

**RED BLUFF  
CITY COUNCIL  
REGULAR COUNCIL MEETING**

**Date of Meeting:** Tuesday, July 5, 2011  
**Time of Meeting:** 6:15 p.m. Closed Executive Session  
7 p.m. Regular meeting  
**Place of Meeting:** Red Bluff Community/Senior Center  
1500 South Jackson Street  
Red Bluff, CA 96080

**Councilmember's Present:** Bob Carrel, Mayor  
Forrest Flynn, Mayor Pro Tem  
Wayne Brown  
Rob Schmid  
Daniele Jackson

**Staff Present:** Martin Nichols, City Manager  
Sandra Ryan, Finance Director  
Paul Nanfito, Police Chief  
Scot Timboe, Planning Director  
Vinnie Pagnano, Engineering Tech III  
Mike Bachmeyer, Fire Chief  
Tessa Pritchard, Human Resources Director  
Cheryl Smith, Deputy City Clerk  
Richard Crabtree, City Attorney  
Debbie Carlisi, Parks and Recreation Director

Mayor Carrel called the meeting to order at 7:07 p.m.

**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 Fire Unit, Police Unit and Miscellaneous Unit Employees.**

Mayor Carrel reported that the Council had given direction to staff.

**PLEDGE OF ALLEGIANCE:**

Mayor Carrel asked Mayor Pro Tem Flynn to lead the Pledge of Allegiance and the assembly joined in

**CITIZEN'S COMMENT:**

Don Williams, North State Special Events, provided the City Council with an update on his proposed project.

Wilbur Shaney stated that he felt the homeless shelter needed to be built.

John Prinz spoke about a homeless man he encountered at Samuel Ayes Park (Dog Island).

**CONSENT CALENDAR:**

Councilmember Brown requested that item #2 be pulled for clarification.

M/S/C Jackson, Brown to approve the remainder of the consent calendar.

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

NOES: None

ABSENT OR NOT VOTING: None

**WALNUT STREET ENHANCEMENT & REHABILITATION PROJECT – PROJECT ACCEPTANCE – RELEASE OF RETAINAGE**

**Recommendation:**

That the City Council approve the contract amount of \$324,032.61, accept the completed improvements, direct staff to file a notice of completion, release the retainage after 30 days and begin the one year warranty period.

*Approved 5-0-0*

**RESOLUTION NO. 30-2011 REPLACING RESOLUTION NO. 24-2011; PROHIBITING PARKING IN RIVER PARK PARKING AREA FOR THE RED BLUFF FARMER'S MARKET ON SATURDAYS STARTING JULY 9<sup>TH</sup> THRU OCTOBER 1<sup>ST</sup> 2011.**

**Recommendation:**

That the City Council adopt Resolution No. 30-2011 replacing City Council Resolution No. 24-2011.

Councilmember Brown stated that he had pulled this item because he had been approached by some of the Farmer's Market vendors regarding the extension of the operation time.

M/S/C Brown, Flynn to table this item for further discussion between the Chamber and the Farmer's Market vendors on operational times.

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

NOES: None

ABSENT OR NOT VOTING: None

### **CURRENT BUSINESS:**

#### **PUBLIC HEARING TO CONSIDER WAIVING THE SECOND READING AND ADOPTION OF REZONE NO. 217 (ORD. 1009) CONSISTING OF 3.48 ACRES; 320 BRECKENRIDGE STREET IS CURRENTLY C-3 GENERAL COMMERCIAL ZONING WHICH IS PROPOSED TO BE CHANGED TO A M-2 MEDIUM INDUSTRIAL ZONING DESIGNATION; MR. & MRS. KREMER (OWNERS), POOR AND THE HOMELESS (P.A.T.H.) (INTERESTED PARTY)**

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

1. Find that Ordinance No. 1009 and GPA 11-001; Resolution No. 5-2001 are exempt from CEQA pursuant to Section 15061 (b) 3 of the CEQA Guidelines, will not cause a significant impact on the environment as infill development on a lot with the construction of a homeless shelter will enhance, preserve and protect the environment by reducing a critical environmental threat as indicated in SB 2.
2. Waive the second reading and adopt Ordinance No. 1009 (Rez No. 217) Rezoning of the Zoning Map (REZ-217).

Mayor Carrel opened the public hearing at 7:20 p.m.

Cynthia Cook, P.A.T.H. Board Member, thanked the City Council for allowing them to present their project.

Bob Martin spoke in favor of the homeless shelter. He explained how property was appraised and on what drives property values. He did not believe that this project would affect the mortgage values of surrounding homes.

E. C. Ross, Project Manager, spoke on the project and the proposed building.

Mike Baldwin, Community Action Agency, spoke on the possible loss of the grant funding and job opportunities. He felt this would revitalize the area and P.A.T.H. would be able to assist more people with a year round shelter.

Pam Klein, P.A.T.H. Board Member, provided a timeline on P.A.T.H.'s road to this location and the steps they have gone through. She stated that they would lose the grant in March 2012 if the building is not complete.

Cynthia Cook closed the presentation and asked that the City Council adopt the Ordinance.

Chad Data spoke in opposition of the shelter and asked that new solutions and/or options be looked at.

Richard Mazzucchi spoke in favor of the rezone as he thought those living in the shelter would be taught to be good neighbors and not to loiter.

Nesha Court spoke in favor of the project.

Louie Andreini spoke in opposition of the rezone and the issue of transients. He did not see the benefit of the project to the community.

Sharon Eliggi stated that she was opposed to the project due to the safety and feels the location is not appropriate.

Elizabeth Ernd stated that she was opposed to the rezone.

Katie Gliem stated that she felt this was the wrong location, is concerned with the impact on the downtown area and is opposed to the project.

Laurel Sparrow stated that she is opposed the project at this location and that there is the need to provide a clean safe environment downtown.

Carol Fernandez spoke in favor of the rezone.

Joseph Mayo spoke in favor of the rezone.

Lacy Noxus stated that she supports the shelter and read a short poem on homeless. She stated that she had raised \$600 for P.A.T.H.

Brandon Lengtate stated that he was committed to the success of a P.A.T.H. shelter.

Carol Higlesburg stated that she lived in the area and she supports this shelter.

Heather Stephens stated that she supports the rezone.

Alison (last name unknown) stated that she was in favor of the rezone.

Bob Gentry stated that he was opposed to the rezone.

Sharon Chambers stated that she was opposed to the rezone.

Mattie Gates stated that she was opposed to the rezone.

Neil Winstead stated that he was opposed to the rezone.

Melissa Mendonsa spoke in favor of the rezoning.

Justin Eimds spoke in favor of the rezone.

Susan Pugh stated that she was opposed to the rezone.

Robert Shepherd stated that he was opposed to the location of the proposed shelter.

Marilee Adair, Pastor St. Peters Episcopal Church, spoke about her contact with the homeless using the shelter and how the church had always been left clean. She is in favor of the rezone.

Anne Reid spoke about Samuel Ayers Park and how it had been cleaned up by the disc golf group. She is opposed to the rezone.

Kathy Patterson stated that she was opposed to the location and rezone. She stated that she had done a survey of various cities and the problems associated with shelters. She asked that the Council take into consideration the homeowners and business owners opposition to the rezone.

John Elko stated that he was in favor of the rezone and the the Council should get it built.

Gail Locke, Chair of the Tehama County Continuum of Care, spoke in favor of the rezone.

John Prinz stated that he was opposed to the rezone.

Unknown speaker spoke of the "not in my backyard attitude".

Dr. Ron Clark stated that he was opposed to the rezone.

Sara Beers spoke in support of the rezone.

Victoria Van Magnus spoke in favor of the rezone.

Mayor Carrel closed the public hearing at 9:50 p.m. and called for a recess.

Mayor Carrel reconvened the meeting at 9:55 p.m. and brought the item back to the City Council for discussion.

Councilmember Schmid stated that the Council needed to consider item number 5 in Resolution No. 5-2011, which says that the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city. Based on the testimony of several individuals, it is evident the shelter would violate the safety, peace, morals, comfort and general welfare of the neighbors residing in the area.

Councilmember Brown stated that he agreed with the compassion side of the argument and believed that the property and/or business owner's points were valid. He continued by saying that the Council needs to make their decision on what best for the City.

Mayor Pro Tem Flynn thanked everyone for their participation and stated that he had done a lot of research since the first reading of this ordinance on what's best for the community. He stated that he sympathized with the homeless community, but couldn't take away the security, the well-being, whatever, of the property owners, whether it's real or not.

Mayor Carrel stated that it was great to see the number of people involved. He sees this as an improvement to the area and did not think a shelter would degrade the neighborhood, so he supports the rezone.

M/S/C Schmid, Brown to reject the adoption of the proposed Ordinance No 1009.

AYES: Councilmembers: Brown, Flynn and Schmid

NOES: Councilmembers: Carrel and Jackson

ABSENT OR NOT VOTING: None

Mayor Carrel called for a recess at 10:10 p.m. and reconvened the meeting at 10:14 p.m.

**CLARIFYING AMENDMENTS TO CITY TRANSIENT OCCUPANCY TAX  
ORDINANCE – WAIVING THE FIRST READING AND INTRODUCE AN ORDINANCE  
THAT MAKES CLARIFICATIONS AND INTERNAL CONSISTENCY CHANGES TO  
THE CITY CODE REGARDING THE CITY'S TRANSIENT OCCUPANCY TAX**

Martin Nichols, City Manager, reviewed the staff report and gave staff's recommendation that the City Council waives the first reading and introduces Ordinance No. 1014, an ordinance that makes clarifications and internal consistency changes to the City Code regarding the City's Transient Occupancy Tax.

Pam Cappello, Durango RV Park, asked that this be postponed until the owners could be in attendance.

Mayor Pro Tem Flynn clarified that this did not change anything in the code, just clarified the language.

John Elko stated that he believed the occupancy tax was unconstitutional and that it should be revoked.

Richard Crabtree, City Attorney, explained that the clarification of other lodging includes RV Parks as currently written, but this would define it more clearly.

M/S/C Brown, Jackson to waive the first reading and introduce Ordinance No. 1014.

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

NOES: None

ABSENT OR NOT VOTING: None

### **REQUEST TO FILL THE VACANT SERGEANTS POSITION DUE TO A RECENT RESIGNATION**

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

1. Authorize the City staff to fill the vacant Sergeants position.
2. Should this occur through an internal promotion rather than an outside recruitment staff also requests authorization to recruit and hire a police officer to fill the vacant police officer position that would be created by the promotion.

M/S/C Flynn, Brown to authorize the City staff to fill the vacant sergeants position and should this occur through an internal promotion rather than an outside recruitment authorize to recruit and hire a police officer to fill the vacant police officer position that would be created by the promotion.

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

NOES: None

ABSENT OR NOT VOTING: None

## **APPROVAL OF EMPLOYMENT AGREEMENT WITH BRUCE HENZ FOR THE POSITION OF PUBLIC WORKS DIRECTOR**

Martin Nichols, City Manager, reviewed the staff report and gave staff's recommendation that the City Council approve the Employment Agreement with Bruce Henz for the position of Public Works Director, and authorize the City Manager to execute the contract on behalf of the City.

Corrections that were made to the contract were noted and Council assured that they would be made prior to signing.

M/S/C Schmid, Flynn to approve the Employment Agreement with Bruce Henz for the position of Public Works Director, and authorize the City Manager to execute the contract on behalf of the City.

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

NOES: None

ABSENT OR NOT VOTING: None

### **STAFF ITEMS/REPORTS/ /STAFF UPDATES OF COMING EVENTS:**

*None to report at this time.*

### **COMMITTEE REPORTS/COUNCIL COMMENTS**

***Reports by City Council members on on the activities of their assigned agencies and/or committees.***

Local Agency Formation Commission (LAFCO) - *None*

3Core - *None*

Tehama County Transportation Commission – *Councilmember Schmid elected Vice Chair*

Downtown Red Bluff Business Association - *None*

Community Action Agency - *None*

Tehama Economic Development Corporation - *None*

Tehama County Sanitary Landfill JPA I - *None*

Executive Committee -- Tehama County/City of Red Bluff Landfill Management Agency JPA II - *None*

**ADJOURNMENT:**

There being no further business Mayor Carrel adjourned the meeting at 10:31 p.m. until the meeting of July 19, 2011, at the Red Bluff City Council Chambers.

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Bob Carrel, Mayor

ATTEST:

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Jo Anna Lopez, City Clerk