

Community Services Advisory Commission
Regular Meeting
Redding City Hall
777 Cypress Avenue
Redding, California
September 1, 2009, 3:04 p.m.

MINUTES

ATTENDANCE

The meeting opened with the following Commissioners present; Susan Hinz, Leona McCoach, Adam McElvain, Judy Salter and Jason Waybright.

Also present were Council Member Mary Stegall, City Attorney Rick Duvernay, Community Services Director Kimberly Niemer, Support Services Director Gerry Kersten, Planning Manager Doug DeMallie, Convention Center & Visitor Bureau Manager Chris Gonzalez, Community Project Manager Terry Hanson, Management Analyst Matthew McCallum, Management Analyst Michele Davis, Executive Assistant Erica Thomas and Executive Assistant Mari Szynal.

PUBLIC COMMENT

None

CONSENT CALENDAR

The minutes from the meeting on July 8, 2009, August 7, 2009, August 13, 2009 and August 25, 2009, the monthly Recreation Division Activity Report, the Convention Center Activity Report, the Convention Center Calendar, the Convention Center Capital Projects List were presented.

Motion: To approve Consent Calendar. (Made by Commissioner Waybright, Seconded by Commissioner Hinz)

AYES: Commissioners Hinz, McCoach, McElvain, Salter and Waybright

NOES: None

ABSTAIN: None

ABSENT: None

PRIMER ON THE RALPH M. BROWN ACT

City Attorney Duvernay provided an overview of the Brown Act, touching on issues as they might pertain to the Commission. It was pointed out that this was one of the “Sunshine Laws” enacted in the 1970's to provide the public with more information about the activities of public agencies.

The purpose of the Brown Act is as follows:

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and other public agencies in this state exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. Government Code §54950

The passage of Proposition 59 in 2004 was a renewed effort to strengthen the Brown Act. This proposition is primarily an affirmation of the Brown Act and states in part:

Proponents believe that making public access to government information a constitutional right will force courts to interpret the existing access laws more favorably while invoking privacy protection only in cases where it is warranted. They believe that it will raise the barrier on legislative limitations to public access and introduce a “constitutional framework” into the disclosure-privacy debate.

The Commission was told the Brown Act boils down to the following:

- All meetings of a legislative body of a local agency shall be open and public; and
- All persons shall be permitted to attend any meeting of the legislative body of a local agency.

This Commission is a legislative body, as defined by the Brown Act:

- The governing body of a local agency plus any board, commission, committee task force, or any other advisory board created by charter, ordinance, resolution or formal action of a legislative body.
- Includes permanent, temporary, decision-making and advisory bodies.
- Does not include temporary advisory committees made up of less than a quorum of the members of a legislative body (i.e., ad hoc committees).

Regarding meetings:

- Regular meetings are held per the established, published schedule and require 72 hours notice.
- Special meetings may be called at any time by either the chair or a majority of the members and require 24 hours notice to each member and the media.
- There should be a standard memo form for chair to sign-off on for special meeting.

For purposes of the Brown Act, a meeting is defined as follows:

- All aspects of the decision-making process: discussion, debate and acquisition of info
- Informal meetings
- Retreats and workshops
- Serial meetings: any means to develop a collective concurrence as to action to be taken on an item through a series of contacts (i.e., a series of emails or a ‘telephone tree’)

Meetings must:

- be in a place freely accessible to the public; and
- be held within the City of Redding

The following situations are not considered meetings under the Brown Act:

- Individual communications between a member of a legislative body and another person
- Conference open to the public
- Open and noticed community meetings organized by someone else
- Open and noticed meetings of a different legislative body
- Social gatherings and ceremonies

The Commission inquired into what type of matters, if any, Commissioners may discuss with each other outside of the regular meetings. City Attorney Duvernay pointed out that the members of the Commission as a whole or a majority of members cannot hold conversations about substantive matters that are either on the agenda or expected to be on the agenda in the future. This does not preclude City staff from sharing information with Commissioners outside of a public meeting.

The City Attorney noted that by happenstance, or accidentally, a phone tree could happen. The Brown Act is in place to prevent this from purposely happening. Commissioners must hold each other accountable and be sure they are not putting themselves or each other in an inappropriate situation.

No action was required on this informational item.

CONSIDERATION OF HEALTHY COMMUNITIES RESOLUTION

Director Niemer advised that staff reviewed the resolution proposed by the Healthy Eating Active Living Campaign and made some revisions to tailor it to the City of Redding. The City of Redding has been active on a number of fronts in fostering and promoting physical activity and healthy living. This resolution brings together a partnership with the League of California's Healthy Eating Active Living Campaign and offers an opportunity to underscore the City's interest and commitment to these principles.

Shasta County Public Health Program and Policy Analyst Minnie Sagar acknowledged the efforts made by the city and county to promote healthy behavior. She spoke about the Healthy Eating Active Living initiative.

Commissioner Salter suggested that it is the role of the Commission to address potentially difficult issues such as fast food and its impact on health and proximity to schools. She noted that it is the Commission's role to set the standard for others to follow.

Motion: Direct staff to revisit the issue at the next meeting with the original version of the resolution. (Made by Commissioner Hinz, Seconded by Commissioner McCoach)

AYES: Commissioners Hinz, McCoach, McElvain, Salter and Waybright
NOES: None
ABSTAIN: None
ABSENT: None

Director Niemer stated that she would depart the meeting during discussion of the next agenda item due to a conflict of interest.

CONSIDERATION OF PARKS, TRAILS AND OPEN SPACE RECOMMENDATIONS FOR SALT CREEK HEIGHTS SUBDIVISION

Community Services Project Manager Hanson provided background on the Salt Creek Heights subdivision proposed by Sierra Pacific Industries (SPI), as this project has progressed over the past several years. The Commission reviewed this project in 2007 and again in 2008. At those reviews, there were conditions recommended to the Planning Commission for park development and for contribution to the trail system. This large project (273 undeveloped acres with 146 developed acres and 440 units) has been refined as it has moved through the EIR process and will be presented to the Planning Commission on October 13. Staff is requesting the Commission's consideration and recommendation for the Planning Commission.

Commissioner McCoach inquired into what changes have been made to the project since the Commission last reviewed it. Project Manager Hanson replied that the number of units has been reduced.

Commissioner Hinz asked Project Manager Hanson to provide an overview of the history of the project. Project Manager Hanson noted that in 2007, the developer proposed the selected park site be relocated from the staff-recommended location (near the east end of the project) to a site adjacent to and including the WAPA power lines. The City's preference for the neighborhood park location was at the eastern edge of the Salt Creek project, placing it in a more central location to the existing subdivisions (Sunset Terrace, Sunset West, Sunset Avenues, Jenny Creek and the proposed 440 homes in Salt Creek). The developer viewed that land as more suitable for single family homes and countered with a proposal of a larger dedication to the west more central to the project itself. Staff and the Commission recommended the following conditions to the Planning Commission:

1. Dedication of 8 usable unencumbered acres and 5 acres encumbered by the WAPA power lines outright with no compensation beyond full credit for Park In Lieu fees.
2. Participation in the construction of the new Buenaventura Trail. No fee credit or payment to be made by the City.
3. SPI to enter into a development agreement to build the park.

In 2008, after reviewing the construction costs and environmental/permitting requirements for improving the capacity of the Buenaventura Trail, the developer and staff negotiated a cash contribution of \$250,000 for the City's trails program as an alternative to No. 2 above. The City completed a scaled down version of the Buenaventura Trail at a cost of approximately \$300,000 in April 2008.

Commissioner Waybright inquired into the location of the under or at-grade crossing. Community Projects Manager Hanson replied that it would be near the Buenaventura and Sunflower intersection. Commissioner Hinz asked what the cost of the undercrossing would be. Project Manager Hanson replied that we do not have that information at this time. Commissioner McCoach requested information on the pros and cons of the two crossings. Project Manger Hanson advised that it is his opinion that the undercrossing would be safer than an at-grade crossing. Commissioner Salter queried whether there are other traffic calming aspects which could be incorporated into the project. Project Manger Hanson replied in the affirmative. It would be necessary to receive input from both the developer's and the city's traffic engineers. Planning Manager Doug DeMallie provided information on traffic calming features utilized in other city locations. He then proceeded to discuss details about the under versus at-grade crossing subject.

Tim MacLean of Sharrah Dunlap Sawyer (SDS), the engineering firm for the Salt Creek Heights project, presented a map of the proposed subdivision with the 2008 park location delineated. He noted that the primary advantage to the park location is that it will be more centrally located within the Salt Creek Heights project and closer to the condo and apartment units where residents would have a greater need for a park.

Mr. MacLean then mentioned that SDS and SPI have some concerns with the 2009 staff report and SPI would like to come to some resolution prior to taking this project to the Planning Commission. He proceeded to delineate the issues of concern. The first issue is that SPI seeks the costs for either the under or at-grade crossing to be credited against park development fees.

The second issue is the trail contribution. SPI believes when the park site location was changed in 2008 that the city rather than SPI would develop Buenaventura Trail. SPI was under the impression that the cash contribution funds would go toward improvements toward the Buenaventura Trail system. The 2009 staff report notes that these funds are to be utilized by the City's trail system. SPI would like the cash contribution to be dedicated to trail improvements at or near the Salt Creek Heights subdivision, rather than be available for use anywhere within the city of Redding and not be of direct benefit to the residents of Salt Creek Heights. SPI feels that they have already donated additional land with the 2008 park site and this should also be taken into account. There is some discrepancy as to when or how this agreement changed.

Projects Manager Hanson recalled that the funds utilized to build the Buenaventura Trail were grant funds that could have been utilized to build another section of the city's trail system with the *Parks, Trails and Open Space Master Plan*.

Chair Salter inquired whether SPI would have been required to build the Buenaventura Trail as part of the subdivision agreement. Project Manager Hanson replied affirmatively, but from a timeliness factor a decision needed to be made regarding the best use of the grant funds prior to their expiration date. If the Salt Creek Heights project was ready to move forward at that time, SPI would have built the Buenaventura Trail and the grant funds would have been used elsewhere in the trail system.

Planning Manager DeMallie pointed out that the City follows its General Plan policies which support neighborhood connectivity and recreation amenities, particularly for projects such as this

one which sit right up against an existing trail. The Salt Creek Heights project will be the largest subdivision that he has worked on at the city of Redding. Staff would recommend that a Sacramento River Trail extension be constructed somewhere within the project.

Commissioner McCoach recalled that when the Commission looked at moving the park location and using grant funds for the Buenaventura Trail, it was always her understanding that SPI would 'reimburse' the City for building the trail.

Commissioner McCoach inquired whether the Salt Creek Heights subdivision would have a maintenance agreement attached. Projects Manager Hanson replied that a landscape maintenance district is recommended.

Commissioner Waybright asked who would pay for a connection from the Buenaventura Trail to the subdivision. Projects Manager Hanson replied that staff recommendation would be that any costs associated with that connection would be the responsibility of the developer.

Commissioner Hinz brought up continuing the negotiation and staff returning with more specific information on costs for the under and at-grade crossings. Cedrick Dwight of SPI noted that he would like to clarify the negotiation points before presenting to the Planning Commission. Planning Manager DeMallie asked the developer if he understood that continuing the hearing before the Community Services Advisory Commission would delay presentation to the Planning Commission. Mr. MacLean responded that he understood that would be the case.

Motion: Directing staff to continue negotiations with SPI and return with more specific information regarding dollars and the trade-off. Specify what is being asked of SPI and is this any different than or in excess of what you would normally ask for. (Made by Commissioner Hinz, Seconded by Commissioner McCoach)

AYES: Commissioners Hinz, McCoach, McElvain, Salter and Waybright

NOES: None

ABSTAIN: None

ABSENT: None

Director Niemer returned to the meeting.

CONSIDERATION OF RECOMMENDATION TO REQUEST PRIVATIZATION EVALUATION COMMITTEE TO EVALUATE THE POSSIBILITY OF PRIVATIZING THE CONVENTION CENTER AND/OR THE CONVENTION & VISITORS BUREAU

Commissioner Hinz provided a summary of a discussion at the August 25, 2009 Commission meeting whereby the question arose regarding whether the Commission or the Privatization Evaluation Committee (PEC) should be evaluating the Convention Center/Visitors Bureau for privatization.

The issue arose due to a concern that the evaluation of the Convention Center/Visitors Bureau may not be handled in the same way as the evaluations being handled by the PEC - due to the fact they are being conducted by two separate groups and the possibility of two different methods being used. Commissioner McCoach expressed concern that the public will become confused with having two different committees addressing privatization issues. Commissioner Hinz inquired why there are two committees.

Councilperson Stegall responded that it was because the Community Services Advisory Commission was given their direction from the City Council prior to the PEC being formed. Director Kersten noted that having the Commission look solely at the Convention Center/Visitors Bureau allows for a concentrated approach. His department will provide any and all information the Commission needs in their review. The knowledge that the Commission brings to the table, having oversight of the Convention Center/Visitors Bureau, allowed them to hit the ground running. Handing this to the PEC at this point would be taking several steps back in the process.

Councilperson Stegall pointed out that the Commission was directed by the City Council to take a look at the Convention Center/Visitors Bureau and return with recommendations on how to make them viable entities. Privatization is to be included in those considerations. The PEC is only looking at the privatization issues for several different city entities.

Director Niemer observed that the PEC is potentially looking at privatization of the Parks Division. Does the Commission feel that their oversight of Parks or other areas in their purview would include taking on that review? The Commissioners thought this might be appropriate and discussed making this request to the PEC. They elected to await the Committee's decision on which areas they would study further before bringing the suggestion forward.

It was decided that Vice Chair Hinz and Commissioner McCoach would attend the next PEC meeting to confirm the Commission's assignment and discuss ways to share resources.

Motion: To request the Privatization Evaluation Committee consider adding the Convention Center and Visitors Bureau to their review process. (Made by Commissioner McCoach, Seconded by Commissioner Waybright)

AYES: Commissioners McCoach

NOES: Commissioners Hinz, McElvain, Salter and Waybright

ABSTAIN: None

ABSENT: None

FINANCIAL UPDATE RELATED TO RECENT AND PROPOSED BUDGET REDUCTIONS

Director Kersten related that one of the agenda items for this evening's City Council meeting is to discuss potential budget reductions to close the funding gap in the General Fund. Fortunately, the Parks Maintenance Division was tapped to eliminate one parks maintenance worker, but it could have been much worse.

Director Niemer related that staff time will be cross-charged to a larger percentage to park development projects. She noted that the proposed budget reductions will negate the Department's ability to take on any projects other than the development agreements already in the pipeline.

The Commissioners discussed the City Manager's staff report to City Council, which listed the proposed budget reduction item that the proceeds (\$100,000 annually) from Big League Dreams would be allocated to the General Fund instead of the Parks Fund. It was proposed that Chair Salter attend the City Council meeting to request that this line item not exceed \$100,00 and be revisited in the 2011 budget cycle. The Commissioners reached consensus that this request would be made of the City Council.

PROJECTS UPDATES

Director Niemer provided updates on the following projects:

Martin Luther King Jr. Center

The Center is doing very well and will be rolling out some play groups, story groups, and computer lab. The afterschool program is up to 14 and we expect that to grow in the next few weeks. We now have a coordinator, Christina Massey, managing the day-to-day program at the Center. Director Niemer noted she would introduce Christina to the Commission at a future meeting.

Executive Assistant Szydal provided an update on the following project:

Community Creek Cleanup

The fourth annual cleanup, on October 3, will address invasive vegetation on the south side of the Sacramento River Trail, from the Diestlehorst Bridge to Keswick Dam Road. The goal is to remove the himalyan blackberry and ailanthus so that the riparian savannah returns and the Sacramento River is once again visible from the Trail. The project has been divided into four sections, with leaders coordinating the efforts in each section. Publicity is in full swing and on-line pre-registration is working well.

No action was required on these informational items.

COMMISSIONER COMMENTS

None.

DIRECTORS' COMMENTS

None.

ADJOURNMENT

There being no further business, at the hour of 5:32 p.m. Chair Salter declared the meeting adjourned.

Judy Salter, Chair

