

**RED BLUFF
CITY COUNCIL
REGULAR COUNCIL MEETING**

Date of Meeting: Tuesday, July 21, 2009
Time of Meeting: 6:15 p.m. Closed Executive Session
7 p.m. Regular Session
Place of Meeting: Council Chambers
555 Washington Street
Red Bluff, CA 96080

Councilmember's Present:

Wayne Brown, Mayor
Jeff Moyer, Mayor Pro Tem
James Byrne
Forrest Flynn
Bob Carrel

Staff Present:

Martin Nichols, City Manager
Richard Crabtree, City Attorney
Margaret Van Warmerdam, Finance Director
Jo Anna Lopez, City Clerk
Paul Nanfito, Police Chief
Scot Timboe, Planning Director
Mark Barthel, Public Works Director
J.D. Ellison, Building Director
Debbie Carlisi, Parks and Recreation Director
Tessa Pritchard, Human Resources Director
Donna Gordy, City Treasurer
Mike Bachmeyer, Fire Chief

Mayor Brown Called the Meeting to order at 7 p.m.

Mark Barthel led the Pledge of Allegiance and the assembly joined in.

CLOSED EXECUTIVE SESSION:

1. PUBLIV EMPLOYEE PERFORMANCE REVIEW

Title: City Manager (Government Code Section 54957)

2. CONFERENCE WITH LEGAL COUNSEL – Government Code Section 54956.9

- a. POTENTIAL LITIGATION: ONE POTENTIAL CASE**
- b. PENDING LITIGATION: CASE NO. 61476 Red Bluff Citizens for Sensible Planning v. City of Red Bluff- Wal-Mart**
- c. PENDING LITIGATION: CASE NO. 58342 Citizens for a Healthy Community v. City of Red Bluff – Wal-Mart**

Mayor Brown reported that the City Council had given direction to staff.

CITIZEN'S COMMENT:

Roy Conklin asked the City Council to consider letting the Senior Citizen's have their monthly dance at the Community Center.

CONSENT CALENDAR:

M/S/C: Moyer and Flynn to approve Consent Agenda.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

1. TREASURER'S REPORT

Recommendation:

That the City Council accepts the report for the ninth month of Fiscal Year 2008.

5/0/0 Approved

2. REPORT REGARDING CONTRACT AWARDS – JUNE 2009

Recommendation:

That the City Council receives the Contract Awards for June 2009.

5/0/0 Approved

3. CHLORINE AND SODIUM BISULFITE BID AWARD

Recommendation:

That the City Council approve the purchase of Chlorine for the Wastewater Treatment Plant for a six month extension until December 2009 from Olin and approve the purchase of Sodium Bisulfite for the Wastewater Treatment plant for a six month extension until December 2009 from Brenntag Pacific.

5/0/0 Approved

4. SELECTION OF WASTEWATER SUPPLIES ON-CALL LIST

Recommendation:

That the City Council approve the nine vendors as an On-call list for the period of July 1, 2009 to June 30, 2010 for the Wastewater Department for Wastewater Treatment Plant materials and supplies per the City's Procurement Policy.

5/0/0 Approved

5. SELECTION OF WATER SUPPLIES ON-CALL LIST

Recommendation:

That the City Council approve the five vendors as an On-Call list for the Period of July 1, 2009 to June 30, 2010 for the Water Department for water system materials and supplies per the City's Procurement Policy.

5/0/0 Approved

6. WELL #11 REPAIRS – BID AWARDS

Recommendation:

That the City Council award the Well #11 Repair Project Bid to Commercial Pump & Mechanical in the amount of \$12,538.00 and authorize a contingency fund in the amount of \$2000 (15%) for any contingencies that may arise with this project.

5/0/0 Approved

CURRENT BUSINESS:

- 1. PUBLIC HEARING TO CONSIDER; APPEAL FOR PLANNING COMMISSION DECISION TO DENY REZONE NO. 212(ORD. 999) PER RBCC SECTION 25.22 & 25.23, AND INCLUDING CONSIDERATION OF APPROVAL FOR GENERAL PLAN AMMENDMENT 09-001 THRU 24; C-3 GENERAL COMMERCIAL; RED BLUFF FIRST CHURCH OF THE NAZARENE AND CHARLES WRIGHT(APPLICANTS)**

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

1. Conduct the public hearing.
2. Consider all public testimony and other information submitted relating to Ordinance No. 999; Rezone No. 212 and General Plan Update 09-001.
3. Consider taking one of the two actions noted below:
 - A. Adopt City Council Resolution No. 26-2009 (Attachment B) with the finding, Waive the First Reading and Introduce Ordinance No. 999(Rez No. 212) Rezoning of the Zoning Map(REZ-212) and City Council approving General Plan Land Use Map Amendment(GPA-09-001), or
 - B. Uphold the Planning Commission's decisions to Deny the Rezone 212(Ord. 999) and the City Council not approve the General Plan Amendment 09-001.

Mayor Brown opened the Public Hearing at 7:14 p.m.

Ron Watt, concerned citizen, feels the proposal is inappropriate, because of it being two different property owners. He is not in favor of the rezoning.

Greg Latourell, concerned citizen, stated that he was in favor of the church, but not in favor of business rezoning in his neighborhood.

Seth Lawrence, on the Board of First Church of the Nazarene, stated that the church owns two parcels, would like to build a church on one and sell the other parcel. He stated that he was in favor of the Commercial Zoning.

Charlie Wright, property owner, encouraged the City Council to support the rezone.

Calvin Clement, owner of the adjoining property, spoke in favor of the City Council approving the rezoning.

Mayor Brown closed the Public Hearing at 7:28p.m. and brought it back to the Council for further discussion.

Councilmember Carrel stated that he was concerned with traffic coming off Walton Street on to Main Street and questioned if having a commercial business there would cause more traffic.

Scot Timboe, Planning Director, stated that the traffic would not be at full capacity.

Greg Latourell stated that he would like to know what the cost was for replacing a railroad crossing.

Mr. Timboe stated that 1 for 1 exchange for railroad crossing can be done as long as there is no increase on the railroad.

M/S/C Moyer, Byrne to adopt Resolution 26-2009 with the findings, waive the first reading and introduce Ordinance No. 999 (Rez No. 212) Rezoning of the Zoning Map (REZ-212) and City Council approving General Plan Land Use Map Amendment (GPA-09-001).

AYES: Councilmembers Moyer, Carrel, Byrne and Brown

NOES: Councilmember Flynn

ABSENT OR NOT VOTING: NONE

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Mayor Brown called a recess at 7:50 p.m.

Mayor Brown called the meeting back to order at 7:55p.m.

2. MEADOW BROOK ESTATES – PERMANENT ROAD DIVISION FEES

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

1. Direct City Staff to not levy the Permanent Road Division Fees on the Parcels in Meadow Brook Estates.
2. That the City accepts the roads in the Meadow Brook Estates subdivision into the City Road System.

Councilmember Carrel asked if there is any way to give back some of the money already collected

Mr. Nichols stated that the amount paid was based on the engineers report. Staff could not find any legal authority to give the money back, so the money would be held in a City fund and used for future repair of these roads.

M/S/C Flynn, Moyer to direct staff to not levy the Permanent Road Division Fees on the Parcels in Meadow Brook Estates.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

M/S/C Flynn, Moyer to accept the roads in the Meadow Brook Estates Subdivision into the City Road System.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

3. PROPOSED RESOLUTION NO. 27-2009; A PROPOSED RESOLUTION TO AUTHORIZE CITY STAFF TO MOVE FORWARD IN THE APPLICATION PROCESS TO OBTAIN FUNDS FROM THE “ENERGY EFFICIENCY CONSERVATION BLOCK GRANT PROGRAM” (EECBG) “AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009”; A FEDERAL AND STATE GRANT

J.D. Ellison, Building Official/Director, reviewed the staff report and gave staff’s recommendation that the City Council adopt Resolution No. 27-2009 authorizing City Staff to move forward with the application process for an “EECBG” Grant for a heating, ventilation and air conditioning unit (HVAC) for City Hall.

Mayor Pro Tem Moyer asked if \$20,000 goes to PG&E to pay them.

Mr. Ellison stated no, they will approve \$20,000 for the assessment and PG&E will do it for less. There is no out of pocket money and it is first come first serve.

M/S/C Moyer, Carrel to adopt Resolution No. 27-2009 authorizing City Staff to move forward with the application process for an “EECBG” Grant for a heating, ventilation and air conditioning unit (HVAC) for City Hall.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

4. SELECTION OF CONSULTANT FOR CDBG AND HOME HOUSING RELATED PROGRAMS

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

1. Receive a short PowerPoint of several Rehabilitation and First-Time Buyer under HOME and CDBG Program

And

2. That the City Council authorize the City Manager to finalize the contract for Professional Services – Community Development Block Grant (CDBG) and HOME Housing Related Programs with California Engineering Company, Inc for 2008 HOME Award and Revolving Loans.

M/S/C Moyer, Byrne to authorize the City Manager to finalize the contract for Professional Services – Community Development Block Grant (CDBG) and HOME Housing Related Programs with California Engineering Company, Inc for 2008 HOME Award and Revolving Loans.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

5. SELECTION OF CONSULTANT FOR LONG TERM MULTI-FAMILY LOW TO MODERATE HOUSING LOANS

Margaret Van Warmerdam, Finance Director reviewed staff report and gave staff's recommendation that the City Council authorize the City Manager to finalize the contract for Professional Services – HOME Housing Programs with Roy Hasting & Associates, LLC for the Long – Term Monitoring of Multi-Family Low to Moderate Housing Loans.

Councilmember Byrne inquired about the City being liable for someone else not doing the right thing with the money.

Ms. Van Warmerdam stated that if you chose to build a project that is not properly funded you can run into that problem, but she would ask that we use the same gentleman so that we don't run into that problem again.

Mayor Brown inquired on how the contracts are run.

Ms. Van Warmerdam stated usually they run year to year.

M/S/C Flynn, Moyer to authorize the City Manager to finalize the contract for Professional Services – HOME Housing Programs with Roy Hasting & Associates, LLC for the Long – Term Monitoring of Multi-Family Low to Moderate Housing Loans.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

6. SALVATION ARMY ASSISTANCE FOR DELINQUENT WATER BILLS

Margaret Van Warmerdam, Finance Director reviewed the informational staff report.

M/S/C Flynn, Moyer to have the Mayor write a letter of thanks to the Salvation Army.

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

7. UPDATE TO UTILITY DEPOSIT POLICY

Margaret Van Warmerdam, Finance Director, reviewed the staff report and gave staff's recommendation that the City Council approve the Update to the Utility Deposit Policy (AP & P 18-17).

M/S/C Moyer, Carrel to approve the Update to the Utility Deposit Policy (AP&P 18-17).

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

NOES: NONE

ABSENT OR NOT VOTING: NONE

8. APPROVAL OF WARRANT LIST

Recommendation:

That the City Council approves Check Warrant No. 63506 through 63817 dated June 4, 2009 through June 30, 2009.

M/S/C Flynn, Moyer to approve Check Warrant No. 63506 through 63817 dated June 4, 2009 through June 30, 2009.

AYES: Councilmembers Flynn, Moyer, Byrne and Carrel

NOES: NONE

ABSENT OR NOT VOTING: Councilmember Brown (abstained)

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

Mayor Brown thanked Parks and Recreation Director Debbie Carlisi for all her hard work on the Blues by the Pool event and that it was very well done.

There being no further business Mayor Brown adjourned the meeting at 8:33 p.m. until the meeting of August 4, 2009 at 7:00 p.m.

s/Wayne Brown, Mayor

ATTEST:

s/Jo Anna Lopez, City Clerk