

**RED BLUFF
CITY COUNCIL
MEETING MINUTES**

DATE OF MEETING: December 16, 2008
TIME OF MEETING: 7:00 P.M. Regular Meeting
PLACE OF MEETING: Council Chambers, City Hall
555 Washington Street
Red Bluff, Ca 96080

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

Councilmember's Absent: None

Staff Present: Martin J. Nichols, City Manager
Richard Crabtree, City Attorney
Donna Gordy, City Treasurer
Tessa Pritchard, Human Resources

Director

Debbie Carlisi, Parks and Recreation

Director

Jesse Sisneros, Fire Chief

Mark Barthel, Public Works Director

Scot Timboe, Planning Director

Scott Capilla, Police Chief

Margaret Van Warmerdam, Finance

Director

Mayor Brown called the meeting to order at 7:00 p.m.

At the request of Mayor Brown, John Yingling led the pledge of allegiance and the assembly joined in.

CITIZEN'S COMMENT

Richard Clapp expressed his concern regarding Greg Ellis not being re-appointed to the Parks and Recreation Commission and acknowledged that Lauren Phillips Student Representative had served as Chair, which he did not believe had happened before.

CONSENT AGENDA

Mayor Brown noted that items 1 and 3 on the consent agenda were being pulled.

M/S/C Moyer, Byrne to approve items 2 and 4 on the consent agenda.

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

NOES: None

ABSENT OR NOT VOTING: None

1. REPORT REGARDING CONTRACT AWARDS – NOVEMBER 2008

Recommendation: That the City Council ratifies
Contract awards for November
2008.

Mayor Pro Tem Moyer requested clarification on
John Blacklock's contract.

Martin Nichols, City Manager, reported that Mr.
Blacklock working with him to develop a code of
conduit for the Department Heads and was
contacted in the current budget.

M/S/C Moyer, Flynn to ratify the Contract awards for
November 2008.

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

NOES: None

ABSENT OR NOT VOTING: None

2. ORDINANCE NO. 993; REVISING SECTION 24.8-1 OF CHAPTER 24 - WATER

Recommendation: That the City Council waive
the second reading and adopt
Ordinance No. 993; Revising

Section 24.8-1 of Chapter 24 –
Water.

APPROVED 5/0/0

3. MOSQUITO AND VECTOR CONTROL DISTRICT TRUSTEE

Recommendation: That the City Council re-appoint Ron Etzler to serve as the Tehama County Mosquito and Vector Control District Trustee representing the City of Red Bluff for the term of January 1, 2009 through December 31, 2011.

Andy Cox, Mosquito and Vector Control District, stated that he was present to answer any questions. He reported that by law every City within their district has a trustee and that this board gives him direction. Mr. Cox gave a brief report on the districts fight against West Nile Virus and stated that the biggest problem for them is the irrigation water. One issue that they do have is swimming pools that are not

being taken care of and they do work with realtors to take care of vacant homes with pools.

M/S/C Flynn, Byrne to re-appoint Ron Etzler to serve as the Tehama County Mosquito and Vector Control District Trustee representing the City of Red Bluff for the term of January 1, 2009 through December 31, 2011.

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

NOES: None

ABSENT OR NOT VOTING: None

4. RESOLUTION NO. 66-2008; CITY FUNDS

Recommendation: That the City Council adopt Resolution No. 66-2008, which establishes the required, designated signatures on the City's Local Agency Investment Fund.

APPROVED 5/0/0

CURRENT BUSINESS:

1. RECOGNITION OF PARKS AND RECREATION COMMISSIONERS

Mayor Brown presented Certificates of Appreciation to Greg Ellis and Lauren Phillips for terms served on the Parks and Recreation Commission.

Lauren Phillips stated that it had been an honor to represent students on the Parks and Recreation Commission.

Greg Ellis stated that he would miss the commission.

2. RESOLUTION NO. 65-2008, 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 the 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 6, 2009.

M/S/C Moyer, Carrel to adopt the Resolution of Intention to Levy an assessment and set a public hearing for January 6, 2009.

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

NOES: Councilmember:

ABSENT OR NOT VOTING: None

3. ADOPTION OF NEW GARBAGE FRANCHISE AND ORDINANCE NO. 995

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

1. Authorize the City Manager to sign the City approved Franchise Agreement.

Or as an alternate action –

2. Provide direction to staff on requested changes to the proposed agreement, and

3. Introduce and waive the first reading of Ordinance No. 995 amending Chapter 18A of the Municipal

Code specifically providing for mandatory refuse collection.

Mr. Nichols explained that the changes in the franchise agreement. One of those the substitution of code enforcement process in place of the lien process, which will cost the City some money, but can be billed to the property owner. The 6% franchise fee provides the City with \$105,000 to the City's General Fund.

Amanda Garrett, Site Manager for GreenWaste, stated that she was available to answer any questions the Council may have.

Councilmember Flynn stated that on the leave collection schedule it only goes through December 1st and that he would like to see the collection period be extended to just prior to Christmas, such as the 23rd or 24th, as there's still a lot of leaves on the trees. He also requested clarification on whether people could put leaves in recycle bins on the off weeks of recycling materials.

Ms. Garrett stated that they could change the time frame for leave collection and that they do have a program, but suggests that they use containers of

their own so that the drivers know that its yard waste and not recycles.

Councilmember Flynn requested clarification on the collection of current delinquent accounts and that they would pursue the account holders and not the property owners.

Ms. Garret stated that was correct.

Richard Crabtree, City Attorney/acting City Clerk, requested and received clarification from Councilmember Flynn on paragraph L, which talks about the leave collection, is being changed to read 6 weeks in place of 4 weeks.

Councilmember Byrne requested clarification on Mr. Nichols comment that the purpose of having the two contracts hit at the same time is to be able to put them out to bid.

Mr. Nichols stated that the City Council controls the garbage franchise, which will expire in 2013 and the Council if they follow the direction as in the past will at that time put the item out to bid. Regarding the landfill, the City would have to approach the JPA and get them to agree.

Councilmember Byrne stated that he feels that it puts the City in a disadvantage to have them both end at the same time.

Mr. Nichols stated that there was nothing that obligates the City to follow that and if at the end of 4 years the Council feels that this is a bad policy a different alternative could be pursued.

Councilmember Byrne stated that one other concern of his is that CalTrans had reported that their bids on various projects were coming in 30% lower than the bids that they had for the same work last year, so it seems obscene to him to be thinking in the terms of 6.29% increase when the economy says that we shouldn't be doing that.

Mr. Nichols stated that in July of 2009, should this franchise be approved, the CPI would again be recalculated on the formula in the franchise agreement and that this morning the CPI went down, so the CPI could be less. Also diesel fuel has gone down by at least 50%, which will make an adjustment in the rates.

Councilmember Byrne stated that the way the formula is currently written the City is locked into a 1% increase. He stated that he has always felt that

this should have been put out for bid and he still thinks that it should be put out to bid, if it's not put out for bid there are several things in the contract that he is not happy with.

Mayor Brown asked Mr. Byrne to elaborate on his concerns.

Councilmember Byrne stated that he didn't feel that a 6.29% increase for this year is good, under section 17 he feels there should be some language in it as there is in all Federal and State contracts to the fact that the employees of the contractor should be citizens and they should be obligated to pay prevailing wage for the people doing that work, as we have been in that problem before for not having prevailing wage in our contract and we got stuck for \$65,000 in the JPA.

Mayor Pro Tem Moyer questioned if the Hope Chest is on the special events and asked if that was a free service to them.

Ms. Garrett stated that the Hope Chest pays for weekly service, but the City asked them to pick up some of the items that were illegally dumped, so GreenWaste took that over and have been doing that for them.

Mayor Pro Tem Moyer questioned how often that was being done.

Ms. Garrett stated that it was on an on call basis and the frequency is every other week, where they pickup large items, such as couches.

Mayor Pro Tem Moyer stated that there are other locations that have those issues, such as Hospice and the Salvation Army on Antelope. He stated that he would like to see additional locations added to the contract.

Councilmember Byrne stated that one other item is that there is no place in the contract that requires an audit and he felt an audit at least once a year is appropriate so that the Finance Director knows the correct amount of money the City should be receiving.

Mr. Nichols stated that the audit prevision was on page 20 section 13, reads that the City shall have the right on reasonable advance notice to inspect, audit and copy all records relating to this agreement.

Councilmember Byrne stated that this still did not require an audit.

Mr. Nichols agreed that it doesn't require one, but the City has the right to an audit.

Councilmember Byrne questioned who would pay for the audit.

Mr. Crabtree stated that it depends upon the outcome of the audit, as expressed in the second paragraph. Which reads that if an audit reveals an underpayment of franchise fees then GreenWaste is required to pay at least a portion of the audit. Also should an underpayment of 3% or more GreenWaste would be responsible for the entire cost of the audit.

Councilmember Byrne stated that he believed an audit should be a requisite of the payment, but there's nothing to trigger an audit.

Mr. Crabtree stated that an audit is triggered anytime the City requests one, but it is not an automatic.

Councilmember Byrne questioned if the City had ever requested an audit.

Mr. Nichols stated not in his experience.

Councilmember Byrne stated that he felt the language should be in the contract that an audit should be provided to the City for the franchise fee at least once a year.

Mayor Pro Tem Moyer questioned if there are certain hours for the street sweeping and if it could be done at earlier hours in the commercial areas when there are not as many cars on the streets.

Ms. Garrett stated that the contract reads that they can only start the street sweeping at 6 a.m.

Councilmember Flynn stated that there was a noise element in relation to street sweeping.

Councilmember Flynn noted that street sweeping will occur in the commercial areas year round, but not in the residential areas.

Councilmember Carrel requested clarification on whether there was a provision in the franchise for people that are on fixed incomes that cannot afford to share with someone else.

Ms. Garrett stated not in the current ordinance.

Mr. Nichols stated that under the current ordinance the City Manager has the right, if someone petitions the City Manager, to waive the mandatory collection under certain conditions. That is how it has been dealt with the few cases that have come up.

Councilmember Carrel asked how people would know to do this.

Mr. Nichols stated that he wasn't sure, but they may have called the office.

Councilmember Carrel questioned if there was any way to provide this information to customers that apply for service.

Mr. Nichols stated that the City could ask Ms. Garrett and/or her staff that when people apply for service and they profess some sort of problem that she tells them their right to petition getting a waiver of service.

Councilmember Carrel questioned where people sign up for garbage service.

Ms. Garrett stated that they go to the GreenWaste office and that they would have to notify the property owner, which they could put something in that letter.

She also stated that they have done that for people who feel they don't need the service; they have directed them to the City for the exemption process.

Mayor Brown stated that the City Council had some appeals come to them when the mandatory collection first started and said no to those. He questioned if in the new contract they could go to the City Manager and request a waiver.

Mr. Nichols stated that it is currently in the mandatory collection ordinance.

Mr. Crabtree stated that it goes first to the City Manager and if they are unhappy with how the City Manager handled their request they can then appeal to the City Council.

Mayor Brown stated that he did not agree with the extension of the fuel surcharge until next July because at the time of that request it was for retroactivity which the Council denied and would only let the surcharge start on the date approved. He questioned why we would want to do that now, when just a few months ago we said no. Also on the street sweeping he questioned if residential was going to be reduced to allow for additional commercial sweeping.

Ms. Garrett stated that when they originally requested the 5.5% increase back in June, they had calculated that percentage based upon a time period of April 2007 through May of 2008 where their fuel had increased 67%. That 5.5% was to make up for that period of time where the fuel was high. In regards to the street sweeping they would still cover all the areas of Red Bluff, but only for 6 months out of the year.

Mr. Nichols stated that the first proposal was to eliminate totally as a cost saving measure and a compromise was to change to 6 months, but for the whole City, both commercial and residential during the summer months.

Mayor Brown stated that to get a non competitive contract for 4 years it would be nice to compromise and provide street sweeping year round.

Councilmember Byrne stated that without an audit he doesn't know if the 5% fuel cost was true or not. He also questioned Mr. Nichols how it was better for the City to become the bill collector for garbage in comparison to what it currently is.

Mr. Nichols stated that the City is not going to be the bill collector; in fact we are going away from bill collecting. Under the lien process the City would be the bill collector as the City would have to put the lien on the property. With this proposal it becomes a code violation, so if someone is discovered to not be taking garbage GreenWaste will first try to get them to voluntarily apply, if not they will notify the City and the City will notify the property owner and/or tenant that they are obligated to subscribe to garbage and if they don't it becomes a code enforcement violation, just like a building code violation. The whole system is set up to try to get voluntary compliance, the Building Inspection Department will go out and speak with them, if they don't voluntarily comply then we get into the process of it either being a misdemeanor or an infraction or most likely a fine being leveled with the first time being \$100 and the maximum of \$500 under state law, so the City is not collecting, but we are enforcing.

Councilmember Byrne stated that if the person did comply to begin with they didn't have the money to pay for it, so having the City go out is not going to change that. It will just leave us with a lot of bad debts and a lot of work on the part of the City.

Mr. Crabtree stated that the idea behind mandatory trash is that it was necessary to benefit the public health safety and welfare to require citizens to regularly have trash picked up. At that time there were pictures and stories of people allowing trash to build up around homes. The changes being made actually remove the City from the financial aspect of collecting all together. The City would have absolutely nothing to do with collecting for service, but we would however, unless the person applied for an exemption, require that people subscribe, so the money that is owed to GreenWaste is between GreenWaste and the customer. What the ordinance requires is that every occupied property subscribe to garbage service.

Mr. Nichols stated that this franchise is based on existing City policy of mandatory collection, which is the Council's choice if the majority of the Council wants to do away with the mandatory collection policy then it can go back to the way it was before.

Councilmember Byrne stated that this is a 9 million dollar contract that we are awarding without a bid and he believed it should have been put out for bid.

Councilmember Carrel requested clarification on before garbage was picked up and the mandatory

collection came in if there was a difference of how many people were not taking it before.

Ms. Garrett stated that she would say 500 to maybe 1000 residents that were not taking garbage services prior to mandatory collection.

Mr. Nichols stated that the company did support the mandatory collection when this was first imposed by the City and as part of that they made concessions in terms of the rates for the recycle cans and charged .25 per can where in the County they charge \$1.75 per can.

Mr. Crabtree stated that another important change that the City is recommending is that as part of this revised ordinance GreenWaste will be able to stop service for nonpayment where in the original ordinance they could not.

Mayor Brown stated that he assumed that if there was not mandatory garbage that the rates would go up.

Mr. Nichols stated that could happen as if the mandatory garbage was taken out they would lose a customer base and the costs would be spread over a smaller number of people.

Scot Timboe, Planning Director, stated that he deals a lot with code enforcement and 500 people or properties is approximately 10% of the properties within the City and he would say that if the Council goes away from mandatory pickup code enforcement actions would go through the roof. At this time the City has lost their code enforcement officer and the Building and Planning Departments would defiantly favor the mandatory garbage. We have worked hard over the years to clean up portions of the City and the mandatory garbage is a big plus for the City to maintain the aesthetics that we have and reduce the chance for people to slack off and allow it to go back to the way it was before.

Councilmember Byrne expressed his concerns with giving a 4.5% increase annually every year and under the present economic conditions it doesn't make any sense.

Mr. Nichols stated that the 3.5% will not be added on each year, it's a rate adjustment now that becomes part of the base. The first of July the rates would go up by a factor of the CPI and the fuel adjustment.

Councilmember Flynn pointed out that the 3.5% does not compound each year.

Mayor Pro Tem Moyer stated that the 6% fee is based on gross revenue, which does not include the resale of recyclables. He questioned the reason behind that.

Ms. Garrett stated that was not a scope of their revenues.

Mr. Nichols explained that the recyclables are sold by the landfill and the landfill recoups the money.

Councilmember Flynn requested clarification on whether the City was locked in on granting an increase each year.

Mr. Nichols stated that was incorrect, if this is approved then the City Council is agreeing to the formulas contained in the agreement.

Mayor Brown requested clarification on what how to handle the points that had been brought up this evening.

Mr. Nichols stated that for example on the leave collection we could ask the representative of GreenWaste if they would agree to it and if not we go back and renegotiate.

Councilmember Carrel stated that he felt that if someone was signing up for service they should be made aware of the waiver options by GreenWaste at the time of signing up for service.

Mr. Crabtree stated that one thing that could be done is to agree on a standard notice, the franchise agreement requires notice to be given at the time of they become aware of a new owner and/or occupant. That notice would notify the new occupant and/or owner of the mandatory trash requirement and that notice could also note the process for obtaining the exemption.

Mayor Brown stated that he was not happy with the street sweeping arrangement or the fuel surcharge and asked the City Attorney how to handle.

Mr. Crabtree said that if the Council would like to approach GreenWaste about negotiating changes in the agreement it would help if the Council could be as specific as possible so that staff knows what to talk with GreenWaste about. He would recommend that if the Council is in agreement or a majority of the Council in agreement with the changes recommended in the ordinance and move forward

with those changes even if you direct staff to renegotiate changes to the proposed agreement.

Councilmember Byrne stated that the person who usually comes in and signs up for service is usually a renter, he doesn't pay his bill and now it goes to code enforcement. What do we do?

Mr. Nichols stated that they would chase the tenant first and if we can't find them then we would go after the owner as there are provisions in the mandatory collection to go after the owner.

Mr. Crabtree stated that this was in section 18A-16 makes both the tenant and the owner subject to the requirement that the property subscribe to service, should a tenant and/or property fail to subscribe the owner is ultimately responsible for making sure that any occupied premise has subscribed to the collection service.

Councilmember Byrne questioned how this could be done when the owner doesn't know that the renter has done this.

Mr. Nichols stated that when someone comes in to subscribe for this service under this franchise as part of the application they would have to tell

GreenWaste that they were not the owner and give the name and address of the owner. Then the owner, at the time that their tenant applies for service, will get a letter from GreenWaste advising them of their obligations and responsibilities.

Mr. Crabtree stated that when the City approaches the owner, what they would be looking at is that there is compliance with City Code, which means for them to become a subscriber.

Councilmember Byrne requested clarification on the money already owed.

Mr. Nichols stated that if this franchise is approved the City will not be placing liens on property owners property.

Mr. Crabtree stated that GreenWaste will have some amount of uncollectable debt.

Mr. Nichols asked GreenWaste representatives if they were in a position to agree to any of the concerns of the Council and if there was someone that would make a motion to make changes that would include notify the people of the senior rate, to extend the leaf collection to 6 weeks and to add Hospice to the free service list.

Paul Nelson, Area Manager, stated that every year their costs have gone up and twice in the last two years increases have been denied. He stated that fuel had been crazy for two years and he was willing to reduce the fuel surcharge by 2% now in exchange to eliminate the fuel surcharge review the first year, which is July 1, 2009.

Mayor Pro Tem Moyer requested clarification on whether GreenWaste's fuel purchases were negotiated in advance.

Mr. Nelson stated that there was a tank at the landfill and they receive a fuel drop about every other week, and that it's not a fixed rate.

Councilmember Byrne would like to see something in stone that this go out for bid the next time.

Mr. Crabtree stated that could not be done as they would be tying the hands of any future City Council to make a choice as to what to do when this agreement expires.

Mayor Brown requested clarification on what the rate increase would be if the 2% offer was taken.

Mr. Nichols stated that if the Council accepted the offer made by Mr. Nelson, the 6.29% increase proposed increase would be implemented, but the 5.52% fuel charge approved in July would drop to 3.25% on the effective date of the franchise.

Mr. Nelson stated that the prices in Exhibit A would drop.

Councilmember Flynn stated that the City Council directed staff to negotiate a new agreement, which is what staff has done.

Mayor Brown stated that the rate increase would be 4.29% and then in July there would be an increase of 75% of the CPI.

Mr. Nichols stated that the changes requested are 1) extend the leaf collection period from 4 weeks to 6 weeks, 2) require that GreenWaste advise people of their rights to request a hardship waiver from the City Manager, 3) to add the Hospice and Salvation Army for pickup and 4) to accept the offer of diesel fuel charge to 3.52% effective on signing of the agreement.

Mayor Pro Tem Moyer asked that the street sweeping for commercial areas be done at an earlier time of the day.

Mr. Nichols stated that the franchise doesn't provide any specific time of day, but the issue is to try to sweep the downtown area before any cars are down there.

Mr. Nelson stated that he believed that they could agree to all the items listed by Mr. Nichols. In regards to Hospice and Salvation Army they would treat the same as the Hope Chest and pickup the illegal dumping for free if they had existing service.

Mayor Pro Tem Moyer stated that was what he would like to see, the same as provided to the Hope Chest.

Councilmember Byrne asked if Mr. Nelson would be agreeable to a CPA accounting on an annual basis.

Mr. Nelson stated that there was a cost associated with that, that he didn't know what it would cost to do that audit on an annual basis.

Mr. Nichols stated that the contract allows for the City to ask for an audit at any time.

Margaret Van Warmerdam, Finance Director, stated that since Waste Connections is a publicly traded company its national operations, would be annually audited and suggest that that report be used as an indicator of when an audit should be called for.

Mayor Brown asked why street sweeping in residential is being removed from monthly services.

Mr. Nelson stated that pricing is critically and costs had increased substantially and this was proposed in an effort to keep the rates down.

Mr. Crabtree reviewed the changes to the franchise which include:

1. Owner occupant notice of mandatory trash that notice also contain an explanation of the exemption process.
2. That leaf pickup period be extended from 4 weeks to 6 weeks.
3. That Hospice and Salvation Army be added to provisions which currently provide occasional free service to Hope Chest.
4. Acceptance of 2% reduction in fuel charge.
5. See copy of the company's annual audit and financial report.

Councilmember Flynn asked about adding an extra month of street sweeping on an as needed basis.

Mr. Nelson stated that part of this would apply to their staffing levels and what kind of notice would be given.

Mr. Nichols stated that if the contract allowed for an additional 30 days of street sweeping. If street sweeping does become an issue, we could go back and renegotiate additional street sweeping, but that could cause the rates to increase.

Mr. Nelson stated that they had a number of conversations with Mr. Nichols and there are clearly months that street sweeping doesn't make any difference, but there are critical months for sweeping.

Mr. Crabtree stated that the Council could extend the street sweeping a month and add split between mid-April and mid-November. That would be a 30 day extension split at each end.

Mr. Nelson stated that they could agree with that.

M/S/C Flynn, Moyer to introduce and waive the first reading of Ordinance No. 995 amending Chapter 18A of the Municipal Code specifically providing for mandatory refuse collection with the change on page 3 in the definition section of Gross Revenue, which should read “ Any and all revenue received from payments for services provided and actually received by the Franchisee for the collection and transportation of Solid Waste pursuant to the Franchise Agreement, in accordance with Generally Accepted Accounting Principles, but excluding revenues from the sale of recyclable Materials and Recyclable Solid Waste”.

AYES: Councilmembers: Brown, Flynn, Moyer and Carrel

NOES: Councilmember: Byrne

ABSENT OR NOT VOTING: None

M/S/C Carrel, Flynn to make changes to the Franchise Agreement, which include:

1. In the new Owner occupant notice of mandatory trash, that a standard notice be created that includes notice of the hardship exemption process.
2. That leaf pickup period be extended from 4 to 6 weeks.

3. That Hospice and Salvation Army be added to the list of groups for occasional free pickup.
4. Acceptance of 2% reduction in fuel charge.
5. Street sweeping to be extended by 30 days to run from mid-April to mid-November.
6. Bring the amended Franchise Agreement back to the next City Council meeting for adoption.

AYES: Councilmembers: Brown, Flynn, Moyer and Carrel

NOES: Councilmember: Byrne

ABSENT OR NOT VOTING: None

4. FAA/DOA, AIRPORT CAPITAL IMPROVEMENT PROGRAM (ACIP) FY 2009-2014

Mark Barthel, Public Works Director, reviewed the staff report and gave staff's recommendation that the City Council review the FY 2009-2014 ACIP and authorize the Public Works Director/Airport Manager to submit the 5 year project list for future project programming. He explained that if you do not have a project proposed on the Airport Layout Plan it's not eligible for funding, so this is one of the things that the City needs to do in terms of updating the layout plan. A project was just completed that eliminated a

portion of the runway and taxiway approach, which brought the runway protection zone down to City owned property, which gives the City control of development in that area, which is required by FAA. Also completed was approach lighting, parallel taxiway lighting, lighting in the intermediate approach, new runway and indicator lights, the visual approach self indicator was changed out at the north end and installing a precision approach path indicator.

Councilmember Byrne requested clarification on the properties that adjoin the old runway that was abandoned, which the City sold with the provision that they had access to the airport and how that would be changed.

Mr. Barthel stated that it was an issue that would be looked at as they analysis who's there, how they acquired title, what was their title, was there a provision that says you have free access. This issue has been in existence since 1998 and we have been told by the FAA to deal with this issue. As part of the ALP update we will look at that and figure out how airport property ended up in private hands and the FAA will provide us with recommendations, rules, legal requirements and suggestions.

Councilmember Byrne questioned if the T hangers would still have access to the airport.

Mr. Barthel stated yes, all the hangers, T hangers, new box hangers will have access, and this applies just to those who are not on airport property. The first step is to identify who's there, where the fences are, where the access, what can be done and how they got there.

M/S/C Byrne, Flynn to authorize the Public Works Director/Airport Manager to submit the project list for future project programming.

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

NOES: Councilmember: None

ABSENT OR NOT VOTING: None

5. ORDINANCE NO. 994 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. 994.

Councilmember Carrel questioned if this was standard procedure to update every year.

Ms. Van Warmerdam stated that the code speaks to doing annual CPI updates for certain fees and she has brought to the Council annually for consideration.

Mayor Brown requested why this was included in the City Code.

Ms. Van Warmerdam stated that she did not know why it was hard coded into the City Code, so to update she has to do by ordinance so that it updates the City Code.

M/S/C Flynn, Moyer to waive the second reading and adopt Ordinance No. 994.

AYES: Councilmembers: Brown, Byrne, Flynn and Moyer

NOES: Councilmember: Carrel

ABSENT OR NOT VOTING: None

6. DELL EMPLOYEE PURCHASE PROGRAM

Margaret Van Warmerdam, Finance Director, reviewed the staff report and gave staff's recommendation that the City Council approve the establishment of a Dell employee Purchase Program with Dell Corporation under State of California Contract.

M/S/C Carrel, Byrne to approve the establishment of a Dell employee Purchase Program with Dell Corporation under State of California Contract.

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

NOES: Councilmember: None

ABSENT OR NOT VOTING: None

7. HUMAN RESOURCES DEPARTMENT BRIEFING

Mayor Brown stated that this item was continued to the meeting of January 6, 2009.

8. CALIFORNIA INNOVATION CENTER REQUEST FOR FUNDING

Martin Nichols, City Manager, reviewed the staff report and gave staff's recommendation that the City Council direct the City Manager to advise the California Innovation Center that the City of Red Bluff will not be able to support their request for startup funding.

M/S/C Flynn, Moyer to direct the City Manager to advise the California Innovation Center that the City of Red Bluff will not be able to support their request for startup funding.

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

NOES: Councilmember: None

ABSENT OR NOT VOTING: None

9. APPROVAL OF WARRANT LIST

Recommendation: That the City Council approve Check Warrant No. 61704 through 61948 dated

November 6, 2008 through
November 25, 2008.

M/S/C Moyer, Flynn to approve Check Warrant No. 61704 through 61948 dated November 6, 2008 through November 25, 2008.

AYES: Councilmembers: Byrne, Carrel, Flynn and Moyer

NOES: Councilmember: None

ABSENT OR NOT VOTING: Councilmember: Brown (abstained)

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

Councilmember Flynn stated that appointments to various committees had been made and he would be willing to release his Community Action Agency seat to Councilmember Carrel.

Mayor Brown stated that he also had one that he is willing to release his seat on LAFCO to Councilmember Carrel.

Councilmember Carrel stated that he would be out of town the end of January.

M/S/C Flynn, Brown to appoint Councilmember Carrel to serve as the City's representative to LAFCO and the Community Action Agency.

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

NOES: Councilmember: None

ABSENT OR NOT VOTING: None

There being no further business Mayor Brown adjourned the meeting at 9:15 p.m. until the meeting of January 6, 2009 at 7:00 p.m.

s/b Wayne Brown, Mayor

Attest:

s/b Jo Anna Lopez, City Clerk