

**RED BLUFF
CITY COUNCIL
REGULAR COUNCIL MEETING**

Date of Meeting: Tuesday, January 6, 2009
Time of Meeting: 6:15 p.m. Closed Executive Session
7 p.m. Regular Session
Place of Meeting: Council Chambers
555 Washington Street
Red Bluff, CA 96080

Councilmember's Present: Wayne Brown, Mayor
Jeff Moyer, Mayor Pro Tem
Forrest Flynn
Bob Carrel

Councilmembers Absent: James Byrne (excused)

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
Jesse Sisneros, Interim Fire Chief
Michael Bachmeyer, New Fire Chief
Debbie Carlisi, Parks and Recreation Director
Donna Gordy, City Treasurer

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

Jesse Sisneros, Interim Fire Chief led the Pledge of Allegiance and the assembly joined in.

CLOSED EXECUTIVE SESSION

1. **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 Resources 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.**

2. a) **CONFERENCE WITH LEGAL COUNSEL- Government Code Section ANTICIPATED LITIGATION: Citizens for Sensible planning v, City of Red Bluff**

- b) **CONFERENCE WITH LEGAL COUNSEL- Government Code Section 54956.9 CITY OF RED BLUFF VS. TEHAMA COLUSA CANAL AUTHORITY UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION; CASE NO. 2:08-CV-01902 MCE/DAD.**

Mayor Brown stated in the Closed Executive Session. Council gave direction to staff.

PROCLAMATION

Mayor Pro Tem Moyer proclaimed January as Red Bluff's Mentoring Month and awarded the Proclamation to Melissa Mendonca.

CITIZEN'S COMMENT

No citizen's comments.

CONSENT CALENDAR

M/S/C Councilmembers Moyer and Flynn to approve the consent agenda.

AYES: Councilmembers: Moyer, Flynn, Carrel and Brown

NOES OR NOT VOTING: None

ABSENT OR NOT VOTING: Councilmember Byrne (absent - excused)

1. RESOLUTION NO. 2-2009; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED BLUFF AUTHORIZING THE TEHAMA COUNTY SANITARY LANDFILL AGENCY TO SUBMIT A REGIONAL GRANT APPLICATION TO THE CALIFORNIA INTERGRATED WASTE MANAGEMENT BOARD TIRE RECYCLING GRANT PROGRAM

Recommendation: That the City Council:

- a. Adopts Resolution No. 2-2009; A Resolution of the City Council of the City of Red Bluff
Authorizing the Tehama County Sanitary Landfill Agency to submit a Regional Grant
Application to the California integrated Waste Management Board Tire Recycling
Grant Program; and
- b. Authorize and/or empower the Solid Waste Director of the Tehama County Sanitary
Landfill Agency, of his/her designee to execute in the name of the City of Red Bluff
All necessary applications. Contracts, agreements and amendments here to
for the purposes of securing grant funds to implement and carry out the
purpose specified in the grant application.

4/0/1 Approved

2. POLICE DEPARTMENT WOMEN'S RESTROOM CONVERSION PROJECT COMPLETION

Recommendation: That the City Council approves the final contract amount of \$12,000.00, accepts the completed conversion and direct staff to file a notice of completion for recordation

4/0/1 Approved

3. APPROVAL OF MINUTES

- a) December 2, 2008
- b) December 16, 2008

4/0/1 Approved

PROFESSIONAL SERVICES CONTRACT AMENDMENT IN RESPONSE TO COURT ORDER & CASE NO. 58342 FOR THE PREPARATION OF AN AMENDED/MODIFIED SCOPE OF WORK WITH PACIFIC MUNICIPAL CONSULTANTS TO PREPARE ADDITIONAL ENVIRONMENTAL STUDIES AND ANALYSIS AS PART OF THE ENVIRONMENTAL IMPACT REPORT FOR THE WAL-MART SUPERCENTER PROJECT; LUTHER ROAD/MILL STREET

Recommendation: That the City Council authorize the City of Red Bluff Planning Department to amended/modified scope of work and associated costs with PMC for an additional amount of \$10,458.69, in order to close out the Project with the Consultant of the Final Environmental Impact Report for the Proposed Wal-Mart Supercenter project.

4/0/1 Approved

CURRENT BUSINESS

APPROVAL OF EMPLOYMENT AGREEMENT WITH MICHAEL BACHMEYER FOR THE POSITION OF FIRE CHIEF

Martin Nichols, City Manager reviewed staff report and gave staff's recommendation that the City Council approve the Employment Agreement with Michael Bachmeyer for the position of Fire Chief, and authorize the City Manager to execute the contract on behalf of the City.

M/S/C Councilmembers Flynn and Carrel to approve staff recommendation the Employment Agreement with Michael Bachmeyer for the position of Fire Chief, and authorize the City Manager to execute the contract on behalf of the City.

AYES: Councilmembers: Moyer, Flynn, Carrel and Brown
NOES OR NOT VOTING: None
ABSENT OR NOT VOTING: Councilmember Byrne (absent - excused)

The City Council welcomed Michael Bachmeyer to his new position.

CERTIFICATES OF APPRECIATION TO TEHAMA UNIT OF CALFIRE

Martin Nichols, City Manager, reviewed the staff report and gave staff recommendation that the City Council adopt and present a certificate of Appreciation to CalFire, Chief Durden and Chief Sisneros for service as City of Red Bluff Interim Fire Chief.

The Council thanked Chief Sisneros, Chief Durden and CalFire for their services during the recruitment of a Fire Chief.

Mayor Brown presented the certificates.

PRESENTATION AND ACCEPTANCE OF THE ANNUAL FINANCIAL REPORTS FOR FISCAL YEAR END JUNE 30. 2008

Margaret Van Warmerdam gave a quick power point presentation. Reviewed the staff report and gave staff's recommendation that the City Council:

1. Hear the presentation by staff and comment as appropriate on the Audited Financial Statements.
2. Accept the Annual Financial Reports for the Fiscal Year end June 30,2008

Mayor Pro Tem had a few things he requested clarification on.

M/S/C Councilmembers Moyer and Carrel to approve the staff's recommendation of the Annual Financial Reports for the Fiscal Year end June30, 2008.

AYES: Councilmembers: Moyer, Flynn, Carrel and Brown
NOES OR NOT VOTING: None
ABSENT OR NOT VOTING: Councilmember Byrne (absent - excused)

ADOPTION OF NEW GARBAGE FRANCHISE AND ORDINANCE NO.995

Martin Nichols reviewed the staff report and gave staff recommendation that the City Council:

1. Authorize the City Manager to sign the amended City Garbage Franchise Agreement (effective January 1, 2009).
2. Waive the second reading and adopt Ordinance No. 995 amending Chapter 18A of the Municipal Code specifically providing for mandatory refuse collection.

M/S/C Councilmembers Flynn, Moyer to amend City Garbage Franchise Agreement.

AYES: Councilmembers: Moyer, Flynn, Carrel and Brown

NOES OR NOT VOTING: None

ABSENT OR NOT VOTING: Councilmember Byrne (absent - excused)

M/C/S Councilmembers Moyer and Carrel to waive the second reading and adopt Ordinance No. 995.

AYES: Councilmembers: Moyer, Flynn, Carrel and Brown

NOES OR NOT VOTING: None

ABSENT OR NOT VOTING: Councilmember Byrne (absent - excused)

1050 KIMBAL ROAD POWER POLE RELOCATION REIMBURSEMENT AGREEMENT

Mark Barthel Planning Department, reviewed staff report and gave staff's recommendation that the City Council authorize the City Manager to execute the revised Kimball Road power pole relocation reimbursement agreement eliminating the 10-year duration of the agreement.

Mr. Dan Curry Superintendent of Red Bluff Union High School, stated the reason that this contract was not signed was because of the 10 yr part of the contract which was not in the original.

M/S/C Councilmembers Moyer and Flynn to authorize the City Manager to execute the revised Kimball Road power pole relocation reimbursement agreement eliminating the 10-year duration of the agreement.

AYES: Councilmembers: Moyer, Flynn, Carrel and Brown
NOES OR NOT VOTING: None
ABSENT OR NOT VOTING: Councilmember Byrne (absent - excused)

PUBLIC HEARING AND RESOLUTION NO. 1-2009 REGARDING FISCAL YEAR 2009 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. 1-2009.

Mayor Brown opened and closed the public hearing at 7:30 p.m. with no comments being made.

M/S/C: Councilmembers Flynn and Moyer to adopt Resolution No. 1-2009.

AYES: Councilmembers: Moyer, Flynn, Carrel and Brown
NOES OR NOT VOTING: None
ABSENT OR NOT VOTING: Councilmember Byrne (absent - excused)

PUBLIC HEARING TO CONSIDER; GENERAL PLAN AMENDMENT 08-001 (CC RESOLUTION NO. 03-2009) COMMERCIAL TO RESIDENTIAL LOW DENSITY AND PUBLIC SERVICE; PREZONE/REZONE NO.210 (ORD.991) FOR R-1 SINGLE-FAMILY RESIDENTIAL AND PUBLIC AGENCY FOR STENBERG ANNEXATION AT LAFCO (CC RESOLUTION NO.04-2009); PLANNING COMMISSION RESOLUTION NO. 08-008; APN: 31-210-35; LUTHER ROAD-AIR PORT BLVD; STENBERG ENT, (APPLICANT)

Scot Timboe, Planning Department, reviewed the staff report and gave the 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. 991; Rezone no 210 and General Plan Update 08-001 along with Resolution No.4-2009 correspondence to LAFCO
2. Find that Ordinance No. 991; Rezone No, 210 and General Plan Update 80-001 and Initial Study Mitigated Negative Declaration was prepared previously on all lands and therefore, Per CEQA GUIDELINES 15162 No Subsequent Mitigated Negative Deceleration shall be prepared and is therefore exempt.

3. Adopt City Council Resolution No. 04-2009 accepting LAFCO as the Conducting authority to approve the 48.80 acre Stenberg Annexation of said properties into the City Limits based on LAFCO adoption along with Adopting City Council Resolution No. 03-2009 (Attachment B) with the findings, Waive the First Reading and Introduce Ordinance No.991 (REZ-No. 210) Rezoning approving General Plan Land Use Map Amendment (GPA-08-001)..

Mayor Brown opened and closed the public hearing at 7:38 p.m. with no comments being made.

Mayor Brown requested and received clarification on some of the lots.

Mr. Timboe reported that a Legal Notice was placed in the mail and in the newspapers for people to come and speak on this rezone.

M/S/C: Councilmembers Carrel and Moyer to find that Ordinance No. 991; Rezone No, 210 and General Plan Update 80-001 and Initial Study Mitigated Negative Declaration was prepared previously on all lands and therefore, Per CEQA GUIDELINES 15162 No Subsequent Mitigated Negative Deceleration shall be prepared and is therefore exempt.

AYES: Councilmembers: Moyer, Flynn, Carrel and Brown

NOES OR NOT VOTING: None

ABSENT OR NOT VOTING: Councilmember Byrne (absent - excused)

M/S/C Councilmembers Moyer, Flynn to adopt City Council Resolution No. 04-2009 accepting LAFCO as the Conducting authority to approve the 48.80 acre Stenberg Annexation of said properties into the City Limits based on LAFCO adoption along with Adopting City Council Resolution No. 03-2009 (Attachment B) with the findings, Waive the First Reading and Introduce Ordinance No. 991 (REZ-No. 210) Rezoning approving General Plan Land Use Map Amendment (GPA-08-001)..

AYES: Councilmembers: Moyer, Flynn, Carrel and Brown

NOES OR NOT VOTING: None

ABSENT OR NOT VOTING: Councilmember Byrne (absent - excused)

PUBLIC HEARING FOR REVOLVING LOAN ACCOUNT

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

1. Conduct the Public Hearing
2. Approval of moving funds in the amount of \$100,000 from the economic Development Revolving loan Account to the Housing Rehabilitation Revolving Loan Account.

Mayor Brown Opened and closed the Public Hearing at 7:43 p.m. with no comments being made.

M/S/C Councilmembers Flynn and Moyer to approve moving funds in the amount of \$100,000 from the economic Development Revolving loan Account to the Housing Rehabilitation Revolving Loan Account.

AYES: Councilmembers: Moyer, Flynn, Carrel and Brown

NOES OR NOT VOTING: None

ABSENT OR NOT VOTING: Councilmember Byrne (absent - excused)

PUBLIC WORKS ENGINEERING SERVICES

Mark Barthel, Public Works Director, gave a brief power point presentation, reviewed the staff report and gave staff's recommendation that the City Council authorize the Public Works Director to advertise for Request for Proposals from area Civil Engineering firms and to engage civil engineering services, for the preparation of Public Works Project Plans and bid specifications in anticipation of possible 2009 Federal and/or State infrastructure stimulus legislation.

Martin Nichols, City Manager, asked if they could have the authorization to do the RFP process then it wouldn't cost staff any time.

Councilmember Flynn stated that he thought the City Council needs to vote on some part to keep from losing out.

M/S/C Councilmember Flynn and Carrel to authorize the Public Works Director to advertise for Request for Proposals from area Civil Engineering firms and to engage civil engineering services, for the preparation of Public Works Project Plans and bid specifications in anticipation of possible 2009 Federal and/or State infrastructure stimulus legislation.

AYES: Councilmember Flynn and Carrel

NOES: Councilmember Brown and Moyer

ABSENT OR NOT VOTING: Councilmember Byrne (absent - excused)

M/S/C Councilmember, Moyer and Brown to authorize putting out the request for proposals for the five projects which are the rehabilitation of portions of South Main Street, Walnut Street, Monroe Avenue, street light replacement on Walnut Street and the construction of Vista Way, but not to spend any money at this time.

AYES: Councilmembers: Moyer, Flynn, Carrel and Brown

NOES OR NOT VOTING: None

ABSENT OR NOT VOTING: Councilmember Byrne (absent - excused)

PUBLIC WORKS DEPARTMENT BRIEFING

Mark Barthel, Public Works Director, gave a power point presentation on the Public Works Department, what it does and the costs associated with the department.

No action needed on this item.

APPROVAL OF MINUTES

November 4, 2008 – regular meeting

M/S/C Councilmembers Moyer and Flynn to approve the minutes of November 4, 2008 as written.

AYES: Councilmembers: Moyer, Flynn, Carrel and Brown

NOES OR NOT VOTING: None

ABSENT OR NOT VOTING: Councilmember Byrne (absent - excused)

STAFF ITEM/REPORT/COMMITTEE REPORTS/COUNCIL COMMENTS/STAFF UPDATES OF COMING EVENTS:

The City Council was reminded the pinning of the new Fire Chief at 10 a.m January 7, 2009 in the Council Chambers.

ADJOURNMENT:

There being no further business Mayor Brown adjourned the meeting at 8:50 p.m. until the meeting of February 3, 2009 at 7 p.m.

s/b Wayne Brown, Mayor

ATTEST:

s/b Jo Anna Lopez, City Clerk