

**RED BLUFF
CITY COUNCIL
REGULAR MEETING MINUTES**

Date of Meeting: Tuesday, January 5, 2010
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
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 asked Kris Behrens to lead the Pledge of Allegiance and the assembly joined in.

CLOSED SESSION:

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

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

CITIZEN'S COMMENTS:

Richard Clapp thanked Police Chief Paul Nanfito for listening to him when he spoke with him earlier in the day.

PROCLAMATION:

NATIONAL MENTORING MONTH

Mayor Jeff Moyer read and awarded the National Mentoring Month award to Melissa Mendonca.

Melissa Mendonca thanked Mayor Moyer and the City Council.

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

Approved 5/0/0

RESOLUTION NO. 6-2010; A RESOLUTION ADOPTING THE CONFLICT OF INTEREST CODE FOR THE CITY OF RED BLUFF

Recommendation: That the City Council adopt Resolution No. 6-2010; A resolution adopting the Conflict of Interest Code for the City of Red Bluff.

Approved 5/0/0

FILEONQ, PROPERTY AND EVIDENCE MANAGEMENT PROGRAM

Recommendation: That the City Council authorize the Chief of Police to sign a contract with FileOnQ to obtain the Premium Licensing, Maintenance and Support Program. This would include signing the Customer Letter of Authorization to PropertyRoom.com directing proceeds to FileOnQ.

Approved 5/0/0

CURRENT BUSINESS:

PROGRESS REPORT – CHAMBER OF COMMERCE RECRUITMENT FOR EXECUTIVE VICE – PRESIDENT

Martin Nichols, City Manager, reviewed the staff report and gave staff's recommendation that the City Council hear the progress report on the recruitment of a new Executive Vice-President by Chamber of Commerce President Kristin Behrens.

Kristin Behrens, Chamber of Commerce President, gave the City Council an informational only report on the progress of the Chamber of Commerce search for a new Executive Vice-President.

AMENDED CHAMBER OF COMMERCE FUNDING AGREEMENT

Martin Nichols, City Manager reviewed the staff report and gave staff's recommendation that the City Council authorize the City Manager to sign, on behalf of the City Council, the amendment of January 5, 2010 to the agreement between the City of Red Bluff and the Red Bluff-Tehama County Chamber of Commerce.

M/S/C: Councilmembers, Flynn and Byrne to authorize the City Manager to sign, on behalf of the City Council, the amendment of January 5, 2010 to the agreement between the City of Red Bluff and the Red Bluff-Tehama County Chamber of Commerce.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

PUBLIC HEARING AND RESOLUTION NO. 1-2010 REGARDING FISCAL YEAR 2010 ASSESSMENT FOR DOWNTOWN RED BLUFF PARKING AND BUSINESS IMPROVEMENT AREA

Martin Nichols, City Manager reviewed the staff report and gave staff's recommendation that the City Council open the public hearing, receive any testimony and determine whether or not written protests constitute 50% or more of the assessments. Depending on the outcome of the public hearing. The City Council may choose to adopt Resolution No. 1-2010.

Mayor Moyer opened the Public Hearing at 7:22 p.m. and hearing no comments Mayor Moyer closed the Public Hearing at 7:22 p.m.

M/S/C: Councilmembers Brown and Byrne to adopt Resolution No. 2-2010.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

NEW PUMPING PLANT AND FISH SCREEN UPDATE

Martin Nichols, City Manager reviewed the staff report and gave staff's recommendation that the City Council receive the project status report from representatives of the Bureau of Reclamation on the new pumping plant and fish screen.

Brian Person, Area Manager and Lauren Carly, Project Manager gave an informational presentation to the City Council on this project.

COMMISSION APPOINTMENTS

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

1. Make the necessary appointment to the Airport Commission, and
2. Authorize staff to continue the recruitment for the Parks and Recreation Commission through January 31, 2010

Ivan Petrzelka and Pete Taylor both residents of Red Bluff spoke to the City Council on their backgrounds and what they would like to see happen with the Airport Commission.

M/S/C Councilmembers Brown and Byrne to appoint Ivan Petrzelka to the Airport Commission.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

M/S/C Councilmembers Flynn and Brown to continue the recruitment for the Parks and Recreation Commission until January 31, 2010.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

PUBLIC HEARING ON AN ADDENDUM FOR THE WAL-MART SUPERCENTER PROJECT AT 608 LUTHER RD, IN RESPONSE TO OCTOBER 20, 2009 RULING ON PETITION FOR WRIT OF MANDATE AND DECEMBER 4, 2009 PEREMPTORY WRIT OF MANDATE

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

1. Conduct the Public Hearing on the Addendum.
2. Consider all public testimony and all other information relating to the proposed Addendum submitted to the City Council and Staff.
3. Adopt Resolution No. 2-2010 making certain findings and adopting the Addendum (Exhibit A) for the Wal-Mart Superstore project located at 608 Luther Road.

Mayor Moyer opened the Public Hearing at 7:52 p.m.

Attorney William Kopper, representing Citizens for a Healthy Community, gave a presentation to the City Council stating how the tests for S.E.L were not accurate. He asks that the City Council not allow this to pass the way it is right now.

The following people spoke in favor of passing this item: Jackson Williams, Charles Jackson and Larry Stevens

The following people spoke against the passing of this item: Richard Clapp and Harriet Baluk

Mayor Jeff Moyer closed the Public Hearing at 8:24 p.m.

Richard Crabtree, City Attorney, reminded the City Council approval of the project is not before the Council as the project has been approved. The Court asked that the Council provide additional background information and that information has been provided in the proposed addendum. The other issues raised by Mr. Kopper tonight were previously presented to the trial and rejected. All that was left was to provide the court with background information requested which is included in the addendum.

M/S/C Councilmembers Flynn and Carrel to adopt Resolution No. 2-2010 making certain findings and adopting the Addendum (Exhibit A) for the Wal-Mart Superstore project located at 608 Luther Road.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION GRANT PROGRAM

Debbie Carlisi, Parks and Recreation Director, reviewed the staff report and gave staff's recommendation that the City Council adopt Resolution No. 3-2010 and Resolution No. 4-2010 authorizing the City Manager to sign the Proposition 84 Statewide Park Program Grant Fund applications for recreation improvements to Trainer Park and McGlynn Pool/River Park Area

M/S/C Councilmembers Carrel and Flynn to adopt Resolution Nos. 3-2010 and 4-2010.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

ALCOHOL BEVERAGE LICENSE; NEW; TYPE 21 (OFF-SALE GENERAL); 222 SO. MAIN ST.; LIQUOR/FOOD AND MISCELLANEOUS RETAIL PRODUCTS; RM. HARDEN SHERGILL (FIRST APPLICANT)

Paul Nanfito, Police Chief reviewed staff report and gave staff's recommendation that the City Council:

1. Acknowledge the application for a New Type 21 License to authorize the sale of General Liquor for consumption off the premises for the proposed retail Mart at 222 So. Main Street.
2. Affirm the conclusion of the Planning Director and the Chief of Police that protesting the license and requesting conditions is not necessary, provided the business is operated as described in writing by the applicant
3. Find that a "Public Convenience or Necessity" would be served by the issuance of these licenses and direct the Planning Director and Chief of Police to submit a letter of "Public Convenience or Necessity" to ABC

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

AYES: Councilmembers Flynn, Carrel, Byrne and Moyer

NOES: Councilmember Brown

ABSENT OR NOT VOTING: NONE

**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 8:45 p.m. until the next meeting of the Red Bluff City Council on January 19, 2010 at 7:00 p.m.

s/Jeffery M. Moyer, Mayor

ATTEST:

s/Jo Anna Lopez, City Clerk