

ANDERSON CITY COUNCIL MINUTES
Regular Meeting
April 21, 2009

REGULAR SESSION 6:00 P.M.

ROLL CALL

Councilmembers present: Councilmember Yarbrough
Councilmember Hunt
Councilmember Webster
Vice-Mayor Connick
Mayor Schaefer

Councilmembers absent: None.

Also present: City Manager Scott Morgan, City Attorney Mike Fitzpatrick, and Deputy City Clerk Juanita Barnett.

INVOCATION

City Attorney Mike Fitzpatrick gave the Invocation.

PLEDGE OF ALLEGIANCE

Councilmember Melissa Hunt led the Pledge of Allegiance.

PUBLIC HEARINGS

ALL LEGAL NOTICES WERE GIVEN ACCORDING TO LAW

PUBLIC HEARING - PROPOSED SHASTA COUNTY REGIONAL IMPROVEMENT PROGRAM DEVELOPMENT IMPACT FEE AND FIX 5 PARTNERSHIP MOU

This was the time set aside to receive public input on the proposed Shasta County Regional Improvement Program Development Impact Fee and Fix 5 Partnership MOU.

City Manager Scott Morgan gave a staff report and answered questions from Council.

6:09 p.m.: The Public Hearing was opened.

Mary Machado, Executive Director for Shasta Voices, submitted copies of a letter from Walt McNeal, spoke against the proposal and read the following "Summary of Findings & Opinion" from Walt McNeal's Letter into the record:

1. Local agencies are not legally required under the Mitigation Fee Act (MFA) or under the California Environmental Quality Act (CEQA) to pay for or mitigate the adverse impacts of development on the main line of a federal interstate highway.
2. There is no competent attempt at a nexus study under the MFA to support the SCRIP Fee; and it is obvious on cursory review that the amount and breadth of the exaction of the Fee is grossly overstated – consequently unlawful under the MFA.

3. There is no regional agency with the legal authority to levy a SCRIP Fee, and the proposed MOU arrangement for exacting a SCRIP fee is unlawful.
4. The SCRIP Fee will not serve as CEQA mitigation, and promotion of the FEE as such is false and misleading.
5. The Fee incorporates a hidden unlawful “Bailout” of public agency traffic burdens and financial responsibility.”

Kent Dagg, CEO of the Shasta Builders Exchange, spoke against the proposal and stated that he feels it is a bad piece of legislation.

Chris Young, spoke against the proposal.

Ron Reece, representing Citizens for Smart Growth, spoke in favor of the proposition and stated that he feels the proposal is comprehensive and essential for proper growth in both Anderson and Shasta County and encouraged the Council to be proactive not reactive.

Phil George, spoke in favor of the proposal, stating that now is the time to take action and plan for the future.

Bill Goodwin, Chief Administrator of Tehama County, spoke in favor of the proposal stating that most self-help counties waited until their freeways were already congested before taking action, that even during an economic downturn we need to plan for the future and that he feels this proposal promotes fair growth across the region.

William Preston, representing Shasta County Tax Payers Association, stated that while there were good arguments on both sides of this proposal, he would urge the Council to vote against it.

6:50 p.m.: The Public Hearing was closed.

Dan Little, Shasta County Regional Transportation Planning Agency Executive Director, and Jeff Kay of Willdan Financial Services answered questions from the Council.

6:58 p.m.: The Council recessed.

7:01 p.m.: The Council reconvened.

Mayor Schaefer announced that the Council was continuing a public hearing that began at 6:00 p.m. on the Shasta County Regional Improvement Program Development Impact Fee and Fix 5 Partnership MOU.

Dan Little, Shasta County Regional Transportation Planning Agency Executive Director, continued to answer questions from Council.

By motion made, seconded (Hunt/Yarbrough), and carried by a 4 – 1 vote, the Council decided not to authorize the Mayor to sign a Memorandum of Understanding and Operating Agreement with the Shasta County Regional Transportation Agency, California Department of Transportation, City of Shasta Lake, City of Redding, and County of Shasta for administering the Shasta County Regional Improvement Program; not to introduce an ordinance (first reading) adopting a citywide zone of benefit for a new development impact fee to fund transportation improvements to the Ox Yoke-Riverside Avenue Corridor and Interstate 5, and, if and after similar ordinances are successfully introduced by the cities of Shasta Lake and Redding and the Shasta County Board of Supervisors, not to place the ordinance on a future

Anderson City Council agenda for enactment (second reading); and not to adopt a resolution establishing the Shasta County Regional Improvement Program fee amount, deferral of fee collection to at least June 30, 2011, and subsequent four year phase-in period, contingent upon adoption by the cities of Shasta Lake and Redding and the County of Shasta.

Vote: Ayes: Councilmembers Hunt, Connick, Yarbrough, and Mayor Schaefer.
Noes: Councilmember Webster.

PROCLAMATIONS

Councilmember Yarbrough read a proclamation proclaiming April 19-26, 2009, as "Assets in Action Week."

Mayor Schaefer read a proclamation honoring City of Anderson Public Works Director Rich Barehus on the occasion of his retirement.

SCHEDULED CITIZEN REQUESTS TO ADDRESS THE CITY COUNCIL – None.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Susan Clendenen announced the Hot-Orama events taking place in Anderson and invited the Council to participate.

Christine Haggard, representing Shasta County Public Health, acknowledged Planning Director John Stoke's nomination for "Excellence in Public Health" recognition, and thanked John Stokes, the Council and staff for their efforts to work together with Public Health to ensure a safer and healthier community.

Anderson Chamber of Commerce President Pam Delmonte announced that the Chamber of Commerce voted to support the City of Anderson in their efforts to encourage the new Shasta County Courthouse to be sited in Anderson.

Mayor Schaefer announced that the Anderson New Tech Student Monthly Report will be heard later on the agenda to allow the student to arrive.

COUNCIL REPORTS

Councilmembers used this time to report on community activities they participated in and to announce upcoming events.

CONSENT AGENDA

By motion made, seconded (Connick/Yarbrough), and carried, the Council took the following action:

Approved the minutes of the regular meeting of April 7, 2009 and of the adjourned regular meeting of April 9, 2009.

Received and filed warrant 111797 to 111867 in the amount of \$248,124.96; warrant 111868 to 111931 in the amount of \$103,604.69; an ACH in the amount of \$3,131.20; a wire transfer in the amount of \$172.73; an ACH in the amount of \$3,131.20; and a wire transfer in the amount of \$172.73.

Waived reading, except by title, of any ordinances under consideration at this meeting for either introduction or passage per Government Code Section 36934.

Adopted Resolution No. 09-24 directing Boyle Engineering Corporation to file the Annual Report for South Ridge Terrace – Unit 1 Landscaping Maintenance District for 2009-2010.

Adopted Resolution No. 09-25 directing PACE Civil to file the Annual Report for Landscaping and Lighting Assessment District No. 1993-2 for fiscal year 2009-2010, with no rate increase or change in assessment methodology.

Adopted Resolution No. 09-26 directing David Taussig & Associates, Inc. to file the Annual Report for Landscaping and Lighting Assessment District 2006-1 for fiscal year 2009-2010.

ITEMS (IF ANY) REMOVED FROM THE CONSENT CALENDAR – None.

PUBLIC HEARINGS - Continued

PUBLIC HEARING - APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR A 2009 COMMUNITY DEVELOPMENT BLOCK GRANT

This was the time set aside for the second public hearing to receive public input on an application to the California Department of Housing and Community Development for a 2009 Community Development Block Grant.

Assistant City Manager Dana Shigley gave a staff report and answered questions from the Council.

The published public hearing notice was read.

7:55 p.m.: The public hearing was opened. No comments were made either for or against the proposal. The public hearing was closed.

PUBLIC HEARING TO CONSIDER INCREASE IN THE PARKING VIOLATION FEE SCHEDULE; RESOLUTION NO. 09-27

This was the time set aside to receive public input on the proposed increase in parking violation fees.

Assistant City Manager Dana Shigley gave a staff report and answered questions from the Council.

7:59 p.m.: The public hearing was opened. No comments were made either for or against the proposal. The public hearing was closed.

By motion made, seconded (Connick/Hunt), and carried, the Council adopted Resolution No. 09-27 updating the City's parking fee schedule.

PUBLIC HEARING – EDWARD BYRNE MEMORIAL JUSTICE GRANT (JAG) FORMULA PROGRAM GRANT APPLICATION

This was the time set aside to receive public input on an application to the Edward Byrne Memorial Justice Grant (JAG) Formula Program.

Police Chief Dale Webb gave a staff report and answered questions from the Council.

8:00 p.m.: The public hearing was opened. No comments were made either for or against the proposal. The public hearing was closed.

By motion made, seconded (Yarbrough/Hunt), and carried, the Council approved the application for and use of the Edward Byrne Memorial Justice Assistance Grant in the amount of \$22,346; to improve and update the Police Department's inventory of equipment used by officers on a daily bases for fiscal year 2009-2010.

REGULAR AGENDA

ASSISTANT CITY MANAGER

CONSTRUCTION OF IMPROVEMENTS TO THE FIRE DISTRICT PARKING LOT , CITY HALL PARKING LOT, AND DRIVEWAYS

Assistant City Manager Dana Shigley gave a staff report and answered questions from the Council.

By motion made, seconded (Connick/Webster), and carried, the Council authorized the City Manager to enter into an agreement with the Anderson Fire Protection District for a jointly-funded project to improve the Fire District parking lot, City Hall parking lot, and shared driveways.

PARKS AND RECREATION DEPARTMENT

AWARD OF BID FOR NEW ANDERSON RIVER PARK RESTROOM; RESOLUTION NO. 09-28

Parks & Recreation Director Ken Hartman gave a staff report and answered questions from the Council.

By motion made, seconded (Yarbrough/Connick), and carried, the Council adopted Resolution No. 09-28 awarding the contract for the Anderson River Park Restroom Project to the lowest responsible bidder, Bill Rocha Construction, Inc., in the bid amount of \$74,500, authorizing the City Manager to execute the contract upon receipt of required insurance certificates and payment and performance bonds, authorizing the Director of Parks and Recreation to approve project change orders not to exceed 10% of the contract bid amount, and amending fiscal year 2008-2009 appropriations by \$6,950 in account number 110-6152-5725-031.

ANDERSON NEW TECH STUDENT MONTHLY REPORT

Anderson New Tech High School Student Representative Zach Enmark gave an update on school activities.

PUBLIC WORKS DEPARTMENT

ANDERSON WASTEWATER TREATMENT PLANT PROJECT/EMERGENCY STORAGE POND; RESOLUTION NO. 09-29

Deputy Public Works Director Kevin Kidd gave a staff report and answered questions from the Council.

By motion made, seconded (Hunt/Yarbrough), and carried, the Council adopted Resolution No. 09-29 making the findings that an addendum meets the criteria outlined in Section 15164 of the California Environmental Quality Act (CEQA); approving the plans, specifications and estimates prepared by PACE Engineering for the Solid Storage/Emergency Storage Pond No. 5 Project at the Wastewater Treatment Plant; and authorizing the Interim Public Works Director to advertise for construction bids and set a bid opening for 2:00 p.m. on Wednesday May 27, 2009.

STAFF REPORTS

Assistant City Manager Dana Shigley gave a report on her attendance at the California Redevelopment Association conference.

8:24 p.m.: *The City Council recessed and the Anderson Redevelopment Agency convened.*

ANDERSON REDEVELOPMENT AGENCY

The Anderson Redevelopment Agency convened at 8:24 p.m.

ROLL CALL

Agency Members Present: Directors Yarbrough, Hunt, Connick, Webster, and Chairman Schaefer.

Agency Members Absent: None.

Also present: Executive Director Dana Shigley, Agency Counsel Mike Fitzpatrick, and Secretary Scott Morgan.

MINUTES

By motion made, seconded (Hunt/Connick), and carried, the Agency approved minutes of the meeting of April 7, 2009.

8:24 p.m.: *The City Council reconvened and the Anderson Redevelopment Agency continued in joint session.*

Public Comment on Closed Session Item(s) – None.

CLOSED SESSION

8:25 p.m.: *The City Council and the Anderson Redevelopment Agency convened to Closed Session to consider the following:*

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Pursuant to subdivision (b) of Govt. Code Section 54954.5)

Property: Assessors Parcel No. 201-740-063 and 62, 2258 North Street

Negotiators: Executive Director Dana Shigley and John and Judy Goold.

Under Negotiation: Price and terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Pursuant to subdivision (b) of Govt. Code Section 54954.5)

Property: Assessors Parcel No. 201-740-037, 2242 North Street
Negotiators: Executive Director Dana Shigley and Lowell Sisco

Under Negotiation: Price and terms

CONFERENCE WITH LEGAL COUNSEL – LIABILITY CLAIM

(Pursuant to Govt. Code Section 54956.95)

Claim No. 2009085289

Claimants: Kenneth Pope and Bonnie Pope

Agency claimed against: City of Anderson

9:19 p.m.: *The City Council and the Anderson Redevelopment Agency reconvened to Open Session.*

CLOSED SESSION ANNOUNCEMENT

Mayor/Chairman Schaefer announced that the Redevelopment Agency sat in Closed Session to discuss real property negotiations, and the City Council sat in Closed Session to confer with Legal Council on an existing liability claim, with direction given.

ADJOURN

9:20 p.m.: The Redevelopment Agency adjourned and the City Council adjourned to 6:00 p.m., May 5, 2009, for a Joint Workshop with the Planning Commission on the proposed annual update to the Five Year Capital Improvement Plan.

Butch Schaefer, Mayor

ATTEST:

Juanita Barnett, Deputy City Clerk