

City Council, Regular Meeting
Civic Center Council Chambers
777 Cypress Avenue
Redding, California
January 5, 2010 6:00 p.m.

The Pledge of Allegiance to the Flag was led by Gary Cadd.

The Invocation was offered by Police Chaplain Cyndee Thomas.

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

Also present were City Manager Starman, Assistant City Manager Tippin, City Attorney Duvernay, Development Services Director Hamilton, Transportation and Engineering Director Crane, Deputy City Clerk Mize, and Executive Assistant Grimm.

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PUBLIC COMMENT

[S-060-150-550/F-200-090]

Donna Briggs advised that she would be submitting a list of questions and concerns about the Federal Emergency Management Agency decertification of the Olney Creek levee.

[P-100-050]

Eddy Gilmette, John Houston, Lily Toy, and Mark Larsen opposed a possible ballot measure to change City employee benefits citing that money spent by the City to add an initiative to the 2010 ballot is wasteful and could be better spent on easing budget deficits; that City employees have bargained for existing labor contract conditions, which cannot be overturned by a public vote; and that the complex issue of labor negotiations would be more beneficial to the citizens of Redding if the City Council had full authority and flexibility to bargain in good-faith based on continuously changing conditions.

PRESENTATION - "Citizen's Award" certificates to Kyle Schwenning and Shane Fullen by the Redding Police Department

[P-150-150]

Police Chief Hansen presented "Citizen's Award" certificates to Kyle Schwenning and Shane Fullen for showing unselfish devotion to their fellow man and community, thereby bringing honor to themselves for coming to the aid of a male in the Sacramento River struggling to stay afloat.

PRESENTATION - "Citizen's Award" certificates to Kaylin Carroll and Paul Lundford by the Redding Police Department

[P-150-150]

Police Chief Hansen presented "Citizen's Award" certificates to Kaylin Carroll and Paul Lundford for exemplifying excellence in performance of civic responsibilities, thereby bringing honor to themselves for coming to the aid of an unconscious female and conducting CPR until fire and medical personnel arrived on scene.

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CONSENT CALENDAR

The following matters were considered inclusively under the Consent Calendar:

Approval of Minutes - Special meeting of December 15, 2009; Regular meetings of October 20, 2009, and December 1, 2009

Approval of Payroll and Accounts Payable Registers

[A-050-100-500]

It is the recommendation of the Finance Director that the City Council approve Accounts Payable Register No. 11, for check numbers 879050 through 879595 inclusive, ACH Transfer numbers 6410 through 6435, inclusive, and Wire Transfer numbers 1829 through 1832, inclusive, for a total of \$7,968,304.36, for the period of December 1, 2009, through December 11, 2009; Accounts Payable Register No. 12, for check numbers 879596 through

879997, inclusive, ACH Transfer numbers 6436 through 6502, inclusive, and Wire Transfer numbers 1833 through 1858, inclusive, for a total of \$15,520,594.85 for the period of December 12, 2009, through December 31, 2009; Payroll Register No. 11 for electronic deposit transaction numbers 268685 through 269497 and check numbers 545265 through 545337, inclusive, in the amount of \$2,693,926.57 for the period November 15, 2009, through November 28, 2009; Payroll Register No. 12 for electronic deposit transaction numbers 269554 through 270372 and check numbers 545347 through 545528, inclusive, in the amount of \$3,070,002.11 for the period November 29, 2009, through December 12, 2009; and Payroll Register No. 13 for electronic deposit transaction numbers 270431 through 271246 and check numbers 545538 through 545623, inclusive, in the amount of \$2,591,761.41 for the period December 13, 2009, through December 26, 2009.
TOTAL: \$31,844,589.30

Treasurer's Report - November 2009

[A-050-100-600]

It is the recommendation of the City Treasurer that the City Council accept the Treasurer's Report for the month of November 2009.

Total Treasurer's Accountability	-	\$128,675,709.20
Total City of Redding Funds, Funds Held in Trust, and Funds of Related Entities	-	\$227,016,008.26

ACR133 Report and Cash Reconciliation

[F-205-095-650]

It is the recommendation of the Finance Director that the City Council accept the ACR133 Report and the Proof of Cash Reconciliation for October 2009.

ACR133 Report and Cash Reconciliation

[F-205-095-650]

It is the recommendation of the Finance Director that the City Council accept the ACR133 Report and the Proof of Cash Reconciliation for November 2009.

Project Status Report

[A-050-080]

It is the recommendation of the City Manager that the City Council accept the Project Status Report for the month of December 2009.

Personal Services Agreement - County of Shasta and City of Shasta Lake to participate in expenditure of Neighborhood Stabilization Program funds

[G-100-170]

It is the recommendation of the Assistant City Manager that the City Council approve the Personal Service Agreement between the County of Shasta, City of Redding, and City of Shasta Lake to utilize Neighborhood Stabilization Program funds.

Resolution - First Amendment to Contract No. 04-SNR-00680 (C-1748) with Western Area Power Administration

[E-120-900]

It is the recommendation of the Electric Utility Director that the City Council adopt Resolution No. 2010-01, a resolution of the City Council of the City of Redding, authorizing the Mayor to execute the first amendment to Contract No. 04-SNR-00680 (C-1748) with Western Area Power Administration for continuation of Scheduling Coordinator services.

Award of Bid - Bid Schedule No. 4298, One new or demo 46,000 Lb. GVWR chassis with production digger

[B-050-100]

It is the recommendation of the Electric Utility Director that the City Council award Bid Schedule No. 4298, for one new or demo 46,000 Lb. GVWR chassis with production digger to Altec Industries, Inc., in the amount of \$303,840.43.

Monthly Financial Report - Redding Electric Utility - November 2009

[B-130-070]

It is the recommendation of the Electric Utility Director that the City Council accept the Redding Electric Utility's Monthly Financial Report for November 2009. Billed retail revenue through November was \$228,274 or 0.5% below projections for the five-month period and total wholesale sales were \$14,358,470 or 152.9% above projections. Overall, operating revenue through November came in \$14,260,526 or 26.9% above plan. The

combined costs for generation, purchases from the Western Area Power Administration, contracts, and the spot market were \$15,529,022 or 45.2 % above budget projections through November. Total operating expenses for November were \$1,711,351 or 14.8% below budget. The Utility's net operating results for the first five months of the fiscal year are positive, as anticipated, and are \$442,855 better than budget projections. Capital expenditures through November were \$1,344,113 for revenue-funded projects and \$13,920,174 for bond-funded projects, most of which is for construction of Generation Unit No. 6.

Resolution - Declaring Intention to Abandon a portion of Meadow Creek Park located at 6433 Oxbow Street (APN 050-660-009); set a public hearing for February 16, 2010; direct the City Clerk to publish the resolution; and direct that copies of the resolution be posted [A-010-080]

It is the recommendation of the Community Services Director that the City Council adopt Resolution No. 2010-02, a resolution of the City Council of the City of Redding, declaring its intention to abandon a portion of Meadow Creek Park located at 6433 Oxbow Street (APN 050-660-009); setting a public hearing for February 16, 2010, to determine final action on the adjustment; directing the City Clerk to publish the resolution pursuant to Section 6063 of the California Government Code; and directing that copies of the resolution be posted, conspicuously, along the boundary of the parcel (refer to A-1-10).

Grant - The McConnell Foundation to fund the 2010 Freedom Festival fireworks display [G-100/C-050-050]

It is the recommendation of the Community Services Director that the City Council authorize the Mayor to sign a Memorandum of Understanding with the McConnell Foundation and accept \$80,000 in grant funds for the purpose of funding the 2010 Freedom Festival fireworks display.

Resolution - Declaring the City of Redding a "*Healthy Eating - Active Living City*" [A-050-060]

Ron Reese expressed support for the healthy living community resolution and encourage the Council to officially integrate the philosophy into City planning.

Donnell Ewert, Director of Shasta County Public Health, commended the City for improving conditions, acknowledging effort in areas of the General Plan, the Parks, Trails and Open Space Master Plan, the Bikeway Master Plan, the Recreation Strategic Plan and strong Parks and Recreation Program, the joint use agreements with community schools, and membership in Healthy Shasta. Mr. Ewert encouraged the Council to make Redding the first city in Shasta County to adopt a "Healthy Eating-Active Living City" resolution.

It is the recommendation of the Community Services Director that the City Council adopt Resolution No. 2010-03 , a resolution of the City Council of the City of Redding, declaring the City of Redding a "Healthy Eating - Active Living City."

Notice of Completion - Bid Schedule No. 4280 (Job No. 2341), 2009 Overlay Project [B-050-020/S-070-200]

It is the recommendation of the Transportation and Engineering Director that the City Council accept Bid Schedule No. 4280 (Job No. 2341), 2009 Overlay Project, awarded to Tullis, Inc., as satisfactorily completed and authorize the City Clerk to file a Notice of Completion with the Shasta County Recorder. Final cost was \$884,070.36.

Notice of Completion - Bid Schedule No. 4257 (Job No. 2309), Buckeye Pressure Zone Water Main Replacement Project [B-050-020/W-030-725]

It is the recommendation of the Transportation and Engineering Director that the City Council accept Bid Schedule No. 4257 (Job No. 2309), Buckeye Pressure Zone Water Main Replacement Project, awarded to Cox & Cox Construction, Inc., as satisfactorily completed and authorize the City Clerk to file a Notice of Completion with the Shasta County Recorder. Final cost was \$819,083.41.

Award of Bid - Bid Schedule No. 4299, Rock & Mineral Products
[B-050-100]

It is the recommendation of the Transportation and Engineering and Municipal Utilities Directors that the City Council award Bid Schedule No. 4299, for Rock and Mineral Products to several companies that have submitted the lowest competitive bids for rock, asphalt, and mineral aggregates, as listed in the Report to City Council dated January 5, 2010, in the approximate total amount of \$350,000 during the period January 6 through December 31, 2010.

A MOTION WAS MADE by Council Member Stegall, seconded by Council Member McArthur, that the foregoing items on the Consent Calendar be approved and adopted as recommended above.

The Vote:

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

Resolution Nos. 2010-01 through 2010-03 are on file in the Office of the City Clerk.

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PUBLIC HEARING - to consider Ordinance amending Redding Municipal Code Title 16 (Buildings and Construction) by adding Chapter 16.70 (Water Efficient Landscape) (RZ-6-09)

[L-010-230]

Development Services Director Hamilton gave a brief history of water-efficient landscaping legislation in the State and City and reviewed the proposed changes to Redding Municipal Code Title 16, as outlined in detail in the Report to City Council dated January 5, 2010. Mr. Hamilton stated that the proposed ordinance essentially reiterates the minimum requirements of the State model and does not go beyond the State's directives. He recommended that the City Council adopt the proposed Ordinance, adding Chapter 16.70 (Water Efficient Landscape), to the Redding Municipal Code, offer it for first reading by title only, and authorize the City Clerk to publish a summary.

In response to Council Member Bosetti, Mr. Hamilton stated that no formal analysis had been done to calculate how much new regulations might add to the cost of a residential project, but estimated \$500-\$700 extra per home in a development such as Highland Park.

Mayor Jones opened the public hearing regarding consideration of a proposed amendment to Chapter 16 (Buildings and Construction) of the Redding Municipal Code, associated with Rezoning Application RZ-6-09, involving the addition of Chapter 16.70 (Water Efficient Landscape).

The following document is on file in the Office of the City Clerk:

Affidavit of Publication - Notice of Public Hearing

No protests were received.

Allen Woodward opined that the new technology and expertise needed to meet new water-efficient standards can add between \$500-\$1200 per home. Mr. Woodward relayed that a certified irrigation auditor, which is completely different than a landscape contractor, is required to sign off on installations under the new package and expressed concern about the knowledge base of City staff.

Mr. Hamilton addressed the level of review of packages, reiterating that State law requires that they be prepared by certified individuals prior to submission, and that the City has staff that are certified to do irrigation audits and will do the inspections, as well as qualified staff that will review required documentation for accuracy and compliance with all regulations.

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

A MOTION WAS MADE by Council Member Stegall, seconded by Council Member Bosetti, approving amendments to Redding Municipal Code Title 16 (Buildings and Construction) under rezoning application RZ-6-09, by adding Chapter 16.70 (Water Efficient Landscape) relating to implementing State requirements mandated by the *California Water Conservation in Landscaping Act of 2006*; offering Ordinance No. 2449, an ordinance of the City Council of the City of Redding, for first reading by title only; and authorizing the City Clerk to publish a summary of the ordinance. The Vote:

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

NOES: Council Members - None

ABSTAIN: Council Members - None

ABSENT: Council Members - None

City Attorney Duvernay read the full title of the uncodified ordinance.

PUBLIC HEARING - to consider an Addendum to the Zoning Code Mitigated Negative Declaration (RZ-5-09); and

ORDINANCE - Amending portions of Title 18 of the Redding Municipal Code (Zoning) all relating to zoning restrictions pertaining to medical marijuana [L-010-230/^M-020]

Development Services Director Hamilton recalled City Council's request in October 2009 for the Planning Commission to make a recommendation pertaining to zoning criteria relating to distribution and cultivation of medical marijuana for personal use. Mr. Hamilton provided a PowerPoint presentation outlining the scope of related issues and reviewing the Commission's recommendations for amendments to Title 18 of the Redding Municipal Code (RMC). He summarized the details of the Report to City Council dated January 5, 2010, and recommended that the City Council adopt the Addendum to the Zoning Code Mitigated Negative Declaration, offer Ordinance No. 2450 for first reading by title only, and authorize publication of a summary of the Zoning Code Amendments.

Mayor Jones opened the public hearing regarding Rezoning Application RZ-5-09, to consider proposed amendments to Redding Municipal Code Section(s) 18.32.030, 18.33.030, and 18.43, and Chapter 18.61, all pertaining to the use of medical marijuana for personal use.

The following document is on file in the Office of the City Clerk:

Affidavit of Publication - Notice of Public Hearing

No protests were received.

Sean Merritt, Jim Eagle, James Benno, Doug Bennett, and Hillary Criner expressed their concerns about the proposed zoning amendments and other issues related to medical marijuana use and cultivation.

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

A MOTION WAS MADE by Council Member McArthur, seconded by Council Member Bosetti, adopting the Addendum to the Zoning Code Mitigated Negative Declaration; offering Ordinance No. 2450, an ordinance of the City Council of the City of Redding amending Title 18 (Zoning) of the Redding Municipal Code for first reading by title only; waiving the full reading; and authorizing the City Clerk to publish of a summary of the ordinance. The Vote:

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

NOES: Council Members - Jones

ABSTAIN: Council Members - None

ABSENT: Council Members - None

City Attorney Duvernay read the full title of the uncodified ordinance.

APPOINTMENT - Administrative Hearings Board
[B-080-005]

A MOTION WAS MADE by Council Member Stegall, seconded by Council Member McArthur, reappointing Wes Reynolds to the Administrative Hearings Board effective February 1, 2010, and expiring February 1, 2014.

The Vote: Unanimous Ayes

APPOINTMENT - Community Services Advisory Commission
[B-080-128]

A MOTION WAS MADE by Council Member Stegall, seconded by Council Member Bosetti, appointing John P. Wilson and reappointing Leona McCoach and Jason Waybright to the Community Services Advisory Commission effective January 1, 2010, and expiring January 1, 2014. The Vote: Unanimous Ayes

APPOINTMENT - Shasta County Commission on Aging
[B-080-470]

A MOTION WAS MADE by Council Member Bosetti, seconded by Council Member McArthur, reappointing Willie Smith to the Shasta County Commission on Aging effective January 5, 2010, and expiring January 5, 2012. The Vote: Unanimous Ayes

CITY COUNCIL LIAISON ASSIGNMENTS - Representation to Agencies, Commissions, Committees, and City Department
[B-080-650 & A-050-060]

Mayor Jones presented a list of City Council Agency, Commission, Committee, and Departmental Liaison Representatives and Council assignments for calendar year 2010, noting a change on the liaison appointment to the Fire Department from Council Member Stegall to Council Member McArthur

No action was required on this informational item.

RESOLUTION - "*Local Taxpayer, Public Safety and Transportation Protection Act of 2010*" Initiative
[L-040/P-150/T-100]

Assistant to the City Manager Clark provided information on the "*Local Taxpayer, Public Safety and Transportation Protection Act of 2010*" initiative that the League of California Cities is attempting to qualify for the November 2010 statewide election ballot that seeks to protect local tax revenues from State abduction, eliminating exceptions and extending protection to other local revenues such as vehicle license fees, gasoline tax and transient occupancy tax. Mr. Clark recalled previous voter-approved legislature, i.e., Propositions 1A and 42, that protects local revenues from state seizure, except in the case of a statewide fiscal emergency. Mr. Clark noted the State's confiscation of \$1.8 million in local property tax revenue plus \$5.1 million in property tax increment from the Redding Redevelopment Agency in 2009.

Mr. Clark recommended that the City Council adopt the proposed resolution in support of the ballot measure entitled "Local Taxpayer, Public Safety and Transportation Protection Act of 2010."

Gary Cadd expressed support of the proposed initiative and commented on other similar initiatives and a sales tax increase.

City Manager Starman clarified that only the League of California Cities' request for statewide support of the initiative was being considered at this meeting.

A MOTION WAS MADE by Council Member McArthur, seconded by Council Member Stegall, adopting Resolution No. 2010-04, a resolution of the City Council of the City of Redding supporting the *Local Taxpayer, Public Safety and Transportation Protection Act of 2010*. The Vote:

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

Resolution No. 2010-04 is on file in the Office of the City Clerk.

THIRD AMENDMENT TO THE EMPLOYMENT AGREEMENT - City Manager
[A-050-080]

City Manager Starman reiterated the dismal state of the economy and effects on the City's budget, recalling past actions taken to keep the City fiscally sound. Mr. Starman stated his conviction to lead by example and volunteered to defer both his current (2009) salary increase (due in May 2010), and his previously deferred (2008) salary increase (due on January 10, 2010), until January 2011, which would result in a \$16,000 reduction to the General Fund expense for fiscal year 2009-10.

A MOTION WAS MADE by Council Member McArthur, seconded by Council Member Stegall, approving the third amendment to the Employment Agreement between the City of Redding and deferring salary increases due on January 10, 2010, and in May 2010, until January 2011, as detailed above. The Vote: Unanimous Ayes

LEASE AGREEMENT - Pasture land at Stillwater Business Park
[C-070-100]

Support Services Director Kersten gave a brief summary of the Report to City Council dated January 5, 2010, regarding 178 acres of property at the Stillwater Business Park proposed for grazing livestock. Mr. Kersten relayed that Glenn Hawes, owner of Hawes River Acres, was the only responding proposer to the Request for Proposal that the City issued on November 20, 2009. He further stated that Mr. Hawes has leased City-owned property located at the Municipal Airport for livestock grazing, and has been an excellent tenant for over 30 years.

Mr. Kersten recommended that the City Council approve the lease between the City of Redding and Glenn Hawes for approximately 178 acres of City-owned property at the Stillwater Business Park for the amount of \$1,750 annually for the purpose of grazing livestock for a term of five years, plus two one-year extensions.

A MOTION WAS MADE by Council Member McArthur, seconded by Council Member Stegall, approving a lease agreement between the City of Redding and Glenn Hawes for approximately 178 acres of City-owned property at the Stillwater Business Park as detailed above and in the Report to City Council dated January 5, 2010. The Vote: Unanimous Ayes

MARTIN LUTHER KING JR. COMMUNITY CENTER
[C-050-400]

Community Services Director Niemer provided a report regarding Martin Luther King Jr. Community Center, relaying the action plan that was developed and the successful implementation of programs and facility improvements made since Spring 2009. Ms. Niemer noted partnerships and support from Cypress Elementary School, Americorps, Child Abuse Prevention Council, Family Alliance Entertainment, Rotary Club of Redding, Spiritus Solutions LLC, Redding Moms, Add Some Color, Shasta County Citizens Against Racism, and Simpson University, and gave a brief description of current programs offered at the center, as detailed in the Report to City Council dated January 5, 2010.

A MOTION WAS MADE by Council Member Bosetti, seconded by Council Member McArthur, to accept the informational report on Martin Luther King Jr. Community Center. The Vote: Unanimous Ayes

MONTHLY FINANCIAL REPORT - General Fund - November 2009
[B-130-070]

City Manager Starman responded to Council Member McArthur's question about the lag between sales tax reports from November being discussed in January, explaining that sales tax is collected, then sent to Board of Equalization in Sacramento, and then reported to the City approximately three months later.

The Report to City Council dated January 5, 2010, recommended that the City Council accept the General Fund Monthly Financial Report for November 2009 and showed total revenue-to-date is \$16.5 million or \$844,950 (4.9%) below staff's cash flow projection. Expenditures at month end, excluding encumbrances, total \$28,282,756 or \$2,258,818 (7.4%) below staff's projection. Encumbrances total \$1,457,342.

A MOTION WAS MADE by Council Member McArthur, seconded by Council Member Bosetti, accepting the Monthly Financial Report for the General Fund for November 2009.
The Vote: Unanimous Ayes

COUNCIL TRAVEL REPORT(S)

City Council Member attendance at conferences/meetings reimbursed at City expense
{Requirement of Assembly Bill 1234}

[A-050-060]

Council Member Stegall reported attending the Northern California Power Agency's Legislative Committee Meeting on December 2, 2009, and the Commission Meeting on December 3, 2009, in Roseville, CA.

CLOSED SESSION

Gary Cadd commented on possible uses for funds acquired from the sale of 99999 Adra Road.

[C-070-200]

At the hour of 7:51 p.m., the City Council recessed to a Closed Session to discuss the following item(s):

Closed session pursuant to California Government Code Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property : Stratte Property - 99999 Adra Road (APN 055-020-004)

Agency Negotiators: City Manager Starman

Negotiating Parties: City of Redding and Redding Rancheria

Under Negotiation: Price & Terms

[C-070-200]

Closed session pursuant to California Government Code Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property : 3110 Goodwater Avenue (APN 110-020-052) and 7230 Riverland Drive (APN [055-250-015]

Agency Negotiator: City Manager Starman

Negotiating Parties: City of Redding and Azi Barzin

Under Negotiation: Price & Terms

[C-070]

Closed session pursuant to California Government Code Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATOR

Designated Agency Representative: Personnel Director Speer

Employee Organization: Local Union 1245 of International Brotherhood of Electrical Workers AFL-CIO - Electric Employees

[P-100-050-070]

Closed session pursuant to California Government Code Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Generally located in the area of (1) Eureka Way at Pioneer Drive (APN: 103-280-027, 028, and 029; 103-730-027; and 103-740-022, 027, and 028); (2) Mary Street, NW of 7th Street (APN: 103-160-016; and (3) 630 West Street (APN: 103-160-007)

Agency Negotiators: Assistant City Attorney Frediani and Bob Martin of Martin Appraisal & Acquisition Company

Negotiating Parties: City of Redding and Shasta Union High School District, Hughes Family Revocable Trust, and Brantley & Lorraine Hunter Revocable Trust

Under Negotiation: Price and Terms

[C-070-010]

Closed session pursuant to California Government Code Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATOR

Designated Agency Representative: Personnel Director Speer

Employee Organization: All represented and unrepresented employees

[P-100-050]

REPORT OF CLOSED SESSION ACTION(S)

At the hour of 10:37 p.m., Mayor Jones reconvened the Regular meeting to open session and reported that the City Council had not taken any reportable action on any item.

ADJOURNMENT

There being no further business, at the hour of 10:38 p.m., Mayor Jones declared the meeting adjourned.

APPROVED:

ATTEST:

Mayor

Deputy City Clerk