

City Council, Regular Meeting  
Civic Center Council Chambers  
777 Cypress Avenue  
Redding, California  
July 3, 2007 7:00 p.m.

The Pledge of Allegiance to the Flag was led by Council Member Jones.

The Invocation was offered by Police Chaplain Cyndee Thomas

The meeting was called to order by Mayor Dickerson with the following Council Members present: Bosetti, Jones, Murray, Stegall, and Dickerson.

Also present were City Manager Starman, Assistant City Manager Bachman, City Attorney Duvernay, Development Services Director Hamilton, Transportation and Engineering Director Tippin, Assistant City Attorney Frediani, Senior Planner Manuel, Engineering Project Coordinator Aukland City Clerk Strohmayer, Assistant City Clerk Sherman, and Executive Assistant Stribley.

PUBLIC COMMENT

(P-150-150)

Rose Merlot, Redding resident, expressed concern regarding pedophiles in the Redding area accosting young girls, and reported that she had witnessed such an event in the Parkview Neighborhood. She urged increased efforts by the Redding Police Department to eliminate that element in the City.



CONSENT CALENDAR

The following matters were considered inclusively under the Consent Calendar:

Approval of Payroll and Accounts Payable Registers

(A-050-100-500)

It is recommended that Accounts Payable Register No. 24, check numbers 852690 through 853190 inclusive, in the amount of \$14,204,141.47, for the period of June 18, 2007, through June 29, 2007; and Payroll Register No. 25 electronic deposit transaction numbers 208059 through 208942 and check numbers 536180 through 536346 inclusive, in the amount of \$2,387,874.29, for the period of May 20, 2007, through June 2, 2007, be approved.  
TOTAL: \$ 16,592,015.76

Treasurer's Report - May 2007

(A-050-100-600)

Total Treasurer's Accountability	-	\$158,866,297.63
 Total City of Redding Funds, Funds Held in Trust, and Funds of Related Entities	 -	 \$285,971,355.48

ACR133 Report and Cash Reconciliation

(F-205-095-650)

It is the recommendation of the Assistant City Manager that the ACR133 Report and the Proof of Cash Reconciliation for May 2007 be accepted.

Ordinance - Amending Redding Municipal Code Chapter 18.42-Signs to provide temporary street banners in the public right-of-way  
(L-010-500-050)

It is the recommendation of the Development Services Director that Ordinance No. 2388 be adopted, an ordinance of the City Council of the City of Redding amending Redding Municipal Code Chapter 18.42 (Signs) deleting Subsection 18.42.070.I (Exempted Signs) and adding Subsection 18.42.040.T (Standards for certain types of signs) relating to temporary street banners.

Ordinance - Approving Rezoning Application RZ-11-03, Westridge Master Plan  
(L-010-230)

It is the recommendation of the Development Services Director that Ordinance No. 2389 be adopted, an ordinance of the City Council of the City of Redding, amending Redding Municipal Code Section 18.01.050 (Zoning Map) by approving Rezoning Application RZ-11-03, rezoning and prezoning property identified as the Westridge Master Plan and

Annexation Area site generally located northeast of Power Line Road, east of Placer Road, and west of Canyon Creek Road terminus at Blazingwood Drive rezoning from "RS-2" and "RS-3" Residential Single Family District to "RS-3" Residential Single Family District and "OS" Open Space District and rezoning to "RE-1" Residential Estate District, "RS-3" Residential Single Family District, and "OS" Open Space District.

Council Member Jones advised he will vote no on this item because he did not feel the developer made a good faith effort to acquire the sewer easement right-of-way prior to certification of the Environmental Impact Report.

The Vote:

AYES: Council Members - Bosetti, Murray, Stegall, and Dickerson  
 NOES: Council Members - Jones  
 ABSTAIN: Council Members - None  
 ABSENT: Council Members - None

Ordinance - Approving Rezoning Application RZ-12-06, Lakeridge Cottages (L-010-230)

It is the recommendation of the Development Services Director that Ordinance No. 2390 be adopted, an ordinance of the City Council of the City of Redding amending Redding Municipal Code Title 18, rezoning property generally located at the end of Campers Court from "GC" General Commercial District to "RM-9-PD" Residential Multiple Family District with Planned Development District Overlay, excepting the property west of the Lakeridge Cottages project site, located at 11106 Campers Court, southwest of the Interstate 5/Lake Boulevard/State Route 299 Interchange, by Thomas Martin & Associates.

Council Member Bosetti advised he will no on this item because of the loss of greenway.

The Vote:

AYES: Council Members - Jones, Murray, Stegall, and Dickerson  
 NOES: Council Members - Bosetti  
 ABSTAIN: Council Members - None  
 ABSENT: Council Members - None

Funding Agreement - Economic Development Corporation of Shasta County (B-130-030-045)

It is the recommendation of the City Manager that the City Council approve the 2007-08 Funding Agreement with the Economic Development Corporation of Shasta County (EDC) in the amount of \$140,000 annually.

Resolution - Amending the Employment and Benefit Policies for Unrepresented Employees re Education Incentives for Fire Management Employees (P-100-050-100)

It is the recommendation of the City Manager that Resolution No. 2007-128 be adopted, a resolution of the City Council of the City of Redding amending the Employment and Benefit Policies for Unrepresented Employees relative to education incentives for Fire Management employees. Effective July 1, 2007, current Fire Management employees will receive 2.5% for either a California State Fire Marshal (CSFM) Chief Officer Certification, Associate of Arts or Science Degree or 60 college units, an additional 2.5% for either a Bachelor of Arts or Science Degree or 120 college units, and an additional 2.5% for either a Master of Arts or Science Degree or a National Fire Academy (NFA) Executive Fire Officer Certification, and for those who become Fire Management employees after July 1, 2007, a 2.5% incentive for CSFM Chief Officer, an additional 2.5% for Bachelor of Arts or Science Degree, and an additional 2.5% for either a Master of Arts or Science Degree or NFA Fire Officer Certification, providing up to a 7.5% salary increase dependent upon total education incentives.

Amendment and Assignment of License Agreement - Northern Valley Catholic Social Services (NVCSS) to David Baker (A-070-080 & C-050-025)

It is the recommendation of the Support Services Director that the City Council approve an Amendment and Assignment of License Agreement with Northern Valley Catholic Social Services (NVCSS) to David Baker to provide food and beverage service at City Hall, and authorize the purchase of furnishings and equipment from NVCSS by the City in the amount of \$8,000.

Monthly Financial Report - Electric Utility  
(B-130-070)

It is the recommendation of the Electric Utility Director that the City Council approve the Electric Utility's Monthly Financial Report for May 2007. Retail power sales revenue was \$528,308 (0.8%) above projections and wholesale power sales through May totaled \$26,291,376 or 119.6% above projections. Operating revenue after energy costs was \$1,348,421 or 5.6% above expectations. The total cost of energy through May 2007 was \$26,465,261 or 38.6% above projections. The Utility's net operating results through May is \$3,331,137 above projections.

Purchase Agreement - Siemens Demag Delaval Turbomachinery, Inc., for a new Combustor (combustion chamber) for Generating Unit #5  
(E-120-150-500)

It is the recommendation of the Electric Utility Director that the City Council authorize the City Manager to execute a Purchase Agreement with Siemens Demag Delaval Turbomachinery, Inc. to provide a new combustor (combustion chamber) for Generating Unit #5 at the Redding Power Plant in the amount of \$1,913,163.

Grant - California Wildlife Conservation Board; and  
Resolution - Appropriating funds for Lake Redding Boat Ramp Improvements  
(G-100-170/^B-130-070/P-050-650)

It is the recommendation of the Community Services Director that the City Council accept a grant from the California Wildlife Conservation Board in the amount of \$326,000 to provide improvements to the Lake Redding Boat Ramp.

It is further recommended that Resolution No. 2007-129 be adopted, a resolution of the City Council of the City of Redding, approving and adopting the 84<sup>th</sup> amendment to City Budget Resolution No. 2005-77 appropriating \$326,000 for same for fiscal year 2007-08.

First Amendment to Funding Agreement - Shasta Regional Soccer Association  
(P-050-600-200/B-130-030/P-050-690)

It is the recommendation of the Community Services Director that the City Council approve the First Amendment to the Funding Agreement with Shasta Regional Soccer Association to provide \$150,000 for procurement of fixtures, furnishings and equipment for the Redding Soccer Park utilizing remaining contingency funds and administration and inspection funds for the now completed Redding Soccer Park Project.

Resolution - Proclaiming August 7, 2007, as "National Night Out" in support of Police Community Partnerships  
(A-050-060-600 & P-150-150)

It is the recommendation of the Police Chief that Resolution No. 2007-130 be adopted, a resolution of the City Council of the City of Redding proclaiming August 7, 2007, as "National Night Out" in support of Police/community partnerships.

Monthly Financial Report - General Fund  
(B-130-070)

It is the recommendation of the Assistant City Manager that the City Council accept the General Fund's Monthly Financial Report May 2007. Total revenue at the end of May is \$63.6 million or \$963,438 (1.5%) above staff's cash flow projection. Expenditures at month end, excluding encumbrances, total \$62,151,241 or \$4,750,828 (7.2%) below staff's original projection. Encumbrances total \$1,852,634.

Set Public Hearing - Consider amending the Schedule of Fees and Service Charges  
(F-205-600)

It is the recommendation of the Assistant City Manager that the City Council set a public hearing for August 7, 2007, to consider adjustments to the City's Schedule of Fees and Service Charges, as the annual review pursuant to City Council Policy No. 802.

Notice of Completion - Bid Schedule No. 3855, State Route 44/Airport Road Ramp Signal  
(B-050-020 & T-080-700)

It is the recommendation of the Transportation and Engineering Director that Bid Schedule No. 3855 (Job No. 2254), State Route 44/Airport Road Ramp Signal awarded to Bobby Martin Construction, Inc. be accepted as satisfactorily completed and the City Clerk be authorized to file a Notice of Completion with the Shasta County Recorder. The final cost was \$439,428.85.

Award of Bid - Bid Schedule No. 4039, Two (2) Ten-wheel Dump Trucks  
(B-050-100 & A-050-300-250)

It is the recommendation of the Transportation and Engineering Director that Bid Schedule No. 4039 (Job No. 9257-59), Two (2) Ten-wheel Dump Trucks for the Streets Division be awarded to Redding Kenworth Company in the amount of \$287,608.04, delivered.

Facilities and Ground Lease Agreement and Permit for Commercial Activities - REACH Air Medical Services at Redding Municipal Airport  
(C-070-100 & A-090-100)

It is the recommendation of the Transportation and Engineering Director that the City Council approve the Facilities and Ground Lease Agreement and the Permit for Commercial Activities with REACH Air Medical Services to provide air ambulance service at the Redding Municipal Airport in the amount of \$2,241 per month (with an annual 3% increase) for a term of five years, July 5, 2007, to July 4, 2012, with one five-year extension option.

Hangar and Ground Lease Agreement and Permit for Commercial Activities- Redding Air Service, Inc., at Redding Municipal Airport  
(C-070-100 & A-090-100)

It is the recommendation of the Transportation and Engineering Director that the City Council approve the Hangar and Ground Lease Agreement and Permit for Commercial Activities with Redding Air Service, Inc. to conduct fixed base operations and construct a hangar at the Redding Municipal Airport in the amount of \$1,796 per month (with an annual increase of 4%) for a term of 30 years commencing July 5, 2007, at the end of 30 years, the newly-constructed hangar will revert to City ownership.

Authorization of Services #07-01 - Mead & Hunt, Inc.  
(A-090-100)

It is the recommendation of the Transportation and Engineering Director that the City Council approve the Authorization of Services #07-01 with Mead & Hunt, Inc. to provide engineering services for the westside taxilane, Municipal Boulevard extension, t-hangar taxilane projects, and construction engineering services for reconstruction of Taxiways A and B at Redding Municipal Airport in the amount of \$44,000 for all projects except the construction engineering services which will be on an as-needed basis in an amount not-to-exceed \$170,500.

Loan Application - California Division of Aeronautics, for t-hangar at Redding Municipal Airport;

Authorization of Service #07-02 - Mead & Hunt, Inc., engineering and design services; and

Resolution - Appropriating loan proceeds for same

(G-100-170-200/^B-130-070/A-090-100)

It is the recommendation of the Transportation and Engineering Director that the City Manager be authorized to submit a revenue-generating loan application to the California Division of Aeronautics in the amount not-to-exceed \$754,100 to construct an 11-unit nested t-hangar at Redding Municipal Airport.

It is further recommended that Authorization of Service #07-02 with Mead & Hunt, Inc. be approved to provide engineering services for design of the 11-unit t-hangar project in the amount of \$31,000.

It is further recommended that Resolution No. 2007-131 be adopted, a resolution of the City Council of the City of Redding approving and adopting the 2<sup>nd</sup> amendment to City Budget Resolution No. 2007-127 appropriating \$754,100 for the t-hangar project and engineering services for fiscal year 2007-08.

Award of Bid - Bid Schedule No. 4005, Sewer Lines Sealing for 2007  
(B-050-020 & W-020-575)

It is the recommendation of the Transportation and Engineering Director that Bid Schedule No. 4005 (Job No. 2289), Sewer Lines Sealing for 2007 be awarded to Pacific Liners in the amount of \$395,373.60, and that an additional \$40,000 be approved for administration and inspection fees, and an additional \$35,000 be approved to provide a construction contingency fund for a total amount of \$470,373.60.

Notice of Completion -Bid Schedule No. 3929, Aircraft Rescue Fire Fighting (ARFF) Facility, Station No. 7, at Redding Municipal Airport (B-050-020/C-050-275-070/A-090-100)

It is the recommendation of the Transportation and Engineering Director that Bid Schedule No. 3929 (Job No. 9297), Aircraft Rescue Fire Fighting (ARFF) Facility, Station No. 7, at Redding Municipal Airport, awarded to Gifford Construction be accepted as satisfactorily completed and the City Clerk be authorized to file a Notice of Completion. The final cost was \$2,958,902.

Award of Bid - Bid Schedule No. 4034, two (2) rear-load truck chassis with rear-loading packer bodies (B-050-100 & S-020-100)

It is the recommendation of the Transportation and Engineering Director that Bid Schedule No. 4034, two (2) rear-load truck chassis with rear-loading packer bodies be awarded to Western Truck Parts and Equipment in the amount of \$392,273.31, and declaring a 1987 White Model WX64 Truck Chassis and 1984 White Model Expediter Truck Chassis as surplus and authorize the sale with proceeds to be deposited in the Solid Waste Utility’s Equipment Replacement Fund.

**MOTION:** Made by Council Member Murray, seconded by Council Member Stegall, that all the foregoing items on the Consent Calendar be approved and adopted as recommended with the exception of the items approved by separate vote as indicated above. The Vote:

- AYES: Council Members - Bosetti, Jones, Murray, Stegall, and Dickerson
- NOES: Council Members - None
- ABSTAIN: Council Members - None
- ABSENT: Council Members - None

Ordinance Nos. 2388, 2389, and 2390 and Resolution Nos. 2007-128, 2007-129, 2007-130, and 2007-131 are on file in the Office of the City Clerk.



PUBLIC HEARING - Landscape Maintenance Districts for Fiscal Year 2007-08, re Landscape Maintenance Districts A, B, C, D, E, F, G, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, 01-06, 02-06, 03-06, 04-06, 05-06, and 06-06

RESOLUTIONS - Ordering and/or staying the levy and collection for Fiscal Year 2007-08 (A-170-075-050, ^051, 052, 053, 054, 055, 056, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078)

The hour of 7:00 p.m. having arrived, Mayor Dickerson opened the public hearing regarding the assessments for Landscape Maintenance Districts (LMD) A, B, C, D, E, F, G, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, 01-06, 02-06, 03-06, 04-06, 05-06, and 06-06, including the levy or staying the levy and collection for fiscal year 2007-08 .

The following documents are on file in the Office of the City Clerk:

- Affidavit of Publication - Notice of Public Hearing
- Affidavit of Mailing - Notice of Public Hearing

City Clerk Strohmayer advised that no protests were received.

Transportation and Engineering Director Tippin provided highlights of the Report to City Council dated June 21, 2007, incorporated herein by reference, relating that the landscape assessments affect a total of 5,035 parcels. He advised that LMDs “A” and “B” have no escalation clause and have remained unchanged since fiscal year 1997-98, and that LMDs “C”, “J”, and 02-06 assessments are reduced due to an existing account balance, and LMDs “D”, “E”, “F”, “G”, “J”, “K”, “L”, “M”, “N”, “O”, “P”, “Q”, “R”, “S”, “T”, “U”, “V”, “W”, 01-06, 02-06, 03-06, 04-06, 05-06, and 06-06 are increased by an annual inflation adjustment. He stated that because the landscaping has not yet been accepted by the City, LMDs “K”, “Q”, “U”, “W”, 01-06, 03-06, and 05-06 will be maintained by the developer until such acceptance, and that the order for levy will be stayed for fiscal year 2007-08.

Mr. Tippin recommended that resolutions be adopted confirming the maps in the Engineer’s Reports for the LMDs and ordering levy and collection of the assessments for the LMDs as set forth above, and staying the levy as set forth above pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

Mayor Dickerson determined that no one present wished to address this matter and closed the public hearing.

Mayor Dickerson advised he would abstain from voting on the matter since his residence was located within one of the assessment districts.

**MOTION:** Made by Council Member Stegall, seconded by Council Member Jones, adopting:

**Resolution No. 2007-132**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “A” contained in the Engineer’s Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$29.46 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-133**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “B” contained in the Engineer’s Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$71.00 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-134**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “C” contained in the Engineer’s Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$6.58 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code);

**Resolution No. 2007-135**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “D”, the Vistas, contained in the Engineer’s Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$648.12 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-136**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “E”, Blue Shield, contained in the Engineer’s Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$6,942.44 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-137**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “F”, Placer Pines, contained in the Engineer’s Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$149.64 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-138**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “G”, Quail Run, contained in the Engineer’s Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$282.72 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-139**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “J”, Sunset Avenues Units 1 and 2, contained in the Engineer’s Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$446.14 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-140**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “L”, Terra Vista Estates, contained in the Engineer’s Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$372.94 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-141**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “M”, Parkview Neighborhood, contained in the Engineer's Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$255.12 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-142**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “N”, The Villages at Shasta View Gardens, contained in the Engineer's Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$49.72 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-143**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “O”, Nicolet Estates, contained in the Engineer's Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$868.02 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-144**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “P”, Mill Pond Estates, contained in the Engineer's Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$538.90 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-145**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “R”, Cerro Vista, contained in the Engineer's Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$265.64 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-146**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “S”, Fleur Du Lac Unit 1, contained in the Engineer's Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$173.66 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-147**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “T”, Redwood Meadows, contained in the Engineer's Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$724.78 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-148**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District “V”, Lakeside Avenues, contained in the Engineer's Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$492.56 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-149**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District 02-06, Galaxy Way, contained in the Engineer's Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$338.62 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-150**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District 04-06, Rivercrest Estates, contained in the Engineer's Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$313.26 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-151**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District 06-06, Lowes HIW, contained in the Engineer's Report, and ordering the levy and collection of annual assessments for fiscal year 2007-08 in the amount of \$17,384.44 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code).

**Resolution No. 2007-152**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District "K", Nob Hill, contained in the Engineer's Report, and approving the annual assessments for fiscal year 2007-08 in the amount of \$244.70 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code) and staying the levy of same for fiscal year 2007-08.

**Resolution No. 2007-153**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District "Q", Clover Acres Unit 1 and 2, contained in the Engineer's Report, and approving the annual assessments for fiscal year 2007-08 in the amount of \$188.70 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code) and staying the levy of same for fiscal year 2007-08.

**Resolution No. 2007-154**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District "U", Bel Air Estates, contained in the Engineer's Report, and approving the annual assessments for fiscal year 2007-08 in the amount of \$96.12 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code) and staying the levy of same for fiscal year 2007-08.

**Resolution No. 2007-155**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District "W", Crown Meadows Estates Unit 2, contained in the Engineer's Report, and approving the annual assessments for fiscal year 2007-08 in the amount of \$120.74 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code) and staying the levy of same for fiscal year 2007-08.

**Resolution No. 2007-156**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District 01-06, Tarmac Ridge Villas, contained in the Engineer's Report, and approving the annual assessments for fiscal year 2007-08 in the amount of \$205.12 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code) and staying the levy of same for fiscal year 2007-08.

**Resolution No. 2007-157**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District 03-06, Hope Lane, contained in the Engineer's Report, and approving the annual assessments for fiscal year 2007-08 in the amount of \$369.32 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code) and staying the levy of same for fiscal year 2007-08.

**Resolution No. 2007-158**, a resolution of the City Council of the City of Redding confirming the maps of Landscape Maintenance District 05-06, Monopoly Estates, contained in the Engineer's Report, and approving the annual assessments for fiscal year 2007-08 in the amount of \$681.80 pursuant to the Landscaping and Lighting Act of 1972 (commencing with Section 22500 of the Streets and Highways Code) and staying the levy of same for fiscal year 2007-08. The Vote:

AYES: Council Members: Murray, Pohlmeier, Stegall, and Mathena  
 NOES: Council Members: None  
 ABSTAIN: Council Members: Dickerson  
 ABSENT: Council Members: None

Resolution Nos. 2007-132, 2007-133, 2007-134, 2007-135, 2007-136, 2007-137, 2007-138, 2007-139, 2007-140, 2007-141, 2007-142, 2007-143, 2007-144, 2007-145, 2007-146, 2007-147, 2007-148, 2007-149, 2007-150, 2007-151, 2007-152, 2007-153, 2007-154, 2007-155, 2007-156, 2007-157, and 2007-158 are on file in the Office of the City Clerk.

PUBLIC HEARING - Negative Declaration and Tentative Subdivision Map S-2-06 for the Lowden Lane Subdivision

ORDINANCE - Planned Development Plan PD-1-06 and Rezoning Application RZ-2-06 (S-101-110/L-010-211-027/L-010-230)

Council Member Murray stated he would recuse himself from the discussion and voting on this matter because of the potential for a conflict of interest.

The hour of 7:00 p.m. having arrived, Mayor Dickerson opened the public hearing regarding consideration of the Negative Declaration prepared for the Lowden Lane Subdivision, Tentative Subdivision Map S-2-06, Planned Development Plan PD-1-06, and Rezoning Application RZ-2-06, located at 2953 and 3011 Lowden Lane off Parsons Drive, by Sameer Kaul.

The following documents are on file in the Office of the City Clerk:

Affidavit of Publication - Notice of Public Hearing

Affidavit of Mailing - Notice of Public Hearing

City Clerk Strohmayer advised that no protests were received.

Development Services Director Hamilton related that the Lowden Lane Subdivision would create 29 small-lot, single-family units on approximately 4.3 acres which will include attached and detached models. The homes will be clustered in groups of five and eight units, with shared access from a central “motor court” driveway. There will be common areas and trails that connect to Hartnell Avenue with a property owners’ association formed to address ownership and maintenance needs. He stated that the rezoning and planned development applications propose to rezone the property from “RM-10” Residential Multiple Family District to “RM-10-PD” Residential Multiple Family District with Planned Development Overlay District in order to configure lot sizes.

Mr. Hamilton explained that certain findings must be made for the Subdivision that the:

1. Negative Declaration reflects the independent judgment and analysis of the City;
2. Project is compatible with the Redding General Plan;
3. Project will not significantly alter existing land form;
4. Project is compatible with surrounding land use;
5. Project site is adequate in size and shape and has adequate access;
6. Project has adequate public services and carries out the intent of the Planned Development provisions;
7. Project is compatible with the Code of the City, and with the approved Negative Declaration authorized by the Development Services Department.

Mr. Hamilton recommended that the City Council adopt the Negative Declaration prepared for the Lowden Lane Subdivision, approve Tentative Subdivision Map S-2-06, Planned Development Application PD-1-06, and Rezoning Application RZ-2-06, and offer an ordinance for first reading amending Redding Municipal Code Title 18 Zoning Map.

Tim MacLean, with Sharrah Dunlap Sawyer, representing the applicant, urged approval of the Project.

Mayor Dickerson determined that no other individual wished to address this matter and closed the public hearing.

**MOTION:** Made by Council Member Bosetti, seconded by Council Member Stegall, making findings and adopting the Negative Declaration prepared for the Lowden Lane Subdivision located at 2953 and 3011 Lowden Lane off Parsons Drive, by Sameer Kaul, and approving the Tentative Subdivision Map S-2-06, Planned Development Plan PD-1-06, and Rezoning Application RZ-2-06. The Vote:

AYES: Council Members - Bosetti, Jones, Stegall, and Dickerson

NOES: Council Members - None

ABSTAIN: Council Members - Murray

ABSENT: Council Members - None

Council Member Bosetti offered Ordinance 2391 for first reading, an ordinance of the City Council of the City of Redding amending Redding Municipal Code Chapter 18.01-Zoning Map, by approving Rezoning Application RZ-2-06 and Planned Development Plan PD-1-06 rezoning 4.3 acres of the Lowden Lane Subdivision from “RM-10” Residential Multiple Family District to “RM-10-PD” Residential Multiple Family District with Planned Development Overlay District.

**MOTION:** Made by Council Member Bosetti, seconded by Council Member Stegall, that the full reading of Ordinance 2391 be waived, and that the City Attorney be instructed to read the full title. The Vote: Unanimous Ayes

PUBLIC HEARING - Samaire Glen Subdivision and Planned Development, Tentative Subdivision Map Application S-16-06

ORDINANCE - Planned Development Plan PD-8-06, and Rezoning Application RZ-13-06 (S-101-222/L-010-211-034/L-010-230)

The hour of 7:00 p.m. having arrived, Mayor Dickerson opened the public hearing regarding Samaire Glen Subdivision and Planned Development located at 2947 and 2951 Leland Avenue and 2652 Sharon Avenue by J. P. Semingson Architects, and includes Tentative Map Application S-16-06, Planned Development Plan PD-8-06, and Rezoning Application RZ-13-06.

The following documents are on file in the Office of the City Clerk:

Affidavit of Publication - Notice of Public Hearing  
Affidavit of Mailing - Notice of Public Hearing

City Clerk Strohmayer advised that no protests were received.

Development Services Director Hamilton related that the Samaire Glen Subdivision and Planned Development will construct 30 small-lot, single-family units for seniors age 55 and older on approximately five acres located in the Parkview Neighborhood.. Landscaping will be maintained by a required homeowners’ association. He stated that the only issue was a proposed trail along the Anderson-Cottonwood Irrigation Ditch (ACID), and after several meetings, the trail was eliminated from the area along the canal. He stated that to provide functionality in design, the rezoning would allow planned development overlay by changing the zoning from “RM-9” Residential Multiple Family District to “RM-9-PD” Residential Multiple Family District with Planned Development Overlay District.

Mr. Hamilton advised that certain findings must be made relative to the Tentative Subdivision Map, the Planned Development, and the Rezoning Application. He added that the Project qualifies for a categorical exemption under California Environmental Quality Act (CEQA) Guidelines Section 15332, Class 32-In-Fill Development Projects. The necessary findings are as follows:

1. Project is compatible with the Redding General Plan;
2. Project will not significantly alter existing land form;
3. Project is compatible with surrounding land use;
4. Project site is adequate in size and shape and has adequate access;
5. Project has adequate public services and carries out the intent of the Planned Development provisions;
6. Project is compatible with the Code of the City

Mr. Hamilton recommended that the City Council determine that the Project qualifies for a CEQA Categorical Exemption, approve the Tentative Subdivision Map Application S-16-06, Planned Development Plan PD-8-06, Rezoning Application RZ-13-06, and that an ordinance be offered for first reading and waive the full reading.

Council Member Murray suggested that a condition be added to have the City held harmless should the ACID canal breach its banks or otherwise fail in some manner. He remarked that construction in the area could have some detrimental effect on the canal and the City cannot be held responsible based on approval of the Project.

City Attorney Duvernay advised that a condition could be added to the Conditions of Approval and/or be included in the Conditions, Covenants, and Restrictions (CC&Rs) for the Project that the City shall be held harmless against such liability.

Tim MacLean, with Sharrah Dunlap Sawyer, representing the applicant, urged approval of the Project.

Mayor Dickerson determined that no other individual wished to address this matter and closed the public hearing.

**MOTION:** Made by Council Member Murray, seconded by Council Member Jones, making findings and determining that the Samaire Glen Subdivision and Planned Development located at 2947 and 2951 Leland Avenue and 2652 Sharon Avenue by J. P. Semingson Architects qualifies for a Categorical Exemption under California Environmental Quality Act (CEQA) Guidelines Section 15332, Class 32-In-Fill Development Projects, and approving the Tentative Subdivision Map S-16-06 with the associated Conditions of Approval, adding a condition that the City be held harmless from liability in the event of a malfunction or rupture of the Anderson-Cottonwood Irrigation Ditch (ACID) canal, approving Planned Development Plan PD-8-06 and Rezoning Application RZ-13-06.

The Vote: Unanimous Ayes

Council Member Murray offered Ordinance 2392 for first reading, an ordinance of the City Council of the City of Redding amending Redding Municipal Code Chapter 18.01-Zoning Map, by approving Rezoning Application RZ-16-06 and Plan Development Plan PD-8-06 rezoning approximately 5 acres of the Samaire Glen Subdivision from "RM-9" Residential Multiple Family District to "RM-9-PD" Residential Multiple Family District with Planned Development Overlay District.

**MOTION:** Made by Council Member Murray, seconded by Council Member Jones, that the full reading of Ordinance 2392 be waived, and that the City Attorney be instructed to read the full title. The Vote: Unanimous Ayes

PUBLIC HEARING - The Springs at Redding Planned Development

RESOLUTION - General Plan Amendment GPA-10-06

ORDINANCE - Rezoning Application RZ-15-06 and Planned Development Plan PD-9-06 (L-010-211-035/G-030-010/L-010-230)

The hour of 7:00 p.m. having arrived, Mayor Dickerson opened the public hearing regarding The Springs at Redding Planned Development located at 7 and 28 Hilltop Drive and 5 Canada Drive, by Willow Creek Management Company, and consideration of General Plan Amendment GPA-10-06, Rezoning Application RZ-15-06 and Planned Development Plan PD-9-06.

The following documents are on file in the Office of the City Clerk:

Affidavit of Publication - Notice of Public Hearing

Affidavit of Mailing - Notice of Public Hearing

City Clerk Strohmayer advised that no protests were received.

Development Services Director Hamilton stated that the Project proposes to construct a three-story building, for seniors 55 years and older, that would provide 77 rooms for independent living, 87 rooms for assisted living, and 34 rooms for memory care. Additionally, there will be 31 townhouse-style one- and two- story units for a more fully independent living arrangement. He pointed out the amenities of the ten-acre site and noted that the traffic patterns and addition of a mid-street crosswalk will save steps for those wishing to walk to commercial areas. He stated that this area would be eligible for Traffic Impact Fee (TIF) funds.

Mr. Hamilton explained that certain findings must be made for the Project and those are that the:

1. Mitigated Negative Declaration reflects the independent judgment and analysis of the City
2. Project is compatible with the Redding General Plan;

3. Project will not significantly alter existing land form;
4. Project is compatible with surrounding land use;
5. Project site is adequate in size and shape and has adequate access;
6. Project has adequate public services and carries out the intent of the Planned Development provisions;
7. Project is compatible with the Code of the City, and with the approved the Mitigated Negative Declaration authorized by the Development Services Department.

Mr. Hamilton recommended that a resolution be adopted making findings, adopting the Mitigated Negative Declaration, approving General Plan Amendment GPA-10-06, changing the land use designation from “Neighborhood Commercial” to “Residential, 10 to 20 units per acre;” and that an ordinance be offered for first reading, waiving the full reading, approving Planned Development Plan PD-9-06 and Rezoning Application RZ-15-06 rezoning the site to “RM-15-PD” Residential Multiple Family District with Planned Development Overlay District.

Council Member Murray expressed concern that it appeared there was insufficient parking for the project and that a crosswalk was the only means of traversing an extremely busy street. He urged installation of a traffic signal for pedestrian safety. Mr. Hamilton pointed out that the crosswalk proposed would include motorist warning lights and pedestrian safety pockets, at a minimum, and stated that because most of the project residents will be elderly, many will no longer drive, opting for public transportation, and parking should be sufficient.

Council Member Jones was concerned about the extensive removal of trees through construction of the Project. Mr. Hamilton explained that the Project scale and parking requirements made it necessary to remove more trees than would normally occur but that other types of trees will be planted.

Mayor Dickerson determined that no other individual wished to address this matter and closed the public hearing.

Council Member Murray advised that he would vote no on the Planned Development portion of the Project.

**MOTION:** Made by Council Member Stegall, seconded by Council Member Bosetti, making findings and adopting Resolution No. 2007-159, a resolution of the City Council of the City of Redding, adopting the Mitigated Negative Declaration prepared for The Springs at Redding Planned Development Senior Facility located at 7 and 28 Hilltop Drive and 5 Canada Drive by Willow Creek Management Company, amending the General Plan Diagram of the City by adopting General Plan Amendment GPA-10-06 changing the land use designation from “Neighborhood Commercial” to “Residential, 10 to 20 units per acre”; and approving Planned Development Plan PD-9-06 and Rezoning Application RZ-15-06.

The Vote:

AYES:	Council Members - Bosetti, Jones, Stegall, and Dickerson
NOES:	Council Members - Murray
ABSTAIN:	Council Members - None
ABSENT:	Council Members - None

Council Member Stegall offered Ordinance 2393 for first reading, an ordinance of the City Council of the City of Redding adopting a Mitigated Negative Declaration and amending Redding Municipal Code Chapter 18.01-Zoning Map, by approving Rezoning Application RZ-15-06 rezoning the site to “RM-15-PD” Residential Multiple Family District with Planned Development Overlay District.

**MOTION:** Made by Council Member Stegall, seconded by Council Member Bosetti, that the full reading of Ordinance 2392 be waived, and that the City Attorney be instructed to read the full title. The Vote: The Vote:

AYES:	Council Members - Bosetti, Jones, Stegall, and Dickerson
NOES:	Council Members - Murray
ABSTAIN:	Council Members - None
ABSENT:	Council Members - None

APPOINTMENTS - Youth Action Council

(B-080-600-300)

**MOTION:** Made by Council Member Murray, seconded by Council Member Stegall, appointing Rianna Curran, Tyler Fagan, Lauren Gallagher, Arturo Serilla, Jr., Nick Rossow, Kelsey Watkins, Sara Bishop, Callie Froese, Ian MacRae, Regina Misslin, Sean Perry, Jack Thibeau, Sean Wilkinson, and Shane Wright to serve on the Youth Action Council for a term of three years or graduation from high school, whichever occurs first.

The Vote: Unanimous Ayes

DESIGNATION OF VOTING DELEGATE/ALTERNATE - 2007 Annual League of California Cities Conference

(L-040-150)

Mayor Dickerson stated that the 2007 Annual League of California Cities Conference will be held in Sacramento, September 5-8, 2007, and the City must select a voting delegate and alternate for the Conference.

Because he would be attending the Conference, Council Member Murray volunteered to serve as the City's voting delegate and recommended that Assistant City Manager Bachman be appointed as voting alternate.

**MOTION:** Made by Council Member Stegall, seconded by Council Member Bosetti, appointing Council Member Murray as voting delegate for the 2007 Annual League of California Cities Conference in Sacramento on September 5-8, 2007, and appointing Assistant City Manager Bachman as voting alternate. The Vote: Unanimous Ayes

UPDATE ON MAJOR PROJECTS - General Plan Update

(A-050-080 &amp; G-030)

Senior Planner Manuel recalled that the 12-person General Plan Update Committee was formed in 2006 and, since that time, the Committee has focused on items recommended by the City Council: 1) look at regional/commercial issues - potential sites and policy revisions, 2) mid-rise building height review, 3) residential housing inventory (for Housing Element update) 4) transportation policies, and 5) miscellaneous text cleanup items. Mr. Manuel anticipated that final recommendations from the Committee would be forthcoming in November or December of this year.

Council Member Murray believed that high-density residential property should be available within a quarter-mile of commercial development and believed that favorable financing for the development community was restricted because of that dilemma. He asked that when reviewing the residential land inventory, the proximity of high-density land to market sites be included. He remarked that it would open more opportunities for subsidized housing.

No action was required on this informational item.

RESOLUTION - Supporting Shasta County's "Don't Trash Shasta" pilot program and Authorizing payments leading to the conviction and cleanup of illegal dump sites in the City (C-110-100-400)

City Attorney Duvernay related that the Shasta County District Attorney has recently spearheaded the "*Don't Trash Shasta*" program to concentrate on prevention and enforcement of major illegal dumping activities within Shasta County. He stated that it is a well thought out, multi-faceted program that provides education, public relations, and additional resources dedicated by the County for enforcement and prosecution. To participate, the City must adopt an ordinance creating reward incentives for any citizen who provides information that results in the arrest and conviction of persons illegally dumping and subsequent cleanup of a large dump site. It is recommended that a reward be offered, up to \$500 for the arrest, successful prosecution, and cleanup of an illegal dumping site. Mr. Duvernay pointed out that the pilot program will be in effect for two years and will have a maximum reward budget funded from the Solid Waste Utility fund of up to \$2,000.

Mr. Duvernay recommended that a resolution be adopted supporting the County's Pilot Program for a period of two years, and grant authority to the City Attorney to provide a monetary reward in an amount up to \$500 per site, for the arrest, prosecution and conviction of specific codes, and cleanup of an illegal dumping site in the City.

Shasta County District Attorney Benito encouraged the City's support and participation in the Program. He related that a citizen of Redding provided information of an illegal dump site in the City limits, but the County's program did not extend into any city boundaries in Shasta County. This incident prompted the County to invite cities to participate in the Program.

Council Member Jones suggested that additional no-fee dump days be added at the transfer stations. City Manager Starman pointed out that the City has a coupon distribution to City residents which allows them to dump additional days without charge and there are specific dumping days for various materials.

**MOTION:** Made by Council Member Murray, seconded by Council Member Stegall, adopting Resolution No. 2007-160, a resolution of the City Council of the City of Redding, supporting Shasta County's "*Don't Trash Shasta*" pilot program and authorizing the City Attorney to execute payments to individuals whose information has resulted in the arrest, conviction, and cleanup of illegal dump sites in the City in an amount up to \$500. The Vote:  
 AYES: Council Members - Bosetti, Jones, Murray, Stegall, and Dickerson  
 NOES: Council Members - None  
 ABSTAIN: Council Members - None  
 ABSENT: Council Members - None

Resolution No. 2007-160 is on file in the Office of the City Clerk.

RESOLUTION OF NECESSITY - Acquire property located at 2381 South Bonnyview Road, owned by Dennis and Larrie Frunk, for the South Bonnyview Road widening project (C-070-010 & S-070-100-708)

Assistant City Attorney Frediani provided information from the Report to City Council dated June 25, 2007, incorporated herein by reference, stating that the City's South Bonnyview Road Widening Project (Project) will widen South Bonnyview Road, from the Sacramento River east through State Route 273, from two lanes to four lanes and provide new medians throughout, additional signalization, railroad preemption detection, bike lanes, lighting, and sidewalks along the north side of the Project. She pointed out that South Bonnyview Road is a key east-west transportation corridor in the southern portion of the City. Congestion along this corridor is becoming unacceptable per the General Plan level of service (LOS) standards and accident rates are exceeding the number occurring on similar roadways. She pointed out that it will be necessary to relocate utilities and modify drainage along the corridor.

Ms. Frediani advised that the City submitted 17 offers to 17 property owners along the South Bonnyview Road corridor to acquire property necessary for the Project infrastructure and most have made agreements with the City. However, Dennis and Larrie Frunk, owners of property located at 2381 South Bonnyview Road, have been unable to reach an agreement with the City regarding the sale of the necessary right-of-way. She advised that issues regarding compensation are not germane to this evening's proceedings, but noted that the City anticipates that an agreement will be reached with this property owner.

Ms. Frediani stated that certain findings must be made through adoption of a resolution of necessity pursuant to California Code of Civil Procedure Section 1240.030 to include:

- a. The public interest and necessity require the proposed Project;
- b. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. The property is necessary for the proposed Project.

She stated that the following additional findings are strongly recommended:

- a. The offers required by Government Code Section 7267.2(a) together with the accompanying statements of and summaries of the basis for the amounts established as just compensation, were made to the owner or owners of record, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a);

- b. All conditions and statutory requirements necessary to exercise the power of eminent domain (“the right to take”) to acquire the properties described herein have been complied with by the City; and
- c. The City has fully complied with the provisions of the California Environmental Quality Act for the Project.

Ms. Frediani advised that a letter was received from Mr. Dennis Frunk dated June 27, 2007, in response to the “Notice of Hearing Regarding the Intent of the City Council of the City of Redding to Acquire Property by Eminent Domain” asking to be placed on the agenda to address the City Council regarding the proceedings.

Engineering Project Coordinator Aukland provided highlights of the South Bonnyview Widening Project outlining the basic Project components. He explained that LOS rates (“A” through “F” with “A” being the best) on this roadway are defined in the City’s General Plan and are currently at LOS “C” traveling east and LOS “B” traveling west. However, he pointed out that if the widening is not performed, both directions on this roadway have the propensity to fall to an “F” rating by the 2030. He added that the Project is also necessary to conform with the General Plan as an identified arterial in the Transportation Element. Mr. Aukland said that the environmental process is complete, all permits have been obtained and public meetings were held throughout the environmental process to receive comments and educate the public. He stated that it is critical to commence the Project very soon as certain funding would be lost if there is a significant delay.

Ms. Frediani recommended that the Resolution of Necessity be adopted with the required findings to acquire a permanent public service easement for utilities and street right-of-way through eminent domain for real property identified as Assessor’s Parcel Number 050-270-006 located at 2381 South Bonnyview Road from Dennis and Larrie Frunk.

Property owner Dennis Frunk was perplexed as to why the City needed his property when there was an empty lot and gas station across the street from his property on the north side of Bonnyview. He stated that Project plans would bring the roadway within 12 feet of his front door and he would like it shifted more to the other side of the road. Mr. Frunk said that individuals associated with the Project have come onto his property unannounced, and one surveyor placed survey stakes into a driveway area without permission. He also remarked that the appraisal appeared to be in error as there is a 610 square foot discrepancy in the property size. Mr. Frunk was also concerned regarding sewer hookups, stating that according to the City, he would be precluded from connecting to City sewer services for a three-year period so that the proposed roadway, once completed, could cure. However, should his septic fail during that time, he would be unable to make repairs or hook to City services. Mr. Frunk expressed confusion with this scenario in that the City code requires individual property owners within 200 feet of a sewerline to connect to City services. He understood that the Project was necessary, but did not want it passing so near to his house.

In response to Mr. Frunk, Mayor Dickerson cautioned that prior to installing a new septic system at the location, staff must be notified in order to review the situation and determine an appropriate course of action.

Mr. Aukland responded that during neighborhood discussions, this point was made and the original design actually went through the middle of Mr. Frunk’s house. However, because Mr. Frunk expressed a desire to remain in his home, the plans for the Project were modified and shifted north as far from the house as was possible. Transportation and Engineering Director Tippin added that there are geologic point constraints that must be adhered to and thus it is not always possible to move a project beyond certain fixed markers.

Mr. Tippin also explained that with any project of this type, it is important to avoid cutting into the roadway after improvements are made to discourage the formation of bumps and gouges in the new road. He stated that sewer stub-outs should be installed now, before the roadway is completed and Mr. Frunk was made aware of this. However, if he chooses to remain with a septic system and there is a failure, the City would not prevent him from making repairs and that could be clarified in the language of the contract. Mr. Aukland clarified that the sewer connections would be at the back of the properties on Eastside Road.

City Attorney Duvernay explained that there is ample time for negotiation of a mutually satisfying agreement with property owners.

**MOTION:** Made by Council Member Murray, seconded by Council Member Stegall, adopting Resolution of Necessity No. 2007-161, a resolution of the City Council of the City of Redding, adopting findings to acquire real property identified as Assessor's Parcel Number 050-270-006 located at 2381 South Bonnyview Road from Dennis and Larrie Frunk by eminent domain for a public service easement to provide utilities and street right-of-way for the South Bonnyview Road Widening Project. The Vote:

AYES: Council Members - Bosetti, Jones, Murray, Stegall, and Dickerson

NOES: Council Members - None

ABSTAIN: Council Members - None

ABSENT: Council Members - None

Resolution No. 2007-161 is on file in the Office of the City Clerk.

**RESOLUTION OF NECESSITY** - Acquire property located at 5885 Eastside Road, owned by Neil & Marie Jones, for the South Bonnyview Widening Project (C-070-010 & S-070-100-708)

Assistant City Attorney Frediani provided information from the Report to City Council dated June 25, 2007, incorporated herein by reference, stating that the City's South Bonnyview Road Widening Project (Project) will widen South Bonnyview Road, from the Sacramento River east through State Route 273, from two lanes to four lanes and provide new medians throughout, additional signalization, railroad preemption detection, bike lanes, lighting, and sidewalks along the north side of the Project. She pointed out that South Bonnyview Road is a key east-west transportation corridor in the southern portion of the City. Congestion along this corridor is becoming unacceptable per the General Plan level of service (LOS) standards and accident rates are exceeding the number occurring on similar roadways. She pointed out that it will be necessary to relocate utilities and modify drainage along the corridor.

Ms. Frediani advised that the City submitted 17 offers to 17 property owners along the South Bonnyview Road corridor to acquire property necessary for the Project and most have made agreements with the City. However, property owners, Neil and Marie Jones located at 5885 Eastside Road, have been unable to reach an agreement with the City regarding the sale of the necessary right-of-way, and again cautioned that issues regarding compensation are not germane to the proceedings.

Ms. Frediani stated that certain findings must be made through adoption of a resolution of necessity pursuant to California Code of Civil Procedure Section 1240.030 to include:

- a. The public interest and necessity require the proposed Project;
- b. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. The property is necessary for the proposed Project.

She stated that the following additional findings are strongly recommended:

- a. The offers required by Government Code Section 7267.2(a) together with the accompanying statements of and summaries of the basis for the amounts established as just compensation, were made to the owner or owners of record, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a);
- b. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the properties described herein have been complied with by the City; and
- c. The City has fully complied with the provisions of the California Environmental Quality Act for the Project.

Engineering Project Coordinator Aukland provided highlights of the South Bonnyview Widening Project outlining the basic Project components. He explained that LOS rates ("A" through "F" with "A" being the best) on this roadway are defined in the City's General Plan and are currently at LOS "C" traveling east and LOS "B" traveling west. However, he pointed out that if the widening is not performed, both directions on this roadway have the propensity to fall to an "F" rating by the 2030. He added that the Project is also necessary to conform with the General Plan as an identified arterial in the Transportation Element. Mr. Aukland said that the environmental process is complete, all permits have been obtained and public meetings were held throughout the environmental process to receive comments and

educate the public. He stated that it is critical to commence the Project very soon as certain funding would be lost if there is a significant delay.

Ms. Frediani recommended that the Resolution of Necessity be adopted with the required findings to acquire a permanent public service easement for utilities and street right-of-way through eminent domain for real property identified as Assessor's Parcel Number 048-320-039 located at 5885 Eastside Road, owned by Neil & Marie Jones.

Mr. Aukland stated that the property on Eastside Road is currently vacant, although a driveway is used to reach a cardlock gas facility. He depicted the areas designated for various utility easements and noted that the landscaping near the roadway will have to be removed.

Neil Jones, property owner, stated that he did not want any construction to occur on his property until such time as a compensation agreement was reached. He believed that the eminent domain easements would irreversibly damage his ability to fulfill his business plan for that property and he contended that removal of the landscaping at the front of his lot would diminish his business persona because it created a positive pre-approach not found at other car lots. Mr. Jones suggested that the City purchase his property and added that he was recently made aware of severance damage. He understood the Project was necessary, but he hoped to leave a legacy for his son, and wanted to settle the compensation issue before any construction occurred on his property.

In response to Council Member Murray's suggestion that Mr. Jones provide his own appraisal, Ms. Frediani related that as a matter of law, all the property owners have been offered up to \$5,000 each to secure their own property appraisal, although Mr. Jones has not taken advantage of that offer to date. She also advised that although Mr. Jones wishes to have all compensation issues settled prior to commencement of construction, if eminent domain proceedings go forward, the City would seek an Order of Possession to acquire the property prior to completion of an agreement. The matter would later be heard by the Court and a jury would determine fair compensation.

**MOTION:** Made by Council Member Bosetti, seconded by Council Member Jones, adopting Resolution of Necessity No. 2007-162, a resolution of the City Council of the City of Redding, adopting findings to acquire real property identified as Assessor's Parcel Number 048-320-039 located at 5885 Eastside Road, owned by Neil & Marie Jones by eminent domain for public service easements to provide utilities and street right-of-way for the South Bonnyview Road Widening Project.

The Vote:

AYES:	Council Members - Bosetti, Jones, Murray, Stegall, and Dickerson
NOES:	Council Members - None
ABSTAIN:	Council Members - None
ABSENT:	Council Members - None

Resolution No. 2007-162 is on file in the Office of the City Clerk.

**RESOLUTION OF NECESSITY** - Acquire property located at 2361 South Bonnyview Road, owned by Twenty-First Century Church of Life Corporation, for the South Bonnyview Road Widening Project  
(C-070-010 & S-070-100-708)

Assistant City Attorney Frediani provided information from the Report to City Council dated June 25, 2007, incorporated herein by reference, stating that the City's South Bonnyview Road Widening Project (Project) will widen South Bonnyview Road, from the Sacramento River east through State Route 273, from two lanes to four lanes and provide new medians throughout, additional signalization, railroad preemption detection, bike lanes, lighting, and sidewalks along the north side of the Project. She pointed out that South Bonnyview Road is a key east-west transportation corridor in the southern portion of the City. Congestion along this corridor is becoming unacceptable per the General Plan level of service (LOS) standards and accident rates are exceeding the number occurring on similar roadways. She pointed out that it will be necessary to relocate utilities and modify drainage along the corridor.

Ms. Frediani advised that the City submitted 17 offers to 17 property owners along the South Bonnyview Road corridor to acquire property necessary for the Project and most have made necessary agreements with the City. She advised that a tentative agreement has been reached with property owner, Twenty-First Century Church of Life Corporation. She added that compensation issues are not germane to the proceedings.

Ms. Frediani advised that a letter was received from the Twenty-First Century Church of Life Corporation dated June 18, 2007, in response to the "Notice of Hearing Regarding the Intent of the City Council of the City of Redding to Acquire Property by Eminent Domain" asking to be placed on the agenda to address the City Council regarding the proceedings.

Ms. Frediani stated that certain findings must be made through adoption of a resolution of necessity pursuant to California Code of Civil Procedure Section 1240.030 to include:

- a. The public interest and necessity require the proposed Project;
- b. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. The property is necessary for the proposed Project.

She stated that the following additional findings are strongly recommended:

- a. The offers required by Government Code Section 7267.2(a) together with the accompanying statements of and summaries of the basis for the amounts established as just compensation, were made to the owner or owners of record, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a);
- b. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the properties described herein have been complied with by the City; and
- c. The City has fully complied with the provisions of the California Environmental Quality Act for the Project.

Engineering Project Coordinator Auckland provided highlights of the South Bonnyview Widening Project outlining the basic Project components. He explained that LOS rates ("A" through "F" with "A" being the best) on this roadway are defined in the City's General Plan and are currently at LOS "C" traveling east and LOS "B" traveling west. However, he pointed out that if the widening is not performed, both directions on this roadway have the propensity to fall to an "F" rating by the 2030. He added that the Project is also necessary to conform with the General Plan as an identified arterial in the Transportation Element. Mr. Auckland said that the environmental process is complete, all permits have been obtained and public meetings were held throughout the environmental process to receive comments and educate the public. He stated that it is critical to commence the Project very soon as certain funding would be lost if there is a significant delay.

Ms. Frediani recommended that the Resolution of Necessity be adopted with the required findings to acquire a permanent public service easement for utilities and street right-of-way by eminent domain for real property identified as Assessor's Parcel Number 050-270-005 located at 2361 South Bonnyview Road, owned by Twenty-First Century Church of Life Corporation.

Donald Kirk, Associate Pastor for the Twenty-First Century Church of Life, expressed concern regarding sewer issues and advised that they had a tentative agreement with the City and they were in the process of obtaining permits and a contractor to tie into the City's sewer system. He stated that the tentative agreement would be voided if they could not hook up to the City's system.

Mr. Tippin responded that property owners are encouraged to hook into the City's sewer system prior to construction, and stated that any permits issued for tying into the City's system would be honored.

**MOTION:** Made by Council Member Murray, seconded by Council Member Stegall, adopting Resolution of Necessity No. 2007-163, a resolution of the City Council of the City of Redding, adopting findings to acquire real property identified as Assessor Parcel Number 050-270-005 located at 2361 South Bonnyview Road, owned by the Twenty-First Century

Church of Life Corporation, by eminent domain for a public service easement to provide utilities and street right-of-way for the South Bonnyview Road Widening Project.

The Vote:

AYES: Council Members - Bosetti, Jones, Murray, Stegall, and Dickerson  
 NOES: Council Members - None  
 ABSTAIN: Council Members - None  
 ABSENT: Council Members - None

Resolution No. 2007-163 is on file in the Office of the City Clerk.

RESOLUTION OF NECESSITY - Acquire property located at located at 1094 Hilltop Drive and Rockaway Drive, owned by Charles Davis, for a permanent public service easement and street right-of-way and authorize the City Attorney to file a motion for relief from the Automatic Stay with the Bankruptcy Court (C-070-010 & S-070-100)

Assistant City Attorney Frediani provided information from the Report to City Council dated June 25, 2007, incorporated herein by reference, stating that the Hilltop Corridor is identified in the General Plan as a major four-lane arterial necessary to serve the future build out of the Hilltop Drive and Dana Drive commercial areas. The Hilltop Drive and Rockaway Drive Project consists of constructing a right-turn pocket onto Rockaway Drive from southbound Hilltop Drive and related frontage improvements including vertical curbs, gutters, sidewalks, and pavement widening along both Hilltop and Rockaway Drives. The Project is necessary to protect the public's health and safety and is consistent with the City's General Plan to accommodate future growth. Additionally, there is a standard requirement by the City for commercial development of real property that frontage improvements be constructed to accommodate safe traffic flow and pedestrian use, and for better drainage and other essential purposes.

Ms. Frediani recalled that in May of 2002, the City issued Use Permit UP-2-02 to Gateway Pacific Properties for construction (in phases) of a 74,000 square foot retail commercial development on Hilltop Drive between Rockaway Drive and Browning Street (Best Buy, Michael's, etc). Included in the Conditions of Approval was a requirement to construct two southbound traffic lanes on Hilltop Drive with a middle turn lane to connect existing southbound lanes south of the intersection with Rockaway Drive, a turn pocket to allow right turns onto Rockaway Drive as well as frontage improvements. Subsequently, Use Permit UP-6-03 was issued granting developer Gateway Pacific Properties approval for a large retail center (Kohl's Department Store and future tenants) located in the same area which further underscored the necessity for these improvements and included in that Permit's Conditions of Approval. Over the years, Gateway Pacific Properties, has attempted to obtain the property necessary to construct these improvements from property owner Charles Davis but has been unsuccessful.

Ms. Frediani related that property owner, Charles Davis, is currently in bankruptcy and as a result, the City has attempted to resolve this matter through the Bankruptcy Trustee, John Reger and his attorney. Although significant progress has been made, there is no final agreement as of this date. She added that issues regarding compensation are not germane to the proceedings.

Ms. Frediani stated that certain findings must be made through adoption of a resolution of necessity pursuant to California Code of Civil Procedure Section 1240.030 to include:

- a. The public interest and necessity require the proposed Project;
- b. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c. The property is necessary for the proposed Project.

She stated that the following additional findings are strongly recommended:

- a. The offers required by Government Code Section 7267.2(a) together with the accompanying statements of and summaries of the basis for the amounts established as just compensation, were made to the owner or owners of record, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a);

- b. All conditions and statutory requirements necessary to exercise the power of eminent domain (“the right to take”) to acquire the properties described herein have been complied with by the City; and
- c. The City has fully complied with the provisions of the California Environmental Quality Act for the Project.

Development Services Director Hamilton stated that the standard Level of Service (LOS) at the Project location is currently at LOS “C,” the lowest acceptable level as stipulated in the General Plan. However, he pointed out that without the needed improvements (requirements which have existed since 1976) the LOS will drop to “E.”

Ms. Frediani recommended that the Resolution of Necessity be adopted with the required findings to acquire a permanent public service easement for utilities and street right-of-way by eminent domain for real property identified as Assessor Parcel Number 107-240-015 located at 1094 Hilltop Drive, from property owner Charles E. Davis, in bankruptcy, and Trustee for Bankruptcy Estate John Reger, and that the City Attorney be authorized to file a motion to seek relief from the bankruptcy stay with the Bankruptcy Court.

Michael D’Acquisto, attorney for John Reger, Bankruptcy Trustee, contended that the City cannot proceed with the eminent domain process because the bankruptcy court states there is an automatic stay which prohibits any act to obtain possession or control of bankruptcy estate property. He maintained that 1094 Hilltop Drive is bankruptcy estate property and, therefore, the City is prohibited from proceeding with adoption of a resolution of necessity for the eminent domain without violating the stay. While he acknowledged that the parties were close to reaching an agreement with the City, he requested that the hearing be continued to provide all parties with an opportunity to consider issues further and come to an agreement. He stated that he was unaware of any project study report for these improvements or California Environmental Quality Act (CEQA) reviews for the project. Mr. D’Acquisto pointed out in the letter making the offer of purchase, the amount of square footage used for the appraisal was incorrect. When he pointed this error out to Ms. Frediani, he alleged that she corrected or had the number corrected but used the same appraisal which, in his opinion, was highly inappropriate. He also contended that the City is using its eminent domain power to assist and enrich a private developer.

City Attorney Duvernay explained that the improvements within the Project were mitigation measures for the Best Buy project and for the Kohl project and both were covered in the environmental review process. He countered that while the City respects the Bankruptcy Court, the eminent domain proceedings do not violate the automatic stay. Mr. Duvernay emphasized the necessity to adopt the Resolution of Necessity giving the City permission to go before the bankruptcy court to lift the stay. Part of the Resolution for consideration, he said, seeks that permission. He also commented that an extraordinarily generous offer has been made to the Bankruptcy Trustee to acquire the property, but as a fiduciary entity, care must be taken not to make gifts of public funds.

Ms. Frediani addressed the allegations of Mr. D’Acquisto regarding the appraisal stating that when the error came to her attention, she contacted the appraiser who assured her that the appraisal and square footage amounts were correct. The appraiser said that he had simply made an error by recording the wrong number in the summary. Ms. Frediani said that the appraiser made the necessary correction and forwarded a new document to that effect. She emphatically denied making any changes to the document personally and also maintained that the date has no effect on the letter of offer.

**MOTION:** Made by Council Member Murray, seconded by Council Member Jones, adopting Resolution of Necessity No. 2007-164, a resolution of the City Council of the City of Redding, adopting findings and authorizing the City Attorney to file a motion for relief from the Automatic Stay with the Bankruptcy Court in order to acquire real property identified as a portion of Assessor Parcel Number 107-240-015 located at 1094 Hilltop Drive, from property owners Charles E. Davis, in bankruptcy, and Trustee for Bankruptcy Estate John Reger, by eminent domain for a public service easement to provide utilities and street right-of-way for improvements at Hilltop Drive and Rockaway Drive. The Vote:

AYES:	Council Members - Bosetti, Jones, Murray, Stegall, and Dickerson
NOES:	Council Members - None
ABSTAIN:	Council Members - None
ABSENT:	Council Members - None

Resolution No. 2007-164 is on file in the Office of the City Clerk.

ORAL REPORT - City Council Member attendance at conferences/meetings reimbursed at City expense (Requirement of Assembly Bill 1234)  
(A-050-060)

Council Member Murray reported attending the American Public Power Association Conference in San Antonio, Texas on June 24, through June 26, 2007, and the League of California Cities Environmental Quality Policy Committee meeting in San Jose, California on June 29, 2007.

Mayor Dickerson announced there will be no City Council meeting on July 17, 2007, or associated programming on the public access television channel.

ADJOURNMENT

There being no further business, at the hour of 9:43 p.m., Mayor Dickerson declared the meeting adjourned.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk