

**RED BLUFF
CITY COUNCIL
REGULAR ADJOURNED MEETING MINUTES**

Date of Meeting: Tuesday, December 18, 2007

Time of Meeting: 6:15 p.m. Closed Executive
Session

Place of Meeting: 7 p.m. Regular Meeting
Council Chambers, City Hall
555 Washington Street
Red Bluff, Ca 96080

Councilmembers Present: Forrest Flynn, Mayor
Daniel Irving, Mayor

Pro Tem

Wayne Brown
Jeff Moyer
James Byrne

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

Gerry Gray, Fire Chief
Tessa Pritchard, Human Resource

Director

J.D. Ellis, Building Director
Donna Gordy, City Treasurer

Mayor Flynn asked Una Jordan to lead the Pledge of Allegiance and the assembly joined in.

CLOSED EXECUTIVE SESSION

**CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION
one potential case. Government Code Section
54956.9**

**CONFERENCE WITH LABOR NEGOTIATORS:
Executive Session in accordance with
Government Code Section 54957.6 for the
purpose of instructing the City's designated
representative, 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.**

Mayor Flynn and Councilmembers gave direction to staff.

Councilmember Moyer abstained from the above proceedings with the Fire Unit.

CITIZEN'S COMMENTS:

There were no citizen comments.

REMEMBRANCE:

Mayor Flynn took a few moments to remember Kay Webb who passed away on December 2, 2007.

Martin Nichols, City Manager, announced the new Parks and Recreations Director will be Debbie Carlisi. Debbie will start her new job on Thursday December 20, 2007.

CONSENT AGENDA:

Councilmember Moyer pulled item # 7

RESOLUTION NO. 50 – 2007: CITY FUNDS

Recommendation: That the City Council adopt Resolution No. 50-2007 which establishes the required signatures on the City's Local Agency Investment Fund.

5/0/0 Approved

REPORT REGARDING CONTRACT AWARDS – NOVEMBER 2007

Recommendation: That the City Council accept the report.

5/0/0 Approved

REQUEST FOR BID – COPIER FOR COMMUNITY CENTER

Recommendation: That the City Council:

1. Review the attached Notice inviting bids for a new copier for the Community Center.
2. Authorize staff to advertise for bid, or
3. Provide further direction to staff.

5/0/0 Approved

EXTENSION OF PROFESSIONAL COLLECTION SERVICES WITH NORTH VALLEY COLLECTION BUREAU

Recommendation: That the City Council approve the extension of the agreement with North Valley Collection Bureau from May 1, 2007 to April 30, 2009.

5/0/0 Approved

AMENDMENT TO BANNER POLICY

Recommendation: That the City Council approve the amendment to the Banner Policy.

5/0/0 Approved

OFFICE OF TRAFFIC SAFETY, SEAT BELT ENFORCEMENT MINI GRANT

Recommendation: That the City Council authorizes staff to apply for the 2008 “Click it or Ticket” mini-grant.

5/0/0 Approved

RESERVE FIREFIGHTER MINIMUM WAGE ADJUSTMENT AND SUPPLEMENTAL BUDGET APPROPRIATION REQUEST

Recommendation: That the City Council authorize the HR Director to increase the minimum standard shift pay to \$9.00 effective January 1, 2008. In addition authorize a supplemental

budget appropriation of \$5,000 for FY 2007-08 to the Fire Department #11-31-110-100 account (Temporary & Part Time Employees) to offset the cost of this hourly rate adjustment.

Councilmember Moyer recused himself from this item.

M/S/C: Councilmembers Irving and Brown to approve this item.

AYES: Councilmembers Irving, Brown, Byrne, and Flynn

NOES: NONE

ABSENT OR NOT VOTING: Councilmember Moyer (abstained)

EXTENSION OF BUSINESS FAÇADE IMPROVEMENT PROGRAM GRANT

Recommendation: That the City Council approves the extension of the Business Façade Improvement Program until December 31, 2008 and request the extension with the funding agency (USDA) Rural Development.

5/0/0 Approved

CURRENT BUSINESS:

ENFORCEMENT ACTION ON CHARTER COMMUNICATIONS FOR FAILURE TO COMPLY WITH THE RED BLUFF CABLE TELEVISION FRANCHISE

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

1. Receive the report from CBG Communications on Franchise Compliance.
2. Authorize a notice of non-compliance to be sent to Charter Communications.
3. Set a Public Hearing on franchise compliance for 7 p.m. or as soon there after on February 5, 2008.

Tom Robinson, Executive Vice President of CBG Communications, Inc gave a power point presentation on Charter Communications' Cable Television Franchise Compliance Issues. (a copy of

this power point presentation can be found in the file).

Mayor Pro Tem Irving inquired if the City is in any violation of the law, like not having the overrides

Mr. Robinson stated no the city is not in violation but the city doesn't have the capability that it should have.

Susie Evans, Director of Government Relations for Charter Communications, stated they are not in agreement with the consultants findings.

M/S/C: Mayor Pro Tem Irving, Byrne to:

1. Authorize a notice of non-compliance to be sent to Charter Communications.
2. Set a Public Hearing on franchise compliance for 7 p.m. or as soon there after on February 5, 2008.

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

NOES: None

ABSENT OR NOT VOTING: NONE

NEW STATE PUBLIC TV LAW

Martin Nichols, City Manager reviewed the staff report and gave staff's recommendation that the City Council receive the report and proceed with the implementation of the Act.

No action needed on this item.

ORDINANCE NO. 984: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RED BLUFF AMENDING CHAPTER 22A OF THE CITY CODE

Martin Nichols, City Manager reviewed the staff report and gave staff's recommendation that the City Council waive the first reading and introduce Ordinance No. 984: An Ordinance of the City Council of the City of Red Bluff Amending Chapter 22A of the Code of the City of Red Bluff, Establishing Franchise of PEG Fees and Customers Service Penalties for the State of California Video Franchise Holders Providing Video Service within the City of Red Bluff.

Councilmember Brown asked if the State sets the terms and conditions and only allows us to only collect the franchise fees would we assume to follow would be some state fees.

Richard Crabtree, City Attorney, stated right now there are no state fees.

M/S/C: Mayor Pro Tem Irving, Moyer to waive the first reading and introduce Ordinance No. 984: An Ordinance of the City Council of the City of Red Bluff Amending Chapter 22A of the Code of the City of Red Bluff, Establishing Franchise of PEG Fees and Customers Service Penalties for the State of California Video Franchise Holders.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

RESOLUTION NO. 49-2007, A RESOLUTION OF INTENTION TO LEVY A FISCAL YEAR ASSESSMENT FOR THE DOWNTOWN RED BLUFF PARKING AND BUSINESS IMPROVEMENT AREA

Margaret Van Warmerdam, Finance Director, 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 15, 2008.

M/S/C: Councilmembers Brown and Moyer to adopt Resolution No. 49-2007.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

PUBLIC HEARING TO CONSIDER: TENTATIVE TRACT MAP 05-1014: MITIGATED NEGATIVE DECLARATION: RESOLUTION NO. 53-2007: 49 LOT SINGLE FAMILY SUBDIVISION AT KEMPER ROAD AND MONROVIA: TIMOTHY KUMASAKI (APPLICANT/OWNER)

Scot Timboe, Planning Director, gave a brief background and the staff 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. 53-2007 approving the Mitigated Negative Declaration and Tentative Tract Map 05-1014 with the Findings and Conditions of approval shown in Resolution No. 53-2007.

Mayor Flynn opened Public Hearing at 8:12 p.m.

E.C. Ross, Representing the Engineering firm of Robertson and Dominic, we looked at the conditions of approval recommended by staff and the environmental document and we are in agreement with those. Yes there is going to be import but at this time we don't know how much. There will be extensive grading.

Mayor Pro Tem Irving asked if there was any state agency that dictates what we do with the burn dump.

Mr. Timboe stated he had no answers at this time for that, but we have a good relationship with the County Health Department and we have worked very close together on this project. The experts collected the samples and tested them.

Mayor Flynn Closed the Public Hearing at 8:17 p.m.

M/S/C: Councilmembers Byrne and Irving adopt Resolution No. 53- 2007 approving the Mitigated Negative Declaration and Tentative Tract Map 05-1014 with the Findings and Conditions of approval shown in Resolution No. 53-2007.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

**ACCEPTANCE OF EASEMENT DEED GRANTED
TO THE CITY OF RED BLUFF FROM TRINITY
RETAIL GROUP, LLC**

Mark Barthel, Public Works Director, reviewed the staff report and gave staff's recommendation that: The City Council accept the Easement Deed to the City of Red Bluff from Trinity Retail Group LLC.

Mayor Pro Tem Irving asked is this sufficient to expand South Main.

Richard Crabtree, City Attorney, stated he was concerned with the description of it being a public utility easement. Usually public utility easements are different than public road and access. Being concerned with that description we should ask that the easement be modified to reflect that.

Scot Timboe, Planning Director, asked what would you like the easement to say.

Mr. Crabtree stated an easement for public utilities access and right of way. Mr. Crabtree also stated that he would like the easement to reflect the City Council's point of view. Public Utility Easement is like telephone poles above and below ground it is usually different than a road easement.

M/S/C: Councilmembers Irving and Moyer to table this agenda item until a later date.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

Mr. Timboe asked Mr. Crabtree that the correct language be e-mailed to him.

POSTPONED ADOPTION OF THE CITY OF RED BLUFF'S PROPOSED SPHERE OF INFLUENCE (SOI) EXPANSION TO ALLOW FOR ADDITIONAL COMMUNICATION WITH TEHAMA COUNTY ON THE FINAL RECOMMENDATION TO LAFCO

Martin Nichols, City Manager, reviewed the staff report and gave staff's recommendation that the City Council postpone adoption of Resolution No. 51-2007, recommending LAFCO Adopt/ Approve the proposed Sphere of Influence Boundary Map expansion, and direct staff to meet with representatives of Tehama County on this matter and report the outcome of these discussions to the City Council.

M/S/C: Councilmembers, Irving and Brown to postpone adoption of Resolution No. 51-2007, recommending LAFCO Adopt/ Approve the

proposed Sphere of Influence Boundary Map expansion, and direct staff to meet with representatives of Tehama County on this matter and report the outcome of these discussions to the City Council.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

ACCEPTANCE OF SWRCB GRANT NO. 05-350-550-0, RESOLUTION NO. 52-2007 – AGREEMENT WITH COUNTY OF TEHAMA PLANNING GRANT – ANTELOPE SEWER PROJECT

Mark Barthel, Public Works Director, reviewed the staff report and gave staff's recommendation that the City Council accept the SWRCB grant No. 05-350-550-0, authorize the addition of \$4,852 to the 07-08 budget for the City matching funds, adopt Resolution No. 52-2007 and authorize the City Manager to sign the agreement with the County of Tehama for the administration and expenditure of grant funds from the SWRCB agreement No. 05-350-550-0.

Mayor Flynn asked the \$4,852 is our part of the match portion.

Mr. Barthel stated that was correct.

Mayor Pro Tem Irving stated he had some concerns we are paying for an attorney that is taking direction from the County and has a loyalty to the County to draft documents for the operations between the City and the County.

Gary Antone, Public Works for Tehama County, the attorney will be working with the County Council, the City Attorney, and PACE so it will tie us together with this JPH this will be reviewed by the City Attorney, County Council, and this Attorney.

Councilmember Brown stated the City got the grant; the City is matching the funds. The County is doing the administration work with those funds. How did all the money fall on the City?

Mr. Antone stated the County also got a grant which is what we have been spending for the last four years.

Richard Crabtree, City Attorney asked will there be other services that the law firm retained will be

providing or just this JPH. It would be possible to add to the end of the operative sentence in consultation with the City Attorney.

Mr. Antone stated the Board of Supervisors approved this morning at their meeting they also approved the amendment for PACE to move forward with the work. This was noted that this was on the approval of the City of Red Bluff. So rather than change the document if you would structure your approval based upon the consultation of the City Attorney. Then the City Attorney and County Council along with the outside Attorney can work together.

Mayor Flynn stated this is a joint power between the City and the County.

After more discussion on this matter Council agreed to accept staff recommendation.

M/S/C: Councilmembers, Byrne and Moyer to accept the SWRCB grant No. 05-350-550-0, authorize the addition of \$4,852 to the 07-08 budget for the City matching funds, adopt Resolution No. 52-2007 and authorize the City Manager to sign the agreement with the County of Tehama for the administration and expenditure of grant funds from the SWRCB agreement No. 05-350-550-0.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

AWARD PROPOSAL FOR BURN DUMP PHASE 11 STUDY

Margaret Van Warmerdam, Finance Director, reviewed the staff report and gave staff's recommendation that the City Council authorize the City Manager to finalize the contract for Professional Services for Phase 11 for the Burn Dump in the amount of \$11,386 with Holdrege & Kull Consulting Engineers/Geologists.

Martin Nichols, City Manager, stated this is the actual testing of the soil.

M/S/C: Councilmembers Moyer and Irving to authorize the City Manager to finalize the contract for Professional Services for Phase 11 for the Burn Dump in the amount of \$11,386 with Holdrege & Kull Consulting Engineers/Geologists.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

ORDINANCE NO. 982 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. 982.

M/S/C: Councilmembers Brown and Moyer to waive
the second reading and adopt Ordinance No. 982.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

REQUEST TO USE TEHAMA COUNTY VEHICLE BID

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

1. Approve the use of the Tehama County bid for vehicles for the Water, Fire, and Parks and Recreation Departments.
2. Approve staff to go out to bid for two patrol vehicles for the Police Department.
3. Approve a supplemental appropriation in the amount of \$16,964 from Fund 19 Fire Department Capital Equipment Reserves for the balance needed for two 4x4 trucks for the Fire Department.

M/S/C: Councilmembers Moyer and Byrne to approve staff recommendation.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

APPROVAL OF WARRANT LIST

Margaret Van Warmerdam, Finance Director, reviewed the staff report and gave staff's

recommendation that the City Council approve Check Warrant Nos. 57973 through 58230 dated November 8, 2007 through November 29, 2007.

Mayor Pro Tem Irving asked if the \$4,000 for help wanted was correct.

Tessa Pritchard, Human Resources Director, stated yes and that this was for more than just one month.

M/S/C: Councilmembers Byrne and Moyer to approve Check Warrant Nos. 57973 through 58230 dated November 8, 2007 through November 29, 2007.

AYES: Councilmembers: Byrne, Moyer, Irving and Flynn

NOES: NONE

ABSENT OR NOT VOTING: Councilmember Brown

COMMITTEE REPORTS/COUNCIL COMMENTS:

NONE

ADJOURNMENT:

There being no further business Mayor Flynn adjourned the meeting at 9:15 p.m.

s/b Forrest Flynn
Mayor

ATTEST:

s/b Jo Anna Lopez, City Clerk