

City Council, Regular Meeting  
 Civic Center Council Chambers  
 777 Cypress Avenue  
 Redding, California  
 January 19, 2010 6:00 p.m.

The Pledge of Allegiance to the Flag was led by Jo Vayo.

The Invocation was offered by Police Chaplain Ray Foust.

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

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

-----

PUBLIC COMMENT

[T-080-720]

Kip Lee commented on yard sale sign enforcement.

PRESENTATION - Judy Salter for service on the Community Services Advisory Commission

[B-080-128]

On behalf of the City Council and staff, Mayor Jones presented an Appreciation Clock to Judy Salter and thanked her for her service on the Community Services Advisory Commission. Ms. Salter encouraged community service and shared how enjoyable and educational it can be.

PRESENTATION - Cara Sabalow for service on the Community Development Advisory Committee

[B-080-600-100]

On behalf of the City Council and staff, Mayor Jones presented an Appreciation Clock to Cara Sabalow and thanked her for her service on the Community Development Advisory Committee. Ms. Sabalow thanked Council and reiterated the value of serving on a community committee.

-----

CONSENT CALENDAR

The following matters were considered inclusively under the Consent Calendar:

Approval of Minutes - Special meeting of October 19, 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. 13, for check numbers 879998 through 880345 inclusive, ACH Transfer numbers 6503 through 6531, inclusive, and Wire Transfer numbers 1859 through 1878, inclusive, for a total of \$4,039,311.81, for the period of January 1, 2010, through January 15, 2010; and Payroll Register No. 14, for electronic deposit transaction numbers 271302 through 272138, inclusive, and check numbers 545621 through 545712, inclusive, in the amount of \$2,731,576.67 for the period December 27, 2009, through January 9, 2010. TOTAL: \$6,770,888.48

Ordinance - Amending Redding Municipal Code Title 16 (Buildings and Construction) by adding Chapter 16.70 (Water-Efficient Landscape) (RZ-6-09)

[L-010-230]

It is the recommendation of the Development Services Director that the City Council adopt Ordinance No. 2449, an ordinance of the City Council of the City of Redding, amending Title 16 (Buildings and Construction) by adding Chapter 16.70 (Water-Efficient Landscape) relating to implementing state requirements mandated by the California Water Conservation in Landscaping Act of 2006.

Ordinance - Amending Redding Municipal Code Title 18 (Zoning) all relating to zoning restrictions pertaining to medical marijuana

[L-010-500-050/^M-020]

It is the recommendation of the Development Services Director that the City Council adopt Ordinance No. 2450, an ordinance of the City Council of the City of Redding, amending Title 18 (Zoning) by adding Subsection 18.15.30(V); amending Schedule 18.33.020-A (Use Regulations-“Commercial” Districts); by adding Section 18.43.100 (Medical Marijuana Cultivation at Private Residences); and by amending Chapter 18.61 (List of Terms and Definitions); all relating to zoning restrictions pertaining to medical marijuana.

Council Member Jones advised he will vote no because he opposed any conflict with federal (DEA) law(s).

The Vote:

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

NOES: Council Members - Jones

ABSTAIN: Council Members - None

ABSENT: Council Members - None

Comprehensive Annual Financial Report - Fiscal year ended June 30, 2009

[F-205-150-075]

Ed Marek opined that Redding Electric Utility should be separated from the CAFR report because it comprises so much of the City’s debt portfolio.

It is the recommendation of the Finance Director that the City Council accept the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2009.

Notice of Completion - Bid Schedule No. 4118 (Job No. 2198), Clear Creek Wastewater Treatment Plant, Bid Package No. 4

[B-050-020/W-010-450]

It is the recommendation of the Transportation and Engineering Director that the City Council accept Bid Schedule No. 4118 (Job No. 2198), Clear Creek Wastewater Treatment Plant, Bid Package No. 4, awarded to Ray Toney & Associates, as satisfactorily completed and authorize the City Clerk to file a Notice of Completion with the Shasta County Recorder. Total project cost was \$8,828,595.46.

Second Amendment to Electrical Facilities Agreement - with Caltrans and authorize City Manager or his designee to sign

[S-050-100]

It is the recommendation of the Transportation and Engineering Director that the City Council approve the second amendment to *Exhibit A* of the existing *Sharing Cost of State Highway Electrical Facilities with City of Redding Agreement* (C-3569) to update the Agreement between the City and the State relating to referenced electrical facilities located at the intersection of state highway routes and city streets, and authorize the City Manager or his designee to sign the amended *Exhibit A* on behalf of the City.

Resolution - Adopting 2009 “Standards and Specifications for Public Works Construction” and authorizing the City Engineer to approve use of future supplements

[A-050-300-340]

It is the recommendation of the Transportation and Engineering Director that the City Council adopt Resolution No. 2010-05, a resolution of the City Council of the City of Redding, adopting the “Standard Specifications for Public Works Construction” (Greenbook), 2009 Edition, and any and all supplements thereto, prepared by the Public Works Standards, Inc., as the standard public works construction specifications of the City of Redding, and authorizing the City Engineer to approve use of future supplements.

Mitigation Fee Act Report - Fiscal Year 2008-09 Update; and

Resolution - Making findings concerning unexpended funds

[F-205-600]

It is the recommendation of the Transportation and Engineering Director that the City Council accept the *City of Redding Mitigation Fee Act Report Update–Fiscal Year 2008-09*, pursuant to California Government Code §66006(b) concerning Impact Fee accounts, and adopt Resolution No. 2010-06, a resolution of the City Council of the City of Redding, making findings concerning funds in the City of Redding’s Impact Fee Program.

Award of Bid - Bid Schedule No. 4300, Water Fittings; and  
Resolution - Approving and adopting the 13<sup>th</sup> amendment to Budget Resolution No. 2009-61 appropriating funds for the write-off of inventory made obsolete due to State Assembly Bill 1953 for Fiscal Year 2009-10  
[B-050-100/B-130-070/W-030]

It is the recommendation of the Municipal Utilities Director that the City Council award Bid Schedule No. 4300, Water Fittings-Group I to R & B Company in the amount of \$83,029.66, and Group II to J.W. Wood Company, Inc., in the amount of \$49,988.01 (with local preference), for a total of \$133,017.67, to stay in compliance with California Health and Safety Code regulations, including the new Section 116875 relating to lead plumbing.

It is further recommended that the City Council adopt Resolution No. 2010-07, a resolution of the City Council of the City of Redding, approving and adopting the 13th amendment to City Budget Resolution No. 2009-61, appropriating \$131,020 for the write-off of inventory made obsolete by State Assembly Bill 1953 for fiscal year 2009-10.

Redding Power Generating Plant - Quotation for a one-year contract to provide property/boiler and machinery insurance coverage for 2010-11  
[R-100-375-200/E-120-150]

It is the recommendation of the Personnel Director that the City Council accept a quotation from Liberty Mutual International (or other insurance company) for a one-year policy to provide property/boiler and machinery insurance coverage for the Redding Power Plant, beginning February 8, 2010, in an amount not-to-exceed \$222,624.

**A MOTION WAS MADE** by Council Member McArthur, seconded by Council Member Stegall, that the foregoing items on the Consent Calendar be approved and adopted as recommended with the exception of the item approved by separate vote as indicated above.

The Vote:

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

Ordinance Nos. 2449 and 2450, and Resolution Nos. 2010-05 through 2010-07 are on file in the Office of the City Clerk.

- - - - -

PUBLIC HEARING - To consider adoption of a five-year Capital Improvement Plan for City- sponsored projects; and  
RESOLUTION - Adopting the Redding Capital Improvement Plan for 2009-10 to 2014-15  
[B-130-010]

Transportation and Engineering Director Crane relayed that every two years the City of Redding adopts a five-year Capital Improvement Plan (CIP), which is a general prioritization and a multi-year schedule of the City’s capital improvement projects. Its intent is to provide a comprehensive summary and consistent format to facilitate tracking of long-term capital project funding and implementation needs. Mr. Crane stated that the CIP is used as a forecasting tool; to help plan project financials and scheduling; to identify workload, including conflicts and/or overlaps; provides an opportunity for the public to give input; and is a source of information regarding projects the City will focus on accomplishing. It also meets legal requirements for public accounting of impact fees. The CIP is generated from a review of existing undelivered CIP projects, the General Plan, revised Transportation and Engineering priorities, and individual facilities plans developed for Airports, Electric Utility, Public Safety Facilities, Parks and Recreation, Solid Waste, Storm Drainage Utility, Streets and Roads, Wastewater Utility, and Water Utility. Mr. Crane noted that having all this data organized in this fashion increases efficiency and provides some accountability to the public.

Mr. Crane advised that the Planning Commission reviewed the draft CIP and acted by adopting a finding of consistency with the General Plan on November 10, 2009. He pointed out that there are 181 projects listed in the proposed CIP with expenditures totaling \$310,869,721. He highlighted some departmental projects as follows:

- Airports: Redding Municipal terminal expansion
- Redding Electric Utility: Redding Power Plant Generating Unit No. 6
- Public Safety: New police facility
- Municipal Utilities: Clear Creek and Stillwater Wastewater Treatment Plants
- Water Utility: Boulder Creek Interceptor Phase 1, Mary Street Force Main and Pump Station, Raw water line from pumphouse #1 to Foothill water treatment plant, and Enterprise wellhead treatment
- Streets: Oasis Road Interchange, Placer Street improvements (Airpark Drive to Boston Avenue), Victor Avenue widening; and ongoing pavement and bridge improvements

Mr. Crane recommended adoption of the CIP for fiscal years 2009-10 to 2014-15 by resolution.

Mayor Jones opened the public hearing to consider adoption of a five-year Capital Improvement Plan (CIP) for City sponsored projects.

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

Affidavit of Publication - Notice of Public Hearing

No protests were received.

Don Matlin commented on items in the CIP and Olney Creek levee issues. He opposed spending money on a secondary access bridge in Stillwater Business Park and any financial burden being put on residents of neighborhoods affected by the FEMA decertification of the Olney Creek levee.

Council Member Stegall recalled that the CIP is only a plan and does not commit funds or approve specific projects, which are subject to the biennial budget process for funding approval.

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, adopting Resolution No. 2010-08, a resolution of the City Council of the City of Redding, adopting the Redding Capital Improvement Plan for 2009-10 to 2014-15.

The Vote:

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

**FINANCIAL STATEMENTS** - Statement on Auditing Standards 114 Letter to City Council and the Single Audit Reports for the fiscal-year ended June 30, 2009 [F-205-150-075]

City Manager Starman explained that the Statement on Auditing Standards (SAS) 114 Letter to City Council and the Single Audit Reports are companion reports to the Comprehensive Annual Financial Report (CAFR) for fiscal year ending June 30, 2009, which was a consent calendar item on this agenda. Mr. Starman recalled that the City Council had established an Audit Committee, comprised of Vice Mayor McArthur and Council Member Bosetti, who met with the independent auditing firm of Caporicci & Larson and city staff to review all three reports.

Council Member Bosetti relayed that he had served on this committee for three years and that the auditing firm had repeatedly commented on the high quality and depth of knowledge that the City's Finance staff possesses, as evidenced by the Certificate of Achievement of Excellence in Financial Reporting for the 2009 CAFR and the Distinguished Budget Presentation Award for the biennial budget document dated June 15, 2009, awarded to the City of Redding by the Government Finance Officers Association of the United States and Canada (GFOA).

Council Member Stegall noted the requirements to earn the GFOA awards and pointed out that this was the 25<sup>th</sup> consecutive year that the City of Redding has been the recipient of this prestigious award.

The Audit Committee recommended that the City Council accept the Statement on Auditing Standards 114 Letter to City Council and the Single Audit Reports for the fiscal-year ended June 30, 2009.

**A MOTION WAS MADE** by Council Member McArthur, seconded by Council Member Stegall, accepting the SAS 114 Letter and the Single Audit Reports for the year ended June 30, 2009. The Vote: Unanimous Ayes

FEDERAL EMERGENCY MANAGEMENT AGENCY - Floodplain remapping of Olney Creek, authorize the Mayor to sign letter to FEMA requesting deferral of the revised floodplain mapping, and

RESOLUTION -Adopting the 12<sup>th</sup> amendment to Budget Resolution No. 2009-61 appropriating funds for preparation of the Olney Creek Hydrology Study [F-200-090/B-130-070]

Council Member McArthur recused herself from this agenda item.

Development Services Director Hamilton recalled that this item was discussed at the December 1, 2009, Regular Council meeting and proceeded to review details from the Report to City Council dated January 19, 2010, highlighting key points in a Power Point presentation, incorporated herein by reference. Mr. Hamilton advised that a letter from “The Residents Affected by the Olney Creek Floodplain Remapping” group (not identified by individual names) had been submitted and attached to the above-referenced staff report. He stated that some of the questions/concerns in the letter would be addressed at this meeting and some required further research.

Mr. Hamilton recommended that the City Council (1) accept the status update related to Federal Emergency Management Agency (FEMA) action on the remapping of the Olney Creek floodplain; (2) authorize the Mayor to sign and submit a letter to FEMA requesting deferral of the adoption of the revised floodplain mapping, pending completion by the City of updated hydrologic modeling for Olney Creek; and (3) adopt a budget resolution committing up to \$75,000 from the Storm Drain Impact Fee fund to complete an updated hydrologic modeling of Olney Creek between the Sacramento Drive bridge and the mouth of the creek, to entail preliminary identification of possible engineering solutions for potential flooding issues.

Sally Rapoza, Mike Gonzales, Donna Briggs, Dale Hillman, Jack Ratledge, Marty Kalsbeek, John Biendara, Barbara Darrow, Terry Grafe, Barry Clausen, Candace Ratledge, Ron Largent, Don Matlin, and Mary Stephens expressed concerns about negative financial impacts on affected property owners, ownership of the Olney Creek levee, maintenance of storm drains, environmental regulation compliance, bridge flow(s), creation of an assessment district, and future development plans.

Council Member Dickerson recalled that Council had clearly acknowledged that if/when it was determined that Olney Creek levee issues were in fact a City responsibility, appropriate action would be taken. Currently, Council is in the process of determining whether Olney Creek is actually a City-owned levee. Mr. Dickerson stated that Council Members represent all citizens of Redding and have a responsibility to do thorough research before spending City funds to repair the levee. Mr. Dickerson further stated that grant funding opportunities are being analyzed.

Mr. Dickerson questioned storm drain inspection and maintenance practices, FEMA criteria, and City policy regarding cleaning specific storm drains.

Assistant City Manager Tippin responded that the City has an inspection program for all inlets and outlets throughout the City and keeps an inventory. Additionally, a camera is sent through the storm drain system periodically to ensure that it is free of debris. Mr. Tippin explained that both private and publicly owned and natural and man-made drainage systems interconnect throughout the City and work in conjunction to flow water to the Sacramento River; the City has limited access to some areas due to riparian habitat protection regulations and private property/trespassing laws.

Mr. Dickerson questioned progress on the legal ownership determination of the levee in question.

City Attorney Duvernay responded that some progress has been made, but additional research is necessary. He explained that an easement dedication, as previously mentioned by a speaker, is not the same as an entire fee title wherein ownership of the property is transferred. Easement rights to the City are limited, and in this case, it is unclear whether the easement was dedicated for open space purposes or flood control purposes; more research is needed to make a determination, noting that the wall north of the levee up to the Sacramento bridge is entirely private property.

Mr. Duvernay pointed out that the storm drain utility is described in the Redding Municipal Code (RMC) and reiterated that it is comprised of a mix of public and private properties and that the City is responsible for public facilities only. He clarified that all residential property owners in the City pay storm drain service charges, which are used for regional storm drain maintenance and inspection as detailed in the RMC, and they would not be an eligible source of funding for levee improvements. Mr. Duvernay called attention to the RMC section that speaks to storm drain utility improvement funding sources, which include storm drain service charges, permit and inspection fees, direct charges collected from owners and developers for new improvements, development fees, and special benefit charges (which are collected from owners of development in localized areas that require storm drain facilities not considered part of the regional development of storm drain systems), and other income from various grant sources.

Development Services Director Hamilton responded that most of the research has been done and indicated that the area between Sacramento Drive and Girvan Road has rights dedicated to the City through maps; areas north of the bridge are mostly private-ownership parcels; areas south are dedicated for open-space purposes, as indicated on the previously shown map, and that some utility easements such as sewer line were also given in that area, but did not include the dike or maintenance of the dike as a city facility per se or for storm drain maintenance purposes. Mr. Hamilton clarified that further south, parcels immediately adjacent to Girvan Road and stretching to the north did dedicate that area for storm drain maintenance purposes as well as open space and floodplain purposes. He concluded that recorded easements and language available from the maps indicate that a good portion of the levee dike underlying fee title rests with the individual property owner(s) and the City's ability to do repairs is not granted under the existing easements.

Mr. Hamilton also responded that it was a FEMA decision to decertify the Olney Creek levee based on their own criteria dealing with modeling, topography, and flows and data available from City records. Assistant City Manager Tippin added that FEMA's modeling assumptions were unknown.

Council Member Dickerson stated that questions in the letter from "The Residents Affected by the Olney Creek Floodplain Remapping" group needed to be answered, perhaps in writing and then distributed.

Council Member Bosetti supported an updated hydrologic modeling, but questioned where funding would come from and commented on possible grant funds that require a match from the City. Mr. Bosetti expressed empathy and a commitment to finding the best possible solution once all the data has been received and assessed.

Council Member Stegall encouraged serious pursuit of grant funding and requested that Council be copied on the written response to the letter from "The Residents Affected by the Olney Creek Floodplain Remapping" group.

Mayor Jones stated that he had walked the levee and supported finding solutions to the problems, opining that a study was the first step. Mr. Jones maintained that the City needs partners in solving the problems, is committed to working with the homeowners, and agreed that it would be better for local money to stay in the City instead of going to out-of-town insurance companies.

**A MOTION WAS MADE** by Council Member Stegall, seconded by Council Member Bosetti, accepting the status update on FEMA action on the remapping of the Olney Creek floodplain; authorizing the Mayor to sign and submit a letter to FEMA requesting deferral of the adoption of the revised floodplain mapping, pending completion by the City of

updated hydrologic modeling for Olney Creek; and adopting Resolution No. 2010-09, a resolution of the City Council of the City of Redding, committing up to \$75,000 from the Storm Drain Impact Fee fund to complete an updated hydrologic modeling of Olney Creek between the Sacramento Drive bridge and the mouth of the creek and entail preliminary identification of possible engineering solutions for potential flooding issues. The Vote:

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

NOES: Council Members - None

ABSTAIN: Council Members - McArthur

ABSENT: Council Members - None

Mayor Jones recessed the meeting for five minutes.

UTILITY BILLING REVIEW COMMITTEE - Recommendation Status Update

[E-090-125]

Electric Utility Director Hauser provided a six-month update on the results of implementing Utility Billing Review Committee (UBRC) recommendations and summarized the Report to City Council (staff report) dated January 19, 2010, in a Power Point presentation, incorporated herein by reference. Mr. Hauser recommended that the City Council accept the progress report regarding implementation of Council approved UBRC recommendations related to the City's utility billing and code enforcement practices.

Council Member Dickerson noted that the language in the staff report under UBRC Recommendation #5 was incorrect, stating that implementation of late fee reductions was delayed, not rescinded.

Jo Vayo and Gary Cadd opined that late fee reductions should be reinstated as soon as possible and favored appointment of a citizen's committee to oversee Redding Electric Utility.

Mary Ray Bryden submitted a letter to the Council stating continuing problems with REU and supported an oversight committee.

Mr. Hauser addressed the items on her January 2010 statement and explained that due to limited space on the invoice form, information explaining scheduled rate increases and pro-rated billing periods is distributed via the newsletter that is sent to all customers with their invoices.

Council Members McArthur and Bosetti questioned reinstating late fee reductions before City revenues reach the 2006 level, but did not want to lay-off police officers.

Council Member Dickerson expressed concern, stating that the City will be facing another \$5 million in budget cuts due to another drop in revenues for this reporting period.

**A MOTION WAS MADE** by Council Member Stegall, seconded by Council Member Dickerson, accepting the report as information regarding progress made on implementing the City Council approved actions related to the recommendations of the Utility Billing Review Committee, with the notation that a correction to language under Recommendation #5 in the Report to City Council dated January 5, 2010, is necessary because late fee reductions had been "delayed" rather than "rescinded". The Vote: Unanimous Ayes

GRANT APPLICATION - California Office of Traffic Safety (OTS) for DUI enforcement [G-100-170-700/P-150-150]

Police Chief Hansen requested authorization from the City Council to apply for a grant from the California Office of Traffic Safety (OTS) in the approximate amount of \$750,000 for a two-year grant to provide two DUI enforcement officers, overtime for special enforcement, training, and equipment, including two motorcycles for the Traffic Unit, to begin in October of 2010. Chief Hansen reviewed the information provided in the Report to City Council dated January 19, 2010, regarding the City's high OTS ranking for: DUI collisions, motorcycle collisions, speed related collisions, fatal and injury collisions, drivers under the age of 21 who had been drinking, and drivers age 21-34 who had been drinking. He recalled that a previous grant in 2006, that expired in December of 2008, had funded two officers during those years, stating that a new grant would allow reinstatement of the highly successful program and continued enforcement efforts to reduce hazardous-driving and DUI related incidents. Chief Hansen noted that this grant requires a 50 percent match (in the

second year only) amounting to approximately \$142,000 from the General Fund, and offered alternatives in case of continued General Fund revenue deficits into the year 2012.

In response to Council Member Bosetti and Mayor Jones, Chief Hansen clarified that potential grant funding would be used in estimated amounts of \$240,000-\$250,000 for two officers in the first year; \$120,000-\$140,000 for one officer in the second year; \$56,000 per year for overtime pay for existing officers to do enhanced traffic enforcement; and \$70,000 for two motorcycles, radars, and pass and citation devices. He clarified that a break-down of personnel costs under the grant criteria for a top-step officer in the second year is estimated to be \$85,000 base pay, plus \$64,000 for workman's comp insurance, health insurance, and CalPers retirement benefits.

**A MOTION WAS MADE** by Council Member McArthur, seconded by Council Member Stegall, authorizing the Redding Police Department to submit a grant application to the California Office of Traffic Safety requesting approximately \$750,000 in funding for a two-year grant to provide two DUI enforcement officers, overtime for special enforcement, training, and equipment, including two motorcycles for the Traffic Unit.

The Vote: Unanimous Ayes

**RESOLUTION** - Approving Engineer's Report, ordering the formation of Landscape Maintenance District 03-09, confirming and approving the annual assessments, and ordering the levying and collection of same for fiscal year 2010-11

[A-170-075-089]

Transportation and Engineering Director Crane addressed Council Member McArthur's question regarding \$92,000 in total assessments for proposed Landscape Maintenance District 03-09 for fiscal year 2010-11, stating that landscape maintenance costs are paid with monies collected from property owners via property tax collection, and that the new district will be included under the existing service contract with Taylor-Made Landscaping.

City Manager Starman added that Landscape Maintenance District funds are held in trust and cannot be used for any purpose other than for which it was collected.

**A MOTION WAS MADE** by Council Member McArthur, seconded by Council Member Stegall, adopting Resolution No. 2010-10, a resolution of the City Council of the City of Redding, confirming the map of the assessment district and approving the Engineer's Report; ordering the formation of territory into a landscape maintenance district to be known as Landscape Maintenance District 03-09; approving the annual assessments for fiscal year 2010-11 pursuant to the Landscape and Lighting Act of 1972, commencing with Section 22500 of the Streets and Highways Code; and ordering the levy of \$245.54 per benefit unit for fiscal year 2010-11. The Vote: Unanimous Ayes

**OASIS ROAD INTERCHANGE PROJECT** - Authorize negotiation of an agreement for additional development support

[G-030-110/B-130-070]

Transportation and Engineering Director Crane introduced the request for additional work associated with the interchange development, reviewed the background on the project as detailed in the Report to City Council dated January 19, 2010 (staff report), and suggested the next step be a more modest construction effort than what was originally discussed and approved by Council. Mr. Crane reminded Council that Phase 1 includes loop on-ramp and signals for northbound and southbound ramps terminating on Oasis Road.

Mr. Crane recalled that Council reaffirmed the Oasis Road Interchange project as the City's highest priority on November 16, 2009, and emphasized the importance of completing Phase 1. He noted that work has progressed on a development agreement and infrastructure financing, and that the consulting firm of Planning Company Associates (PCA) has been retained. PCA's lead on this project is Tony Harris, who has an excellent background and is highly respected in the transportation solutions field. Mr. Crane reviewed information in the staff report outlining "next steps" for the CalTrans approved, full-blown interchange that includes an eight-lane overcrossing, a two-lane on-ramp, five lanes at the throat of the northbound off-ramp and a triple left from Cascade Boulevard to Oasis Road. He suggested that a more modest incremental step towards Phase 2 Delivery be considered, should funds become available from federal government stimulus programs.

Mr. Crane recommended that Council authorize staff to pursue additional project development support for additional traffic analysis, preliminary geometrics, and cost estimating. Estimated costs for the agreement and staff time for the recommended additional project development support for the “next step” interchange is estimated at \$100,00 and is proposed to be funded from the Traffic Impact Fee Fund.

In response to Council Member Bosetti, Mr. Crane stated that full build-out estimates from a few years ago are roughly \$30-\$40 million and the Transportation Infrastructure Generating Economic Recovery (TIGER) grant application is for \$25 million. He further clarified that TIGER grant funds, if received, could be used for project development support.

In response to Mayor Jones, Mr. Crane explained that future development in the Oasis Road area could be served adequately with a modified interchange and that other infrastructure work could be accomplished with funds not spent on a full build-out.

Council Member Stegall opposed the expenditure of funds on additional development when existing retail space is empty and reiterated that the Oasis Road Interchange project is not her highest priority, stating that a police facility and street improvements are more pressing needs.

Mayor Jones stated that the Oasis Road area has been neglected since the late 1960's and that the federal stimulus programs offered a unique opportunity to fund an interchange project and overall development of the last parcel of I-5 frontage property in the city limits, which is important to capturing sales tax revenue for the City. He further stated that economic conditions will change and supported the foresight of development when grant funding was available.

Council Member Dickerson voiced agreement with both Council Member Stegall and Mayor Jones. He noted that TIGER grant funds would have to be used for the Oasis Road Interchange, as submitted on the application, and he would, therefore, support continued work on the project, in anticipation of improved economic conditions and future growth.

Mr. Crane clarified that grant funds in the amount of \$3.5 million, previously received from the Regional Transportation Planning Agency, could have been used on other projects but had been applied to the Oasis Road Interchange Phase 1 project because it was Council's number one priority, and that TIGER grant funds could only be used for the Oasis Road Interchange project.

**A MOTION WAS MADE** by Council Member Bosetti, seconded by Council Member McArthur, authorizing staff to pursue additional project development support for the Oasis Road Interchange project, including additional traffic analysis and geometric design for the next phase of the interchange project. The Vote:

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

**RESOLUTION** - Calling for a special/consolidated municipal election to be held on June 8, 2010, and placing a measure on the ballot related to changing the position(s) of City Clerk and/or City Treasurer from elected to appointed.

[E-070-100/A-050-055/A-050-100]

City Attorney Duvernay recalled that former City Clerk Connie Strohmayr retired approximately six months ago, leaving 18 months of her elected term of office unfulfilled. A Council-appointed subcommittee that included Council Members McArthur and Stegall reviewed options, and Council ultimately decided to appoint the City Attorney as City Clerk for the remainder of the term and to put a measure on the June 8, 2010, ballot to convert the position from elective to appointive.

Mr. Duvernay relayed that two-thirds of all California cities have appointed City Clerks and City Treasurers, stating that they have become highly technical functions that encompass many more duties than the basic responsibilities enumerated in the Government Code Sections 40801, 40802, 40804, 40806, and 40811. He provided an overview of General Law city government structure and some historical information on City operations, which included a bi-furcation of positions within the Clerk and Treasurer offices' to designate an “Administrator” position for each office, in addition to the elected position(s).

Mr. Duvernay expounded that times have changed significantly since the inception of elected positions for the offices of City Clerk and City Treasurer, presuming that public trust in a well-known citizen was a key factor in by-gone days. He stated that in the era of regulated transparency in government, i.e. Brown Act requirements, the benefits of the election process have been diminished; and, because duties have evolved into much more sophisticated levels that require specialized skills and knowledge to perform, appointive positions have become more efficient and prevalent. Appointive positions also allow minimum qualifications to be set and a recruitment process to select qualified individuals that possess necessary attributes.

Mr. Duvernay recommended that the City Council place a measure on the June 2010 ballot to convert both the City Clerk and City Treasurer positions from elective to appointive.

Dan Brummer, Denise Young, Jack Taylor, Al Jensen, William Miller, Larue Rorha, Patricia Heinsohn, Cris Simpson, Charles Alexander, Gary Cadd, Linda Foley, Donna Ray Standley, John Dixon, Chet Szymanski, and Mary Stephens opposed the ballot measure and the change to appointive positions, citing a successful record of electing individuals to perform the duties of the offices, convictions about keeping their constitutional right to vote without having to vote for their right to vote, a lack of leadership and following trends, opposition to spending \$25,000 to put a measure on the ballot and protesting an attempt to take the decision away from the voters, opposition to giving the City Manager appointive authority, and support for the essential need of autonomy for elected individuals to perform their duties in the best interest of the citizens without fear of reprisal from City management so that the checks-and-balances system the City has had since 1907 can continue to function properly.

Council Member Dickerson maintained that the City Clerk and City Treasurer positions should be elected to allow the checks-and-balances process to ensure public interests and opposed putting a measure on the June 2010 ballot.

Council Member McArthur likened the operations of the City to an automobile factory or other large corporation, and stated that poor performance cannot be remedied in elective positions. She favored appointive positions, minimum qualifications, and a recruitment process.

Council Member Stegall supported a ballot measure to change the position of City Clerk to appointive, but opposed changing the position of City Treasurer. Ms. Stegall recalled that elected individuals are not required to be hired as “Administrators” for either office and this bifurcation of duties allows protection from unqualified candidates, even if they are elected.

Council Member Bosetti supported a ballot measure to change the position of City Clerk to appointive, but opposed changing the position of City Treasurer. Mr. Bosetti stated that it was a matter of efficiency and having qualified staff to perform important duties.

Mayor Jones noted that no public speaker supported adding a measure to the June 2010 ballot and expressed that he did not favor doing so, preferring to leave both positions elective.

**A MOTION WAS MADE** by Council Member Stegall, seconded by Council Member McArthur, adopting Resolution No. 2010-11, a resolution of the City Council of the City of Redding, calling for a Special Municipal Election to be consolidated with the Statewide Direct Primary Election on June 8, 2010, and approving the placing of a special measure on the ballot asking voters if the Office of the City Clerk should be appointive.

The Vote:

AYES: Council Members - Bosetti, McArthur, and Stegall

NOES: Council Members - Dickerson and Jones

ABSTAIN: Council Members - None

ABSENT: Council Members - None

City Attorney/City Clerk Duvernay advised that the deadline for submission of ballot arguments is March 15<sup>th</sup> and that any and all Council Members have the privilege to be the principal author of a *favor* or *oppose* position statement and would need to solicit four other signatories to support their argument. He further advised that Council Members are given preference and if no Council Member submits an argument, all others are processed on a first come, first served basis, as set forth in Elections Code section 9287.

COUNCIL TRAVEL REPORT - City Council Member attendance at conferences/meetings reimbursed at City expense (Requirement of Assembly Bill 1234)

[A-050-060]

Council Member McArthur reported attending the League of California Cities Sacramento Valley Division meeting in Live Oak, California, on January 15, 2010.

CLOSED SESSION

At the hour of 9:56 p.m., Mayor Jones announced that Council would adjourn to Closed session to discuss:

- 11A. Closed session pursuant to California Government Code Section 549576.9(c):  
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Initiation of litigation  
One (1) case  
[L-100]
- 11B. Closed session pursuant to California Government Code Section 54956.8:  
CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Property located at 527 Churn Creek Road, Assessor's Parcel No. 117-250-026; and 687 Churn Creek Road, Assessor's Parcel No. 117-270-014  
Agency Negotiator: Assistant City Attorney Frediani and Associate Civil Engineer Abshier  
Negotiating Parties: City of Redding and Enterprise Elementary School District  
Under Negotiation: Price and Terms  
[C-070-010]
- 11C. 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]
- 11D. Closed session pursuant to California Government Code Section 54956.8:  
CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Property located at 4712 Mountain Lakes Blvd (Assessor Parcel Number 114-320-034)  
Agency Negotiator: City Manager Starman  
Negotiating Parties: City of Redding and Secured Capital Investments Group, LLC  
Under Negotiation: Price and Terms  
[C-070-010]
- 11E. Closed session pursuant to California Government Code Section 54957.6:  
CONFERENCE WITH LABOR NEGOTIATOR  
Designated Agency Representative: Personnel Director Speer  
Employee Organization: Unrepresented Employees  
[P-100-050-100]

At 11:44 p.m., Mayor Jones reconvened the Regular Meeting to open session and reported that:

With respect to Item 11A, the City Council had given approval to the City Attorney, by a vote of 5-0, to initiate litigation, if necessary, against certain parties. The action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the City's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize the City's ability to conclude existing settlement negotiations to its advantage.

With respect to Item 11B, the City Council had approved agreements concluding real estate negotiations with the Enterprise Elementary School District for the purchase of real property easements necessary for the Boulder Creek Interceptor Sewer Project as follows:

(1) The City Council had authorized the Mayor, by a vote of 5-0, to execute a contract of acquisition, certificate of acceptance of easement, and any related documents necessary to finalize the purchase of a permanent utility easement located on APN 117-250-026 and APN 117-270-014 from the Enterprise Elementary School District in the amount of \$29,711.

(2) The City Council had authorized the Mayor, by a vote of 5-0, to execute a contract of acquisition, certificate of acceptance of easement, and any related documents necessary to finalize the purchase of a permanent utility easement and temporary construction easement located on APN 117-270-014 from the Enterprise Elementary School District in the amount of \$126.

With respect to Items 11C, 11D, and 11E, the City Council did not take any reportable actions.

ADJOURNMENT

There being no further business, at the hour of 11:46 p.m., Mayor Jones declared the meeting adjourned.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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