

**RED BLUFF  
CITY COUNCIL  
REGULAR MEETING MINUTES**

**DATE OF MEETING:** August 1, 2006

**TIME OF MEETING:** 6:15 P.M. Closed Executive Session  
7:00 P.M. Regular Meeting

**PLACE OF MEETING:** RED BLUFF COUNCIL CHAMBERS, CITY HALL

**Councilmembers Present:** Andy Houghton, Mayor  
Wayne Brown Mayor Pro Tem  
Forrest Flynn  
Daniel Irving  
Larry Stevens

**Councilmembers Absent:** None

**Staff Present:** John Blacklock, Interim, City Manager  
Richard Crabtree, City Attorney  
Gloria Shepherd, City Clerk  
Gerry Gray, Fire Chief  
Al Shamblin, Police Chief  
Charlie Mullen, Planning Director  
Margaret Van Warmerdam, Finance Director  
Mark Barthel, Public Works Director  
J D Ellison Sr., Building Director/Official  
Donna Gordy, City Treasurer  
Nik Reikalas, Parks and Recreation Director

J D Ellison Sr., Building Director/Official, led the Pledge of Allegiance at the request of Mayor Houghton and the Assemblage joined in.

**CLOSED EXECUTIVE SESSION – 6:15 p.m.**

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:  
Executive Session in accordance with Government Code Section 54956.9 -

CASE NO. 55896 -- MICHAEL J. AND MARGARET L GUTTIERREZ

*City Council gave direction regarding litigation.*

**REGULAR MEETING 7:00 P.M.**

**CITIZEN'S COMMENT**

Kathy and Ron Nelson, concerned citizens, commented on their son-in-laws effort to put in a storage shed in his backyard that fell out of compliance due to the installation of a CHIP fence and next to it a new fence, which resulted in a change to his property line.

They also mentioned concerns that their son-in-laws landscaping business which also is hauling off dirt, brush, and debris and pushing it into his neighbors ravine to help him fill it out, has now become a hazardous waste concern by the City and needs to be cleaned up. The fact that the City staff could not quote the law for enforcing this project was a concern to them as well, and Kathy Nelson felt that J D Ellison Sr., Building Director/Official is enforcing this project in retaliation on the Nelsons.

J D Ellison Sr., Building Director/Official, explained that what he had told them was, that he didn't have time to look for the law then, that he didn't have the book anymore, and that those were the laws he thought they were. Also, there is no retribution, as he had no idea who owned it or who was dumping there at the time. The City had direction from other DTSE, because they were in the process of cleaning up the dump next door and getting the fence in. He did research it and found out that they didn't have permit 1600, which is required to fill in the headwaters, as it's a head water stream. He had gotten the information for them and since they never called back to ask for it, he assumed they had found it, and that now he would be glad to give it to the Nelsons.

Councilmember Stevens explained that he had seen the CHIP fence originally and didn't feel like it should have been built that way and that the practical thing to do would have been to remove the existing fence and build the new one on the appropriate fence line to meet the proper specifications.

A request for a follow up on how this was done and to see if a variance could be issued now since the compliance was there prior to building the new fence.

Greg Latourell requested that they pull item C3 from the Consent Agenda regarding traffic control feasibility.

Debbie Eaglebarger, founder of Second Chance Pet Rescue, asked to put an animal advocate at the County Animal Shelter to provide solutions to the public with alternatives to pet elimination.

Gerry Gray, Fire Chief, introduced Jim Heinle, retired fire fighter, and commented that now his son, Jimmy Heinle, has been hired full time. Jimmy Heinle and Matthew Shobash were then introduced as new full time employees who have been with the City for years and are the next generation of Red Bluff Fire Department staff.

### **CONSENT CALENDAR**

M/S/C Stevens, Brown to pull item's #2, #3, and #4.

**AYES:** Councilmembers: Brown, Flynn, Houghton, Irving and Stevens  
**NOES:** None  
**ABSENT OR NOT VOTING:** None

### **APPROVAL OF MINUTES**

July 18, 2006

***APPROVED 5-0-0***

### **SEWER CONNECTION OUTSIDE CITY LIMITS, 245 GILMORE ROAD, BRENT GAY**

It was questioned whether this was within the Sphere of Influence and it was explained that it was within the existing Sphere of Influence.

Non City sewer services information will be coming to the City Council within the month.

M/S/C Irving, Flynn to approve.

**AYES:** Councilmembers: Brown, Flynn, Houghton, Irving and Stevens  
**NOES:** None  
**ABSENT OR NOT VOTING:** None

### **TRAFFIC CONTROL FEASIBILITY STUDY**

The original scope of work was to look at a number of intersections provided by consultant for a study for a variety of reasons and to bring back about 20 streets for staff to look at the concerns and take it down to a number of 9-12 intersections to provide safety concerns.

This study originally started and the grant was underway, but the need to refocus after traffic pattern changes became a concern. The Technical Advisory Committee didn't feel the City would get the right money for the dollar. Approximately \$15,000 was spent and now nothing can be gotten out of the study. The preliminary costs went into base information and upfront costs to get the study going. This was a grant for \$42,700 with two additional items added on and the grant expired, so the funds had to be disencumbered at this point. The \$15,000 payment needs to come out of a fund as it was not refundable due to the expiration date being missed. Current grant contracts have the deadline dates written into them in order to track.

M/S/C Flynn, Irving to approve.

**AYES:** Councilmembers: Brown, Flynn, Houghton, Irving and Stevens  
**NOES:** None  
**ABSENT OR NOT VOTING:** None

**REQUEST FOR WATER SERVICE OUTSIDE CITY LIMITS, 13301 BAKER ROAD – RED BLUFF HIGH SCHOOL – APN 24-060-05-1**

It was questioned whether this would be a high-end water user and it was explained that it was only for a small office building and would be a small service.

M/S/C Irving, Brown to approve.

**AYES:** Councilmembers: Brown, Flynn, Houghton, Irving and Stevens  
**NOES:** None  
**ABSENT OR NOT VOTING:** None

**INFORMATIONAL ITEM – PLANNING DEPARTMENT CURRENT DEVELOPMENT PROJECTS STATUS SHEET – JUNE 2006**

*APPROVED 5-0-0*

**ORDINANCE NO. 972; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RED BLUFF AMENDING SECTION 5.71 OF CHAPTER 5 CONSTRUCTION REGULATIONS.**

*APPROVED 5-0-0*

**PROFESSIONAL SERVICES – COMPUTER SYSTEM AND MAINTENANCE SERVICES**

*APPROVED 5-0-0*

**REQUEST FOR PROPOSALS – SR2S – SO. JACKSON ST.**

*APPROVED 5-0-0*

**TREASURER’S REPORT**

*APPROVED 5-0-0*

**CURRENT BUSINESS**

**RESPONSE TO GRAND JURY REPORT 2006/07**

John Blacklock, Interim City Manger, reviewed the staff report and gave staff’s recommendation that the City Council:

1. Review the information relating to the Fire Department and Public Works Department and offer any appropriate comments and suggestions, and
2. Review the draft response relating to a possible violation of the Brown Act, make any necessary changes, and approve the response.

Requests submitted for response were reviewed by the City Council in response to the Grand Jury findings along with recommendations.

The response was made to the Public Works Department for being understaffed by two people, the Street Department spending a minimum of 12 hours a week maintaining the 64 miles of streets in Red Bluff, and the Street Department having a very low employee turnover.

The Public Works Director agrees with these three findings and the recommendation that the Red Bluff Street Department needs to revisit the current street condition standard that results in action being taken to repair driving surfaces and be revisited and reevaluated every 3 years. The response is that the City will have a new pavement condition study performed by an outside consultant in 2006/2007 redefining the pavement condition index for individual streets as well as maintenance recommendations to extend the service life. The term for street maintenance to be redefined to mean maintenance of driving surfaces and the response is that determined street maintenance shall be redefined that the major emphasis will be on maintenance of driving services and curb and gutter work as minor surfaces.

The curb and gutter work will identify curb cut approaches for disabled people as possible.

The response from Interim City Manager, John Blacklock, in regards to the findings of the Grand Jury regarding the Fire Department, finds that the Fire Department diligently works to maintain very good ISO rating, maintains a positive working relationship with allied agencies, trains with allied agencies to prepare for potential catastrophic events, is continually searching for outside funding sources to purchase new equipment and offset budget reductions, has a very proactive community education and outreach program and has an aging emergency back up generator that is in need of replacement, and finally that the wages and benefits for the Red Bluff Fire Department are below wages and benefits of comparable agencies of similar size, causing the potential loss of highly trained personnel. It was agreed with findings 1- 8, but the last finding of wages and benefits it was not possible to determine agreement with finding 9 as there is no information as to which comparable agencies of similar size were evaluated or when evaluation occurred and it is important to note that over the last several years there has been no turn over unrelated to retirement in the Red Bluff Fire Department. Included in the FY 06/07 preliminary budget is funding to replace the emergency back up generator. Finding that City of Red Bluff administrators work to obtain comparable wages and benefits for Red Bluff Fire Department employees in order to avoid the potential loss of highly trained and dedicated personnel response is that the City of Red Bluff values it's Fire Department and the dedicated personnel and strive to assure that recommendations to City Council regarding wages and benefits properly evaluate such concerns as potential turnover, and negotiations are currently in progress.

The draft response developed by John Blacklock, Interim City Manager, for City Council to consider included response that City Council agrees with the finding that no evidence was found that members of the Red Bluff City Council or City Manager conducted private meetings with Wal-Mart representatives in violation of the serial meetings subdivision of the Brown Act. The finding that Richard Crabtree, City Attorney, should have more fully instructed the Council Members on the serial meetings sub division of the Brown Act along with the potential negative public perception the City Council would receive when it was revealed that they had scheduled private meetings on such a sensitive issue. The proposed response is that the City Council respectfully disagrees that information provided to City Council by the City Attorney was acceptable but incomplete. It is unclear how the Grand Jury conducted their factual review of the advice to Council members regarding the Brown Act in as much as the City Attorney was not contacted by any member or representative of the Grand Jury and erroneously concluded that the Council had not been counseled against Serial meetings, but in fact the City Council has been counseled on numerous occasions concluding at or about the time of the subject proposed Wal-Mart meetings. The Brown Act does not prohibit such communications as long as decisions are not made outside of public meetings and it is up to the discretion of the individual City Council members whether to meet on request with citizens including Wal-Mart representatives. City of Red Bluff elected officials are encouraged to receive updated training through the State of California through the office of Attorney General on Open meetings Law and proposed response is that City of Red Bluff elected officials receive ongoing information and advice on the Brown Act through their City Attorney as well as through other sources such as the League of California Cities.

M/S/C Stevens, Flynn to approve the response.

**AYES:** Councilmembers: Brown, Flynn, Houghton, Irving and Stevens  
**NOES:** None  
**ABSENT OR NOT VOTING:** None

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

Councilmember Irving spoke at the Board of Supervisors regarding the transfer of 320 acres into the sovereign control of the tribe and the matter sent a neutral response to be tabled for consideration for further response.

Councilmember Stevens spoke before the Board of Supervisors regarding issue of the care of dogs that died in the care of the County facility and how things are handled at the animal shelter. He felt that developing citizen involvement and animal advocates would help to facilitate things and make things better.

Councilmember Irving agreed with Councilmember Stevens comment.

Interim City Manager, John Blacklock, commented that he received an email expressing concern that it would be a good thing to wait and see what the County's response to the Grand Jury report on the Shelter before the City proceeds with any request or involvement at this time, which could take up to 30 to 45 days maximum.

Councilmember Stevens agreed that it was appropriate to wait this time frame for the response.

### **ADJOURNMENT**

At 8:00 P.M. Mayor Houghton adjourned the meeting to August 15, 2006 at 7:00 P.M., in the Red Bluff City Council Chambers.

*s/b Andy Houghton*  
Mayor

ATTEST:

*s/b Gloria Shepherd*  
City Clerk