

ANDERSON CITY COUNCIL MINUTES

**Regular Meeting
September 16, 2014**

REGULAR SESSION

The regular session was called to order at 6:00 p.m.

ROLL CALL

Councilmembers present: Councilmember Day
 Councilmember Yarbrough
 Councilmember Hunt
 Vice-Mayor Baugh
 Mayor Hopkins

Councilmember absent: None.

Also present: City Manager Jeff Kiser, City Attorney Ann Siprelle, Police Chief Michael Johnson, Development Services Director Kristen Maze, Deputy Public Works Director David Durette, City Clerk Juanita Barnett, and Deputy City Clerk Brenda Hicken.

INVOCATION

Councilmember Yarbrough gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Hunt led the Pledge of Allegiance.

CHANGE OF ORDER

Due to the number of citizens requesting to speak on Item 8.9b - **HEARING AND RESOLUTION OF NECESSITY DECLARING THAT THE ACQUISITION OF A PERMANENT EASEMENT...**, Mayor Hopkins moved the Item up on the agenda to be discussed at this time.

HEARING AND RESOLUTION OF NECESSITY DECLARING THAT THE ACQUISITION OF A PERMANENT EASEMENT IN PORTIONS OF CERTAIN REAL PROPERTY BY EMINENT DOMAIN, LOCATED IN THE CITY OF ANDERSON, AND MORE PARTICULARLY DESCRIBED AS SHASTA COUNTY APN 201-640-002 (3555 RUPERT ROAD, ANDERSON, CA), IS NECESSARY FOR THE ANDERSON RIVER PARK TRAIL IMPROVEMENTS; RESOLUTION NO. 14-56

Deputy Public Works Director David Durette gave a staff report and, together with City Manager Jeff Kiser and City Attorney Ann Siprelle, answered questions from the Council.

Chief Johnson addressed safety concerns brought up in emails received by Councilmembers by concerned citizens.

The City Council conducted a hearing to consider the adoption of the resolution of necessity, including providing all interested parties of the affected property, and their attorney or representatives, an opportunity to appear and be heard on the issues relevant to the resolution.

Marsha Wilson requested additional time to present her case. Mayor Hopkins informed her that she would be allowed the standard three minutes that everyone else received. She then deferred to others to speak stating she would speak later on the matter.

The following people spoke in opposition to placing a pedestrian/bike trail from Stingy Lane to the Anderson River Park:

Mary Ann Sanchez	Cindy Childress
Doug Pixler	Marvin Whitman
Jack Carlino	Daniel Bright
Douglas Hays	Walter Childress
Sandra Olsen	Christine Simms
Randee Werner	Craig Callahan
Marsha Wilson	John Johnson
Charles Erickson	
Adrian Hayes	
Jack Baker	

The following people spoke in favor of the pedestrian/bike trail from Stingy Lane to the Anderson River Park:

Ann Thomas
Duane Miller
Rita Mendoza
Christine Haggard

Marsha Wilson, property owner, stated she has no knowledge of studies done or counts made to prove the need for a walking trail in this area; the City doesn't need another road in the middle between the two roads that now provide access to the park; this walking path would promote users to also use the private roads going through her mobile home park; and she is concerned about transients and others abusing this trail and creating security issues for the residents in her park.

The City Clerk read one letter received in opposition to the trail and two emails received in support of the trail.

7:21 p.m.: The Hearing was closed.

7:22 p.m.: The City Council recessed to allow residents to leave the Council Chambers.

7:28 p.m.: The City Council reconvened.

By motion made, seconded (Day/Baugh), and carried by a 4-1 vote, the Council made the following findings:

1. The public interest and necessity require the proposed project;
2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;
3. The real property to be acquired is necessary for the project;
4. The offer of just compensation has been made to the property owner; and

Adopted Resolution No. 14-56, a Resolution of Necessity declaring that the acquisition of a portion of certain real property by eminent domain, more particularly described in the exhibits attached to the resolution of necessity, is necessary for the Anderson River Park Trail Project.

Vote: AYES: Councilmembers Day, Baugh, Hunt, and Mayor Hopkins.
NOES: Councilmember Yarbrough.
ABSTAIN: None.
ABSENT: None.

PRESENTATION

Community Services Director Kristen Maze introduced Recreation Supervisor Pam Lewis who gave a recap of the Parks and Recreation summer programs, including a PowerPoint® presentation, and answered questions from the Council.

SCHEDULED CITIZEN REQUEST TO ADDRESS THE CITY COUNCIL

James W. Gibson requested to have his comments read to the Council concerning the Anderson River Park Veterans' Memorial Flag Pole and surrounding grounds as he was unable to attend the meeting in person. City Clerk Barnett read the following comments into the minutes: "I would like the City of Anderson to start taking an active interest in the Veteran's Monument Flag Pole and the surrounding grounds. It is there to honor our local Veterans both living and dead."

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Matt Wilson, Ravenwood Estates resident, stated he would like to know if anything can be done to deal with commercial vehicles parking in the subdivision, RV's parking for long periods of time on the street in front of their houses, and businesses being ran out of homes, especially people working on vehicles. He further stated he is tired of continually contacting both the Police Department and the Building Official and getting no results.

Mayor Hopkins asked Chief Johnson to address Mr. Wilson's concerns.

Chief Johnson said he would have his department look into the matter to see what can be done and will begin addressing the issues as soon as possible.

Kara Larrucea, Anderson Middle School teacher, introduced three students (Tanner Green, Evelyn Hoffman, and Frederick Kelm), and together they introduced the Walk to School Day activity planned for Friday October, 10, 2014, and invited the Council, staff, and other community members to get out and walk with the students to school on that day.

STUDENT REPORTS

Due to the length of the meeting, Anderson New Tech High School student representative Josh Bollinger had to leave and was unable to give an update on school activities.

Anderson Union High School student representative Katy Nunnelley was unable to attend.

Teen Center student representative Destiny Wade gave an update on Teen Center activities.

CONSENT AGENDA

By motion made, seconded (Yarbrough/Hunt), and carried by a 5-0 vote, the Council took the following actions:

Approved the minutes of the regular meeting of September 2, 2014.

Received and filed warrant 131481 to 131547 in the amount of \$99,383.69; warrant 131548 to 131599 in the amount of \$49,371.03; and an ACH in the amount of \$1,190.13.

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

Vote: AYES: Councilmembers Yarbrough, Hunt, Baugh, Day, and Mayor Hopkins.
 NOES: None.
 ABSTAIN: None.
 ABSENT: None.

ITEMS REMOVED FROM THE CONSENT CALENDAR – None.**PUBLIC HEARINGS****ALL LEGAL NOTICES WERE GIVEN ACCORDING TO LAW.****PUBLIC HEARING - ADOPT THE 2014 HOUSING ELEMENT UPDATE APPROVED BY THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD): RESOLUTION NO. 14-55**

This was the time set aside to receive public input on amending the general plan to include the updated 2014 Housing Element.

Development Services Director Kristen Maze introduced Mike Martin from PMC who gave a presentation on the 2014 Housing Element and answered questions from the Council.

8:18 p.m.: The Public Hearing was opened. No comments were received. The Public Hearing was closed.

By motion made, seconded (Yarbrough/Day) and carried by a 5-0 vote, the Council adopted Resolution No. 14-55 adopting the 5th Cycle of the Housing Element of the City of Anderson General Plan approved by the Department of Housing and Community Development.

Vote: AYES: Councilmembers Yarbrough, Day, Hunt, Baugh, and Mayor Hopkins.
NOES: None.
ABSTAIN: None.
ABSENT: None.

PUBLIC HEARING - REVIEW AND APPROVAL OF A GENERAL PLAN AND ZONE MAP AMENDMENT; ORDINANCE NO. 789

This was the time set aside to receive public input on amending the General Plan and Zone Map to change Low Density Residential to Commercial and Public Semi Public in the area of North Street and Stingy Lane.

Development Services Director Kristen Maze gave a staff report.

8:20 p.m.: The Public Hearing was opened.

John Walsh stated he owns the property being considered for zoning changes and would like to see the Council approve the proposed changes make the zoning consistent with what the property has always been: commercial.

8:23 p.m.: No other comments were received and the Public Hearing was closed.

By motion made, seconded (Baugh/Hunt), and carried by a 5-0 vote, the Council reviewed and adopted the exemption pursuant to California Environmental Quality Act Guidelines Section 15061 (b) (3); reviewed the General Plan and Zone Map Amendment application; and introduced Ordinance No. 789 (first reading) approving a General Plan Map amendment from Low Density Residential to Commercial and Public Semi Public and Zone Map amendment from Low Density Residential (R-1) to General Commercial (C-1) and Public Semi Public (PSP) consistent with the General Plan designations; made the findings that the map amendments are consistent with the General Plan; and placed the ordinance changing the General Plan and Zone map on the October 7, 2014 agenda for enactment (second reading).

Vote: AYES: Councilmembers Baugh, Hunt, Day, Yarbrough, and Mayor Hopkins.
NOES: None.
ABSTAIN: None.
ABSENT: None.

The City Clerk read the Ordinance by title only.

PUBLIC HEARING - REVIEW AND APPROVAL OF A GENERAL PLAN AND ZONE MAP AMENDMENT; ORDINANCE NO. 790

This was the time set aside to receive public input on amending the General Plan and Zone Map to change Commercial to Medium Density Residential in the area of North Street and Douglas Street.

Development Services Director Kristen Maze gave a staff report.

The City Clerk read the Ordinance by title only.

8:25 p.m.: The Public Hearing was opened. No comments were received. The Public Hearing was closed.

By motion made, seconded (Yarbrough/Baugh), and carried by a 5-0 vote, the Council reviewed and adopted the categorical exemption pursuant to California Environmental Quality Act Guidelines Section 15332; reviewed the General Plan and Zone Map Amendment application; and introduced Ordinance No. 790 (first reading) approving a General Plan amendment from Commercial to Medium Density Residential and Zone amendment from Commercial (C-1) to Planned Development Medium Density Residential (PD/R-2) consistent with the proposed Medium Density Residential General Plan designation; made the findings based on the Anderson Municipal Code (AMC) Chapter 17.10 *Medium Density Residential* and Chapter 17.32 *Planned Development*, and findings consistent with the General Plan; and directed the ordinance be placed on the October 7, 2014 agenda for enactment (second reading).

Vote: AYES: Councilmembers Yarbrough, Baugh, Day, Hunt, and Mayor Hopkins.
 NOES: None.
 ABSTAIN: None.
 ABSENT: None.

REGULAR AGENDA

PUBLIC WORKS DEPARTMENT

AUTHORIZATION TO AWARD 2014 PAVEMENT REPAIR PROJECT

City Engineer David Durette gave a staff report, and together with City Manager Jeff Kiser, answered questions from the Council.

By motion made, seconded (Hunt/Yarbrough), and carried by a 5-0 vote, the Council awarded the contract for the 2014 Pavement Repair Project to Sunrise Excavating from Redding, CA in the amount of One Hundred Sixty Thousand One Hundred Sixty Six Dollars and Forty Two Cents (\$160,166.42); authorized the City Manager to execute the contract upon receipt of required insurance certificates and payment and performance bonds; and authorized the Public Works Director to approve additional project change orders not to exceed 15% of the contract bid amount.

Vote: AYES: Councilmembers Hunt, Yarbrough, Day, Baugh, and Mayor Hopkins.
 NOES: None.
 ABSTAIN: None.
 ABSENT: None.

STAFF REPORTS

Deputy Public Works Director Dave Durette gave an update on the water loss report.

COUNCIL REPORTS/COMMENTS

Councilmembers used this time to report on meetings and activities they participated in and to announce upcoming events. Councilmember Hunt provided a written report to the Council on the League of California Cities Conference she attended with City Manager Jeff Kiser in Los Angeles.

CLOSED SESSION

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

8:39 p.m.: ***The City Council convened to Closed Session.***

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Gov't. Code Section 54957)

Title: City Manager (Regular quarterly evaluation)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

[Pursuant to Govt. Code Section 54956.9(d)(2)]

Potential cases: One

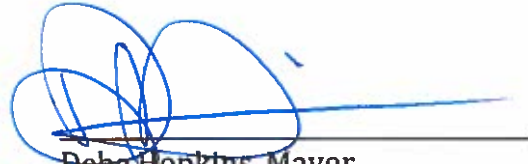
9:19 p.m.: ***The City Council reconvened to Open Session.***

CLOSED SESSION ANNOUNCEMENT

Mayor Hopkins announced that Council sat in Closed Session to conduct a quarterly performance evaluation of the City Manager and to consult with Legal Counsel on one case of anticipated litigation with no reportable actions taken.

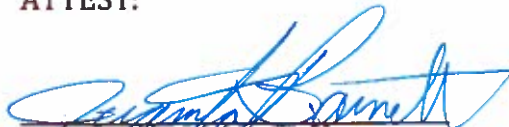
ADJOURNMENT

9:20 p.m.: ***The City Council adjourned to October 7, 2014.***



Debe Hopkins, Mayor

ATTEST:



Juanita Barnett, City Clerk