

**ANDERSON CITY COUNCIL MINUTES
Regular Meeting
December 16, 2008**

CITY COUNCIL/PLANNING COMMISSION JOINT WORKSHOP 6:00 p.m.

The Joint Workshop was called to order at 6:00 p.m.

ROLL CALL

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

Councilmembers absent: None.

Planning Commissioners present: Commissioner Barnett

Planning Commissioners absent: Commissioner Northrup
Vice-Chairman Walton
Chairman Haggard

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

JOINT WORKSHOP – DOWNTOWN MIXED USE ZONING ORDINANCE

6:02 p.m.: Planning Commission Chairman Christine Haggard arrived and took her place on the dais.

The City Council conducted a joint workshop with the Planning Commission to discuss the proposed Mixed Use Zoning Ordinance.

Planning Director John Stokes gave a staff report, introduced Pacific Municipal Consultant Senior Planner Jeff Beiswenger and Urban Design Revitalization Expert Mark Brodeur. Together they presented the proposed Mixed Use Ordinance and answered questions from the Council and Planning Commission.

6:36 p.m.: Planning Commission Vice-Chairman DeVon Walton arrived and took his place on the dais.

Jerry Hanlin thanked Planning Director John Stokes and staff for addressing several questions previously brought up and stated that he felt that with those changes, the proposed Mixed Use Ordinance was heading in the right direction.

6:58: p.m.: The City Council recessed and the Planning Commission adjourned.

REGULAR SESSION

7:00 p.m.: The regular Council meeting was reconvened.

INVOCATION

City Attorney Mike Fitzpatrick gave the Invocation.

PLEDGE OF ALLEGIANCE

Vice-Mayor Norma Connick led the Pledge of Allegiance.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Mildred Moravec thanked the Council and staff for their efforts to help clean-up Claude Lane and further requested follow-up on when the road would be paved.

Larry Elliott requested an opportunity to speak in reference to an item on the consent agenda. Mayor Schaefer advised Mr. Elliott that he would be given an opportunity to address that item when it came up on the agenda.

COUNCIL REPORTS

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

ANDERSON NEW TECH STUDENT MONTHLY REPORT

This item was moved to a later time to allow for Zach Enmark to arrive from the Anderson High School District Board meeting.

CONSENT AGENDA

By motion made, seconded (Webster/Hunt), and carried, the Council removed Item 6.5 ASSUMING "ENFORCEMENT AUTHORITY" OVER MOBILE HOME PARKS IN THE CITY OF ANDERSON from the Consent Agenda.

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

Approved the minutes of the regular meeting of December 2, 2008.

Received and filed warrant 110621 to 110673 in the amount of \$26,892.89; warrant 110674 to 110762 in the amount of \$362,709.14; a Wire Transfer in the amount of \$3,156.05; and a Wire Transfer in the amount of \$211.93.

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

Received and filed the Year 2009 appointments list.

Adopted Resolution No. 08-91 establishing 2009 City holidays and City Hall closure hours.

Accepted the annual report on development impact fees.

Adopted Resolution No. 08-92 authorizing Shasta County to submit a Local Government Waste Tire Amnesty Grant for the City of Anderson, Shasta County and City of Shasta Lake.

ITEMS REMOVED FROM THE CONSENT CALENDAR

ASSUMING "ENFORCEMENT AUTHORITY" OVER MOBILE HOME PARKS IN THE CITY OF ANDERSON; ORDINANCE NO. 756

City Attorney Mike Fitzpatrick gave a staff report and answered questions from Council.

Larry Elliott, Shasta County Mobile Home Association President and owner of the El Rio Mobile Estates, expressed concerns that taking on mobile home parks for code enforcement will not be cost effective and feels that the City will eventually want to reverse this decision.

By motion made, seconded (Webster/Yarbrough), and carried, the Council enacted Ordinance No. 756 (second reading), to enable the City to assume "enforcement authority" over all mobile home parks within the City of Anderson, as introduced (first reading) on November 18, 2008.

PUBLIC HEARINGS - None.

REGULAR AGENDA

CITY MANAGER

SOLID WASTE COLLECTION AND DISPOSAL, RECYCLING AND GREEN WASTE FRANCHISE AMENDMENT; RESOLUTION NO. 08-93

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

By motion made, seconded (Webster/Connick), and carried, the Council adopted Resolution No. 08-93 approving a franchise amendment with USA Waste of California, Inc., a subsidiary of Waste Management, Inc., with an extended franchise term of January 1, 2009, through June 30, 2015.

ASSISTANT CITY MANAGER

AWARD OF BID FOR THE HISTORIC FIRE STATION FACADE IMPROVEMENTS AND SITE WORK

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

Anderson Fire Protection District Fire Chief Joe Piccinini thanked Council and staff for helping to put this project together.

By motion made, seconded (Hunt/Connick), and carried, the Council awarded the contract for the project to Cerami and Browning Construction, with a base bid of \$154,596, and a total bid of \$172,425, including added alternatives; authorized the City Manager to execute the contract upon receipt of required insurance certificates and payment and performance bonds; and authorized the Executive Director of the Redevelopment Agency to approve project change orders not to exceed 20% of the contract bid amount.

PARKS AND RECREATION DEPARTMENT

AWARD BID FOR THE ANDERSON RIVER PARK AMPHITHEATER RENOVATION

Parks and Recreation Director Ken Hartman gave a staff report and answered questions from Council. Omni Means representative Jeff Kiser answered questions from Council.

By motion made, seconded (Connick/Hunt), and carried the Council awarded the contract for the Anderson River Park Amphitheater Renovation Project to Site Work Solutions Inc. of Redding, California in the amount of \$165,808.85; authorized the City Manger to execute the contract up on receipt of the required insurance certificates, payment bond and performance bond; and authorized the Parks and Recreation Director to approve change orders not to exceed 20% of the bid amount.

RESOLUTION OF APPRECIATION FOR OUTGOING PLANNING COMMISSIONER LINDA AUSTIN; RESOLUTION NO. 08-94

Planning Director John Stokes gave a staff report and answered questions from Council.

By motion made, seconded (Hunt/Yarbrough), and carried the Council adopted Resolution No. 08-94, a resolution of appreciation for outgoing Planning Commissioner Linda Austin.

PUBLIC WORKS DEPARTMENT

CONSIDERATION OF STRIPING MODIFICATIONS AND INSTALLATION OF SIGNS APPROACHING THE ANDERSON COTTONWOOD IRRIGATION DISTRICT (A.C.I.D.) ARCH FLUME ON BRUCE STREET AND NEW STOP CONTROL AT EMILY DRIVE; RESOLUTION NO. 08-95

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

By motion made, seconded (Yarbrough/Hunt), and carried the Council adopted Resolution No. 08-95 approving traffic control modifications and increasing 2008-2009 Gas Tax Fund appropriations by \$11,500.

ANDERSON NEW TECH STUDENT MONTHLY REPORT

Anderson New Technology Student representative Zach Enmark gave an update on school activities.

PUBLIC COMMENT ON CLOSED SESSION ITEM(S) - None.

7:57 p.m.: **The City Council convened to Closed Session.**

CLOSED SESSION

The City Council convened to Closed Session to consider the following:

CONFERENCE WITH LEGAL COUNSEL ON EXISTING LITIGATION

(Pursuant to Govt. Code Section 54956.9(a))
Sabra Brooks and Ryder Bye vs. City of Anderson,
Shasta County Superior Court Case No. 163361

CONFERENCE WITH LEGAL COUNSEL ON EXISTING LITIGATION

(Pursuant to Govt. Code Section 54956.9(a))
 Kenneth Pinkston vs. State of California, et. al.
 Shasta County Superior Court Case No. 160874

CONFERENCE WITH LEGAL COUNSEL ON POTENTIAL LITIGATION

(Pursuant to Govt. Code Section 54956.9(c))
 Two potential cases – Northwest Homes and Palmer Homes

CONFERENCE WITH LEGAL COUNSEL – WORKERS COMPENSATION CLAIM

(Pursuant to Govt. Code Section 54956.95)
 Claim No. 2007069854
 Claimant: Lavonne Ochoa

CONFERENCE WITH LEGAL COUNSEL – LIABILITY CLAIMS

(Pursuant to Govt. Code Section 54956.95)
 Claim No. 2008074203
 Claimants: Janice and Michael Hubbard, Diane and Bob Madgic, Bill and Tae Warren,
 Deborah and John Watkins, Edward Swetkovich, Jr., and Andrea Suel.
 Agency claimed against: City of Anderson

CONFERENCE WITH LEGAL COUNSEL – LIABILITY CLAIM

(Pursuant to Govt. Code Section 54956.95)
 Claim No. 2008077855
 Claimant: Lori Jack
 Agency claimed against: City of Anderson

CONFERENCE WITH LEGAL COUNSEL – LIABILITY CLAIMS

(Pursuant to Govt. Code Section 54956.95)
 Claim No. 2008075176
 Claimant: Michael Jayne & Sprint PCS
 Agency claimed against: City of Anderson

9:33 p.m.: *The City Council reconvened to Open Session.*

CLOSED SESSION ANNOUNCEMENT

Mayor Schaefer announced that the City Council sat in closed session to discuss various liability claims with a decision to make a settlement offer in the Lavonne Ochoa workers compensation case the only reportable action taken.

ADJOURNMENT

9:34 p.m.: The City Council adjourned to 6:00 p.m. Tuesday, January 6, 2009.


 Butch Schaefer, Mayor

ATTEST:


 Juanita Barnett, Deputy City Clerk