for the coming year.

Councilmember Flynn nominated Jeff Moyer, seconded by Councilmember Byrne.

AYES: Councilmembers Flynn, Byrne, Brown, Carrel

NOES: NONE

ABSENT OR NOT VOTING: Councilmember Moyer (abstained)

Cheryl Smith, Deputy City Clerk called for nominations for Mayor Pro Tem for the coming year.

Councilmember Brown nominated Bob Carrel for Mayor Pro Tem and Mayor Moyer seconded. Second by Mayor Moyer

AYES: Councilmembers Brown, Byrne, Flynn and Moyer

NOES: NONE

ABSENT OR NOT VOTING: Councilmember Carrel (abstained)

CONSENT CALENDAR:

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

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

APPROVAL OF MINUTES

November 3, 2009

Approved 5/0/0

CURRENT BUSINESS:

OTHER AGENCY REPRESENTATION

Recommendation: That the City Council review the current City Councilmembers assignments and determine other agency representation for 2010.

After review and discussion by the City Council the assignments for 2010 were as follows:

Local Agency Formation Commission (LAFCO)

Bob Carrel, Rep
Forrest Flynn, Alt

Tri-County Economic Development Corp

Forrest Flynn, Rep
Bob Carrel, Alt

Tri-County Planning Commission

Jeff Moyer, Rep
Bob Carrel, Alt

Tehama County Transportation Commission

Jim Byrne, Rep
Forrest Flynn, Alt

Senior Center JPA

Jeff Moyer, Rep
Bob Carrel, Alt

Tehama County Sanitary Landfill JPA

Forrest Flynn, Rep
Jeff Moyer, Alt

Downtown Red Bluff Business Association

Wayne Brown, Rep
Jim Byrne, Alt

Council Audit Committee

Wayne Brown,
Jeff Moyer

Chamber of Commerce

Jeff Moyer, Rep
Forrest Flynn, Alt

Budget Committee

Wayne Brown
Bob Carrel

Community Action Agency

Jeff Moyer, Rep
Bob Carrel, Alt

Tehama Local Development Corp

Mayor Jeff Moyer

Tehama County/City of Red Bluff Landfill Management Agency JPA Full Board JPA II

Jim Byrne
Forrest Flynn
Bob Carrel
Jeff Moyer
Wayne Brown

Executive Committee – Tehama County/City of Red Bluff Landfill Management Agency JPA II

Forrest Flynn
Jeff Moyer

Fish Passage Advisory Committee

Forrest Flynn, Rep
Bob Carrel, Alt

Community/Senior Center ADHOC Committee

Forrest Flynn

M/S/C: Councilmembers Brown and Flynn to confirm the appointments

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

**APPOINTMENT OF VARIOUS COMMISSIONERS, LOAN COMMITTEE MEMBER AND
AUDIT COMMITTEE MEMBER**

Cheryl Smith, Deputy City Clerk, reviewed the staff report and gave staff's recommendation that the City Council:

1. Makes the necessary appointments to the various Commissions and Committees from the applications received
2. Direct to Deputy City Clerk to re-advertise the vacancies on the Airport Commission and Parks and Recreation Commission.

PARKS AND RECREATION COMMISSION:

Fred Avila
Tim Morehouse
Amanda Wigno

M/S/C: Councilmembers Carrel and Flynn to appoint Fred Avila, Tim Morehouse and Amanda Wigno to the Parks and Recreation Commission for 3 years and to re-advertise the remaining vacancy.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

PLANNING COMMISSION:

Cheryl Smith, Deputy City Clerk, provided ballots to the City Council for voting purposes and read the votes are follows: Mayor Moyer, Mayor Pro Tem Carrel, Councilmembers Byrne, Brown and Flynn voting for Jean Moran for the vacancy on the Planning Commission.

AIRPORT COMMISSION:

M/S/C Councilmembers Flynn and Byrne to appoint Don Ferreira to the Airport Commission for a 3 year term and to re-advertise the 1 year appointment vacancy.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

AUDIT COMMITTEE:

M/S/C Brown, Byrne to appoint Maureen Greer toe the Audit Committee for the term of 1/1/10 to 12/31/10.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

LOAN COMMITTEE:

M/S/C Brown, Carrel to appoint J. B. Stacy to the Loan Committee for the term of 1/1/10 to 12/31/10.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

INFORMATIONAL UPDATE REGARDING THE ANTELOPE AREA SANITARY SEWER PROJECT – REQUEST FOR TIME EXTENSION FOR STATE WATER RESOURCES GRANT (SWRCB)

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

1. Hear the presentation regarding the status of the Antelope Area Sanitary Sewer Project.
2. Authorize the City Manager to submit a request for a six month time extension if it is granted by the SWRCB.

Gary Antone, Tehama County Public Works Director, gave a review of the Antelope Area Sanitary Sewer Work Plan and answered any questions the Council had.

M/S/C: Councilmembers, Brown and Flynn to authorize the City Manager to submit a request for a six month time extension if it is granted by the SWRCB.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

ANNUAL REPORT OF DOWNTOWN BUSINESS IMPROVEMENT AREA ADVISORY BOARD

Martin Nichols, City Manager reviewed staff report and gave staff’s recommendation that the City Council review the Annual BID Report and 1) accept it as submitted or, 2) modify any particular portion of the report.

M/S/C Councilmembers Carrel and Brown to accept the annual report as submitted.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

PUBLIC HEARING TO CONSIDER; TENTATIVE PARCEL MAP 09-11; RESOLUTION NO. 47-2009; 2020 HORNBECK ST; MR. RICHARD TEWS

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

1. Conduct the Public Hearing

2. Consider all public testimony and all other information relating to this project submitted to the Commission.
3. Adopt Resolution No. 47-2009 approving Tentative Parcel Map 09-11 with the Findings and Conditions of approval shown in City Council Resolution No. 47-2009

Mayor Moyer opened the Public Hearing at 7:52 p.m. and hearing no comments closed the Public Hearing at 7:52 p.m.

M/S/C Councilmembers Flynn and Brown to adopt Resolution No. 47-2009 approving Tentative Parcel Map 09-11 with the Findings and Conditions of approval shown in City Council Resolution No. 47-2009.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

SECOND READING AND ADOPTION OF PREZONE/REZONE No 215 (ORD. 1002); APN: 24-040-29; R2 TWO FAMILY RESIDENCE; BAKER ROAD; GREENVILLE RANCHERIA (APPLICANT)

Scot Timboe, Planning Director reviewed staff report and gave staff's recommendation that the City Council waive the second reading and adopt Ordinance No. 1002 (Rezone No. 215), Rezoning of the Map to R-2 Two-Family Residence as contained in City of Red Bluff Ordinance No. 1002 with Exhibit 1.

M/S/C Councilmembers Carrel and Byrne to waive the second reading and adopt Ordinance No. 1002 (Rezone No. 215), Rezoning of the Map to R-2 Two-Family Residence as contained in City of Red Bluff Ordinance No. 1002 with Exhibit 1.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

REQUEST FOR PROPOSALS (RFP) FOR RED BLUFF MUNICIPAL AIRPORT FIXED BASE OPERATOR (FBO)-AUTHORIZATION TO NEGOTIATE A LEASE AGREEMENT FOR FBO SERVICES-AUTHORIZE THE CITY MANAGER TO SIGN THE LEASE AGREEMENT

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

1. Authorize staff to negotiate a Lease Agreement with Cardan Aircraft Services, Inc. for FBO services at the Red Bluff Municipal Airport.
2. Authorize staff to negotiate a Lease Agreement with Hillside Aviation, Inc. as an alternate for FBO services if a Lease Agreement cannot be reached with Cardan Aircraft Services, Inc.
3. Authorize the City Manager to sign the Lease Agreement.

Mayor Moyer questioned if these applicants were interviewed.

Mr. Barthel stated no, the review committee when solely off of the proposals.

Councilmember Brown requested clarification why was Cardan chosen with no FBO experience over Hillside with FBO experience.

Mark Barthel, it was the minimal fuel prices and the extent of the business plan which we felt was very sound.

M/S/C Councilmembers Byrne and Flynn to:

1. Authorize staff to negotiate a Lease Agreement with Cardan Aircraft Services, Inc. for FBO services at the Red Bluff Municipal Airport.
2. Authorize staff to negotiate a Lease Agreement with Hillside Aviation, Inc. as an alternate for FBO services if a Lease Agreement cannot be reached with Cardan Aircraft Services, Inc.
3. Authorize the City Manager to sign the Lease Agreement.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

AUTHORIZATION TO CONTRACT FOR WASTEWATER TREATMENT PLANT OPERATIONS

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

1. Authorize staff to negotiate a contract with Southwest Water Company (SWWC) TO OPERATE THE City of Red Bluff's Wastewater Treatment Plant.
2. Authorize staff to negotiate with Veolia Water as an alternate contract operator if an agreement cannot be reached with SWWC.

Shilen Patel, Representative of Veolia Water, addressed the City Council on the issues of not having staff available to work on emergency stand by basis, this is incorrect Veolia will guarantee a response within 45 minutes. He stated that they were under the impression that the City had wanted to keep 2 employees in the contract and that is was his understanding now that the City wanted to keep 3 employees. He stated that this would not be a problem as they would still be the lowest bidder with this adjustment.

Kathy Stone, Southwest Water representative, stated that in an emergency Southwest Water would have a much sooner response time as there are 11 Certified Operators on call and they live in Red Bluff, Corning and one in Paradise verses Veolia Water who has 1 Operator who lives 45 minutes away. Southwest plans on certifying the lab in Red Bluff as well as the one in Corning. Southwest is the more qualified firm and they believe the City would be sacrificing quality for money.

Councilmember Byrne requested clarification on the difference between the figures listed on page 2 of the proposal which indicates \$821,000 and the bid which is \$530,000.

Mark Barthel, Public Works Director, reported that there are some costs staff had included, as the City will be responsible for paying the utilities, \$51 or \$52,000 for maintenance, repairs and capital replacement.

Councilmember Brown requested clarification on how we would deal with people shutting off lights etc.

Mr. Barthel stated that both companies have said the City can set a utility cap, based on a fluctuation rates over the last couple years to determine what the rates where then and if it's over the company will pick it up if its under then whatever the City negotiates will determine.

Mayor Pro Tem Carrel requested clarification on whether Southwest had any other City references and if so how did the references respond.

Mark Barthel, Public Works Director, stated that one firm was contacted at random for each company and they all got the same good recommendation. He stated that these are all very well qualified companies.

Mayor Moyer stated that the Council had these proposals for just a short time and he didn't feel that the Council had enough time to make an informed decision. He would like to see this tabled for another time to make the best decision.

M/S/C Councilmembers Flynn and Carrel to:

1. Authorize staff to negotiate a contract with Southwest Water Company (SWWC) TO OPERATE THE City of Red Bluff's Wastewater Treatment Plant.
2. Authorize staff to negotiate with Veolia Water as an alternate contract operator if an agreement cannot be reached with SWWC.

AYES: Councilmembers Flynn, Carrel, Byrne and Brown

NOES: Mayor Moyer

ABSENT OR NOT VOTING: NONE

ANNUAL REPORT – DEVELOPMENT IMPACT FEES FOR THE CITY OF RED BLUFF FOR FISCAL YEAR ENDING JUNE 30, 2009

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

1. Conduct the Public Hearing.
2. Receive the Annual Development Impact Fees Report for Fiscal Year Ending June 30, 2009

Mayor Moyer opened the Public Hearing at 8:20 p.m. and hearing no comments closed the Public Hearing at 8:20 p.m.

Mayor Moyer requested clarification on the emergency generator for City Hall.

Ms. Van Warmerdam stated that the design of the generator for City Hall and there is an allocation funds as well included in the budget for this year. A copy will be given to Council so you can see what is budgeted for the 2009-10 year.

M/S/C Councilmembers Flynn and Brown to approve staff's recommendation

AYES: Councilmembers Brown, Flynn, Carrel, Byrne 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 staff report and gave staff's recommendation that the City Council waive the first reading and introduce Ordinance No. 1004 which increases City Business License fees by .30 percent.

Mayor Pro Tem Carrel stated that with the way small businesses are struggling to stay in business he didn't agree with this increase.

Councilmember Brown stated it is much better to increase little by little instead of waiting 4 or 5 years and having to make a big increase all at one time, similar to what happened with the water rate increases.

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

AYES: Councilmembers Brown, Flynn and Carrel

NOES: Councilmembers Moyer and Byrne

ABSENT OR NOT VOTING: NONE

CONSIDERATION OF WATER LEAK POLICY

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

1. Adopt the Leak Policy
- Or
2. Direct staff to not give any adjustments for leaks to water customers

Councilmember Flynn stated he would like to see each person looked at individually instead of just saying no to everyone.

Councilmember Brown requested clarification on how it would be determined as to who is going to take care of the problem.

Mark Barthel, Public Works Director, stated that staff would send someone out it, so that it can be shut off at the meter and it can be determined if it is coming from the house to the meter or from the meter outside the house.

Ms. Van Warmerdam stated that when a customer calls in staff will walk them through shutting everything off inside and outside the house and then if the meter is still running staff can print out the last few months to see if there is a difference. Staff then will get the Public Works

department to go out and check it which will just give staff a better paper trail and provide the customer an incentive to get the problem fixed in a timely manner.

Mayor Pro Tem Carrel asked that this notice go out in the water bills so that the customer will be informed of the policy.

Ms. Van Warmerdam stated that if the City Council would like a notice to go out to water customers it can be included in the next water bill. Staff will also tell customers when they come in to sign up for water, as well as putting it on our website so we can better keep the customers informed.

M/S/C Councilmembers Carrel and Brown to adopt the Leak Policy and send a notice to all water customers in their next bill.

AYES: Councilmembers, Carrel, Brown, Flynn and Moyer

NOES: Councilmember Byrne

ABSENT OR NOT VOTING: NONE

QUARTERLY BUDGET UPDATE

Margaret Van Warmerdam, Finance Director provided the City Council with an informational quarterly budget update.

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

NONE

ADJOURNMENT

There being no further business Mayor Moyer adjourned the meeting at 9:40 p.m. until the next meeting of December 15, 2009 at 7:00 p.m.

s/b Jeffery M. Moyer, Mayor

ATTEST:

s/b Jo Anna Lopez, City Clerk