

**RED BLUFF
CITY COUNCIL
MEETING MINUTES**

DATE OF MEETING: November 18, 2008
TIME OF MEETING: 6:15 P.M. Closed Executive Session
7:00 P.M. Regular Meeting
PLACE OF MEETING: Council Chambers, City Hall
555 Washington Street
Red Bluff, Ca 96080

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

Councilmember's Absent: None

Staff Present: Martin J. Nichols, City Manager
Richard Crabtree, City Attorney
Cheryl Smith, Executive Assistant to the City Manager/Deputy City Clerk
Donna Gordy, City Treasurer
Tessa Pritchard, Human Resources Director
Debbie Carlisi, Parks and Recreation Director
Jesse Sisneros, Fire Chief
J. D. Ellison, Building Official/Director
Mark Barthel, Public Works Director
Scot Timboe, Planning Director
Scott Capilla, Police Chief
Margaret Van Warmerdam, Finance Director
Michael Bachmeyer, Division Chief

Mayor Flynn called the meeting to order at 6:15 p.m. and adjourned to Closed Executive Session.

CLOSED EXECUTIVE SESSION:

- 1. CONFERENCE WITH LEGAL COUNCIL; In accordance with 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 Flynn reported that the City Council had met in closed session on the above mentioned case and given direction to staff.

The pledge of allegiance was lead by Bob Carrel and the assemblage joined in.

CITIZEN'S COMMENT

None

CONSENT AGENDA

Councilmember Brown requested that Item # 3 be pulled from the consent agenda for clarification.

M/S/C Irving, Brown to approve the remainder of the consent agenda.

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

NOES: None

ABSENT OR NOT VOTING: None

- 1. APPROVAL OF MINUTES**

November 13, 2008 – Special Meeting

APPROVED 5/0/0

2. REPORT REGARDING CONTRACT AWARDS – OCTOBER 2008

Recommendation: That the City Council ratifies Contract Awards for October 2008 and approves Disposal of Equipment with proceeds deposited in Fund 19 Facilities and Equipment Reserve for each department under Capital Replacement.

APPROVED 5/0/0

3. UPDATES TO CAPITAL ASSETS CAPITALIZATION POLICY

Recommendation: That the City Council approve the updates to the Capital Assets Capitalization Policy with changes in bold.

Councilmember Brown requested clarification on what triggered the review and update of the Capital Assets Capitalization Policy.

Margaret Van Warmerdam, Finance Director, stated that it was not related to the annual audit, just an annual update that was needed.

M/S/C Brown, Irving to approve the updates to the Capital Assets Capitalization Policy.

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

NOES: None

ABSENT OR NOT VOTING: None

4. SALARY ADJUSTMENT FOR CITY MANAGER

Recommendation: That the City Council authorize an increase to the City Manager's salary of three percent (3%).

APPROVED 5/0/0

CURRENT BUSINESS:

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDMENT REGARDING EMERGENCY HOMELESS SHELTERS AS REQUIRED BY SB2

Scot Timboe, Planning Director, reviewed the staff report and gave 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. 988; Rezone No. 207.
2. Find that Ordinance No. 988; Rezone No. 207 is exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines, (Class 8 Categorical Exemption, Actions by Regulatory Agencies for Protection of the Environment).
3. Waive the First Reading and Introduce Ordinance No. 988 (Rezone 207), amending RBCC Section 25.92 Industrial Zone and Permit Requirements; Miscellaneous M-1 with a CUP and M-2 Permitted Outright, along with the removal of the CUP in C-3 Zoning Districts amending RBCC Section 25. 79 Commercial Zones and Permit Requirements; Miscellaneous, and the addition of objective standards to RBCC Section 25.197 Emergency Homeless Shelters.

Mr. Timboe explained that language was added (as outlined in RBCC Section 25.197 (B) (4) to Section 25.187 Emergency Homeless Shelter No. 8 by the Planning Commission.

Mayor Flynn opened the public hearing at 7:15 p.m.

Allene Dering, P.A.T.H. President, stated that she was in support of M2 as long as they can find M2 to work for them. Louisiana-Pacific does not want to sell to anyone and Sierra Pacific will sell 7.25 areas at 1.2 million. Only 40% of a grant can be used to purchase land. Other M2 zones are outside without City sewer and water. She asked that M1 be included in this ordinance with a minimum of 1 acre.

John Elko, concerned citizen, stated that he felt the City was discouraging homeless shelters and asked that the ordinance be rejected and sent back to the Planning Commission.

Pat Johnston, concerned citizen, stated that P.A.T.H. is hard working and dedicated to their project. She asked that the City Council work with P.A.T.H. to fulfill their dream as the City needs a homeless shelter.

There being no further comments Mayor Flynn closed the public hearing at 7:20 p.m.

Mayor Pro Tem Irving requested clarification on whether the ordinance shown as attachment B was a model and P.A.T.H. would be allowed in M1 with a Conditional Use Permit.

Mr. Timboe stated that attachment B was the proposed ordinance and that the ordinance allows the homeless shelter in M-2 outright, M-1 with a Conditional Use Permit. Mr. Timboe gave a brief history of the homeless shelter's previous City Council and Planning Commission actions.

Mayor Pro Tem Irving requested clarification on the shelter that was proposed at the proposed Montgomery Road interchange.

Mr. Timboe stated that proposed project location request was discretionary (CUP) and required CEQA and an EIR.

Councilmember Brown requested clarification on the C-3 zoning and if Conditional Use Permit removed would cause problems down the line.

Mr. Timboe stated that C-3 was designated for commercial retail tax generating uses and that the homeless shelter would not be allowed in C-3 with this ordinance adoption.

Mayor Flynn requested clarification on whether M-1 requested a Conditional Use Permit and M-2 was permitted outright. He stated that this ordinance meets the State's mandates, so what would they have to do if they wanted to go into an R Zone.

Mr. Timboe stated that was correct, with a Design Review. If they wanted to go into an R Zone they would have to rezone a lot into M-1 or M-2 or come back and request text rezone allowing in residential.

Councilmember Byrne stated that emergency implies it would last a week to 10 days.

Richard Crabtree, City Attorney, stated that this phrase comes from the State status that the City is trying to address.

Mr. Timboe stated that State Senate Bill requires that we provide an area. He has taken the estimated 150 people provided by P.A.T.H. and all of the information supplied by them to write the staff report, as the State says we have to do. M-2 behind Raley's is available, which is 7 acres in a prime location. There is also property on Baker and Minch Roads, as well as at Hess Road, which is 500-600 feet from a bus stop by Home Depot. CalTrans is currently running the waterline and sewer line up Hess Road to the new CalTrans Maintenance Station and it's his understanding that there is a septic system available that will work for this number of people. He stated that CalTrans is also putting a sewer force main in the area, so there are viable locations for P.A.T.H. to go.

Councilmember Byrne stated that P.A.T.H. had not exhausted their opportunities.

Mr. Timboe stated that was correct.

Pat Johnston stated that some of the land behind Raley's was contaminated and not usable. She also stated that homeless people do not have money to pay for riding the bus, so the shelter needs to be somewhere that is accessible to services.

Liz Keith, P.A.T.H. Board Member, stated that her concern was that the homeless needs to have accessibility to Social Services, shopping etc.

Mayor Pro Tem Irving stated that he felt an emergency shelter was short term and to him 240 days was not temporary.

Angela Gutteriez, concerned citizen, stated that the shelter is sometimes for emergency and temporary. These are single parents so it has to be someplace safe and accessible to them and their children.

Marilyn Daly, P.A.T.H. Site Committee, stated that Senate Bill 2 states that you cannot designate a zone that makes it impossible for a homeless shelter and that they need to have access to City water and sewer services to write the grant and to deal with the property owner. She stated that they are diligently working to make the M-2 zoning work, but if something falls through would like to revisit this issue. She stated that the Site Committee is in agreement and willing to work with the standards in the ordinance. She asked that the City Council please pass the ordinance with the understanding that if M-2 doesn't work they can revisit the issue. She also asked that a 2001 document, which she considers prejudiced and misleading be removed from the record or wording added that would read "that emergency shelters are multifamily residences. A family unit legally can be one individual or several individuals. In multifamily housing, those families do not have to be related by blood. Shelters house as wide a cross section of humanity as the general population".

Allene Dering stated that she agreed with Marilyn Daly until this afternoon when she found out the property was going to cost 1.3 million. She stated that she doesn't support the Ordinance as it stands and that they need to have M-1.

Mayor Pro Tem Irving questioned if M-1 abutted residential.

Mr. Timboe stated yes and that type of use has infrastructure development, compatibility issues with the property next door. He stated that M-2 is the most appropriate area and meets Senate Bill requirements.

Mayor Flynn stated that the Ordinance was not excluding M-1 just making M-2 the easiest without a Use Permit.

Ms. Daly stated that P.A.T.H. had been trying to put in a homeless shelter for 8 years and have lost grant money because the use permit process takes time.

M/S/C Irving, Brown to:

1. Find that Ordinance No. 988; Rezone No. 207 is exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines, (Class 8 Categorical exemption, Actions by Regulatory Agencies for Protection of the Environment).
2. Waive the first reading and introduce Ordinance No. 988 (Rezone 207), amending RBCC Section 25.92 Industrial Zone and Permit Requirements; Miscellaneous M-1 with a CUP and M-2 Permitted Outright, along with the removal of the CUP in C-3 Zoning Districts amending RBCC Section 25.79 Commercial Zones and Permit Requirements; Miscellaneous, and the addition of objective standards to RBCC Section 25.197 Emergency Homeless Shelters.

AYES: Councilmembers: Brown, Byrne, Flynn and Irving

NOES: Councilmember: Moyer

ABSENT OR NOT VOTING: None

Motion by Flynn to add the wording requested by Ms. Daly died due to the lack of a second.

Mr. Nichols stated that the letter from P.A.T.H. was part of the public record.

CITY WEBSITE UPGRADE PROPOSALS

Martin J. Nichols, City Manager, reviewed the staff report and gave staff's recommendation that the City Council approve the proposed website upgrades for the Police, Public Works, Human Resources, Building Department and Fire web pages and authorize the additional costs be added to each department's 2008-09 Final Budget.

Councilmember Brown stated that he had asked that this be carried over from the last meeting so that more information could be provided and that the additional information was provided in the current staff report. He requested clarification on the cost associated with the departments.

Michelle Carlson, Carlson Designs, thanked the City Council for having her. She stated that Fire and Police have more changes to their web pages than Human Resources and Planning. She stated that the estimates that she had given were a little higher than the actual cost will be, as she did not want to go over an estimated amount.

M/S/C Irving, Moyer to approve the proposed website upgrades for the Police, Public Works, Human Resources, Building Department and Fire web pages and authorize the additional costs be added to each department's 2008-09 Final Budget.

AYES: Councilmembers: Brown, Byrne, Flynn, Moyer and Irving
NOES: Councilmember: None
ABSENT OR NOT VOTING: None

APPROVAL TO REMOVE TREE AT 1425 PARK AVENUE

Mark Barthel, Public Works Director, reviewed the staff report and gave staff's recommendation that the City Council authorize the removal of the Sycamore tree at 1425 Park Avenue.

Mayor Pro Tem Irving requested clarification on whether this was an immediate hazard.

Mr. Barthel stated that he considers it to be necessary, as the rots run throughout the front yard of the home and that once the property owner removes that much root system from the front yard the remainder of the root system will be weakened and the tree will become a hazard.

Mayor Flynn stated that he had contacted the property owners and the tree needs to be removed.

M/S/C Brown, Irving to authorize the removal of the Sycamore tree at 1425 Park Avenue.

AYES: Councilmembers: Brown, Byrne, Flynn, Moyer and Irving
NOES: Councilmember: None
ABSENT OR NOT VOTING: None

Mr. Barthel stated that he currently had a moratorium on removing trees and sidewalks.

Mayor Pro Tem Irving requested clarification that this would not extend in an emergency situation.

The consensus of the City Council was that the moratorium on removing trees did not apply to emergency situations and that the Public Works Director is authorized to take appropriate action.

RESOLUTION NO. 57-2008; ADOPTING THE 2008 UPDATED TEHAMA COUNTY BIKEWAYS PLAN

Mark Barthel, Public Works Director, reviewed the staff report and gave staff's recommendation that the City Council adopt Resolution No. 57-2008; Adoption of the 2008 updated Tehama County Bikeways Plan.

M/S/C Moyer, Irving to adopt Resolution No. 57-2008 adopting the 2008 updated Tehama County Bikeways Plan.

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

NOES: Councilmember: None

ABSENT OR NOT VOTING: None

RESOLUTION NO. 58-2008, AUTHORIZING A FY 2009/2010 BICYCLE TRANSPORTATION ACCOUNT (BTA) GRANT APPLICATION, CASH MATCH AND EXECUTION OF A GRANT AGREEMENT WITH THE STATE OF CALIFORNIA; RED BLUFF BTA PROJECT-DOWNTOWN TO RED BLUFF HIGH SCHOOL CLASS II AND CLASS III BIKEWAYS

Mark Barthel, Public Works Director, reviewed the staff report and gave staff's recommendation that the City Council adopt Resolution No. 58-2008 authorizing a FY 2009/2010 Bicycle Transportation Account (BTA) Grant Application, Cash Match and Execution of a Grant Agreement with the State of California; Red Bluff BTA Project-Downtown to Red Bluff High School Class II and Class III Bikeways.

Councilmember Brown requested clarification on which fund the cash match came out of. He also questioned how it was decided that this was a better use for the DIF fees.

Margaret Van Warmerdam, Finance Director, stated that it was used out of the DIF fees and that this project was on the project list.

Mr. Barthel stated that discussed when asking for approval to apply for funding.

Councilmember Brown questioned if we had to approve the cash match now.

Mr. Barthel stated that was correct, must say that we are willing to providing funding in the form of a cash match.

Mayor Pro Tem Irving requested clarification that the idea was that the High School was a designation as part of this plan.

Mr. Barthel stated the project is to provide routes to downtown and it's a way for kids to get to school or the soccer fields without taking cars.

Mayor Pro Tem Irving requested clarification on which projects had been completed and was shown on the power point these routes.

Councilmember Byrne questioned if there was a real need for this project.

Mr. Barthel stated that the County believes in Red Bluff Trails and is working with Parks and Recreation to encourage bike commuting with safe routes.

Mayor Pro Tem Irving questioned if this was a compressive plan.

Mr. Barthel stated that was correct and will link to other off road routes that will eventually link to Dog Island Park, River Park and paths that the County has put together. The goal is to be able to commute by bike.

M/S/C Irving, Moyer to adopt Resolution No. 58-2008 authorizing a FY 2009/2010 Bicycle Transportation Account (BTA) Grant Application, Cash Match and Execution of a Grant Agreement with the State of California; Red Bluff BTA Project-Downtown to Red Bluff High School Class II and Class III Bikeways.

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

NOES: Councilmember: None

ABSENT OR NOT VOTING: None

Mayor Flynn stated that this project has been going on for several years and is a way to encourage everyone to ride bikes.

Councilmember Byrne questioned if the engineering for this was being done in house.

Mr. Barthel stated that it was.

SKATE PARK PHASE II PROJECT ACCEPTANCE – RELEASE OF RETAINAGE

Mark Barthel, Public Works Director, reviewed the staff report with a power point presentation and gave staff's recommendation that the City Council approve the final contract amount of \$221,091.42, accept the completed improvements, direct staff to file a notice of completion, release the retainage and begin the one year warranty period.

Mr. Barthel reported that this project came in \$11,908 under budget and that this was a joint effort by the Public Works and Parks and Recreation Departments.

Debbie Carlisi, Parks and Recreation Director, gave a short power point presentation showing the improvements to the skate park.

M/S/C Irving, Brown to approve the final contract amount of \$221,091.42, accept the completed improvements, direct staff to file a notice of completion, release the retainage and begin the one year warranty period.

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

NOES: Councilmember: None

ABSENT OR NOT VOTING: None

Mayor Flynn requested an update on the youths that had requested to use bikes in the skate park.

Ms. Carlisi reported that the young man had met with Dennis and Donna Hake, who were instrumental in getting funding for the skate park. They requested that he bring a petition to the Parks Department and that at this time he has not returned with a petition.

Tessa Pritchard, Human Resources Director, stated that the insurance JPA had decided to remove the requirement that skate parks could not be used by bicycles.

Margaret Van Warmerdam, Finance Director, stated that it had not been finalized and that the City could not do anything until the JPA approves.

ADOPTION OF RESOLUTION NO. 59-2008, A RESOLUTION ELECTING TO BE SUBJECT TO PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT AND FIXING THE EMPLOYER'S CONTRIBUTION AT AN AMOUNT AT OR GREATER THAN THAT PRESCRIBED BY SECTION 22892(b) OF THE GOVERNMENT CODE IN ACCORDANCE WITH THE CURRENT HEALTH INSURANCE CONTRIBUTION RATES PROVIDED TO CITY COUNCILMEMBERS

Tessa Pritchard, Human Resources Director, reviewed the staff report and gave staff's recommendation that the City Council adopt Resolution No. 59-2008, A resolution to be subject to Public Employees Medical and Hospital Care Act and fixing the Employer's contribution at an amount at or greater than that prescribed by section 22892 (b) of the government code.

M/S/C Irving, Byrne to adopt Resolution No. 59-2008, A resolution to be subject to Public Employees Medical and Hospital Care Act and fixing the Employer's contribution at an amount at or greater than that prescribed by section 22892 (b) of the government code.

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

NOES: Councilmember: None

ABSENT OR NOT VOTING: None

REPORT ON 2008-2009 PROPERTY DATA FOR THE CITY OF RED BLUFF'S PROPERTY TAX REPORTS

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

1. Hear Staff's presentation on 2008-2009 Property tax data for the City of Red Bluff.
2. Accept the Report on 2008-2009 Property Data for the City of Red Bluff's Property Tax Reports.

Ms. Van Warmerdam reported that this was the second year that the City Council had seen this information.

M/S/C Irving, Moyer to accept the report on 2008-2009 Property Data for the City of Red Bluff's Property Tax Reports.

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

NOES: Councilmember: None

ABSENT OR NOT VOTING: None

REPORT ON SALES TAX

Margaret Van Warmerdam, Finance Director, reviewed the staff report and gave staff's recommendation that the City Council accepts the Report on Sales Tax. She reported that the report showed that sales tax was down 2.1% from the same period in 2007.

M/S/C Brown, Irving to accept the Report on Sales Tax.

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

NOES: Councilmember: None

ABSENT OR NOT VOTING: None

FINANCE DEPARTMENT BRIEFING

Margaret Van Warmerdam, Finance Director, presented a power point presentation on the Finance Department and the duties performed within the department.

Information item, no action required.

2008 HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM OVER-THE-COUNTER FUNDING AWARD - \$800,000

Margaret Van Warmerdam, Finance Director, reviewed the staff report and gave staff's recommendation that the City Council accept the 2008 HOME Investment Partnerships (HOME) grant to the 2008-09 Final Budget.

Mayor Pro Tem Irving requested clarification on how it was decided to split the grant between the Home Buyers Assistance Program and Housing Rehabilitation Program.

Ms. Van Warmerdam stated that rehab is more beneficial to the City than the 1st time homeowner, but more laborious to manage.

Mayor Flynn requested clarification that the City loans the money out and when it's repaid the City can re-loan those funds.

Ms. Van Warmerdam stated that was correct.

Councilmember Brown questioned how the City solicited applicants for the funds.

Ms. Van Warmerdam stated that a flyer was mailed out with the utility bills and posted on the web.

M/S/C Irving, Moyer to accept the 2008 HOME Investment Partnerships (HOME) grant to the 2008-09 Final Budget.

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

NOES: Councilmember: None

ABSENT OR NOT VOTING: None

APPROVAL OF WARRANT LIST

Recommendation: That the City Council approve Check Warrant No. 61345 through 61703 dated October 1, 2008 through October 30, 2008.

M/S/C Moyer, Irving to approve Check Warrant No. 61345 through 61703 dated October 1, 2008 through October 30, 2008.

AYES: Councilmembers: Byrne, Flynn, Moyer and Irving

NOES: Councilmember: None

ABSENT OR NOT VOTING: Councilmember: Brown (abstained)

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

Reports by City Council Committee members on meetings held, City Council comments, staff updates of coming events and/or meetings.

City Manager Martin Nichols reported that this item had been added to the agenda so that departments can provide the Council with reminders of upcoming events. The City Council will also receive an event reminder memo weekly and one will be attached to their agenda.

Scot Timboe reminded the City Council of the Special Meeting on Monday, November 24th beginning at 6:00 p.m. at the Red Bluff Community/Senior Center.

There being no further business Mayor Flynn adjourned the meeting at 9:02 p.m. until the special meeting of November 24, 2008 at 6:00 p.m.

s/Forrest Flynn, Mayor

Attest:

s/Jo Anna Lopez, City Clerk