

A G E N D A
RIO DELL CITY COUNCIL
REGULAR MEETING- 6:30 P.M.
TUESDAY, NOVEMBER 1, 2011
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. STUDY SESSIONS
- E. CEREMONIAL
- F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 5 minutes.

G. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".

- 1) 2011/1101.01 - Approve Minutes of the October 18, 2011 Regular Meeting (**ACTION**) **1**

2) 2011/1101.02 - Approve Minutes of the October 25, 2011 Closed Session (ACTION)	4
3) 2011/1101.03 - Approve 2011 Holiday Schedule (ACTION)	5
H. SPECIAL PRESENTATIONS	
1) 2011/1101.04 - 1 st Quarter Budget Report	6
I. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS	
1) "SPECIAL CALL ITEMS" from Consent Calendar	
2) 2011/1101.05 - Ratify Mayor's Appointment of Representative to Humboldt Waste Management Authority (HWMA) (ACTION)	10
3) 2011/1101.06 - Residential Uses in the Community Commercial Zone (ACTION)	12
4) 2011/1101.07 - Direct City Manager to Schedule Closed Session Interviews with City Attorney Applicant(s) (ACTION)	17
5) 2011/1101.08 - A New Vision for Commercial Development in Rio Dell (ACTION)	18
J. ORDINANCES/SPECIAL RESOLUTIONS	
1) 2011/1101.09 - Approve Resolution No. 1134-2011 Affirming City Manager Authorization to Expend up to a Total of \$125,000 for Legal Fees Related to Lawsuits Involving the Wastewater Treatment Plant Upgrade and Disposal Project (ACTION)	19
2) 2011/1101.10 - Approve Resolution No. 1135-2011 Amending the FY 2011-2012 Recycling Budget (ACTION)	23
K. REPORTS/STAFF COMMUNICATIONS	
1. City Manager	
2. Finance Director	
3. Chief of Police – Police Activity Report - 2011	26
4. Community Development Director	
L. COUNCIL REPORTS/COMMUNICATIONS	
M. ADJOURNMENT	

*The next Regular meeting will be on November 15, 2011
at 6:30 PM in the City Council Chambers*

**RIO DELL CITY COUNCIL
STUDY SESSION/REGULAR MEETING
OCTOBER 18, 2011
MINUTES**

The Study Session/Regular Meeting of the Rio Dell City Council was called to order at 5:00 p.m. by Mayor Pro Tem Marks.

ROLL CALL: Present: Mayor Pro Tem Marks, Councilmembers Leonard and Wilson

Absent: Mayor Woodall and Councilmember Thompson (excused)

Others Present: Study Session: City Manager Henrickson, Finance Director Beauchaine and City Clerk Dunham. Regular Meeting: City Manager Henrickson, Chief of Police Hill, Finance Director Beauchaine, and City Clerk Dunham

Absent: Community Development Director Caldwell and Water Superintendent Jensen (excused)

STUDY SESSION

City Attorney Interviews

5:00 p.m. – Mitchell, Brisso, Delaney & Vrieze, LLP

5:40 p.m. – Bragg, Perlman, Russ, Stunich & Eads LLP

Mayor Pro Tem Marks announced the purpose of the study session was to interview applicants for City Attorney. The first to be interviewed was Russell Gans and Paul Brisso from the firm of Mitchell, Brisso, Delaney & Vrieze. They began by providing background information on the firm as well as their personal education, qualifications and experience with municipal law. When asked about any potential conflicts they indicated that they had done a fair amount of legal work for the Town of Scotia and worked with Frank Bacik however, did not feel there would be a conflict of interest at this time since they basically dealt with evictions and general business. Mr. Gans pointed out that Frank Bacik currently serves as General Counsel for the Town of Scotia and their firm only works for them on a contract basis. If selected as the City's attorney, their loyalty would be with the City of Rio Dell rather than the Town of Scotia. Other issues discussed had to do with specialized law; land use and environmental issues; civil police cases; personnel; responsiveness; and hourly rates for their services.

Next was Andrew Stunich from the law offices of Bragg, Perlman, Russ, Stunich & Eads. His background included a broad range of legal expertise and experience in contract law, unlawful detainer, real property law, and employment law. He said he was well versed in Brown Act requirements and currently serves as the Attorney for the City of Trinidad and also provides legal services to the City of Eureka. He said he sees the role of the City Attorney as someone who helps guide the City in a way to avoid legal liability down the road.

The Council concluded the interviews at 5:52 p.m. Mayor Pro Tem Marks adjourned the meeting for a recess until 6:30 p.m.

The regular meeting reconvened at 6:30 p.m.

PUBLIC PRESENTATIONS

None

CONSENT CALENDAR

Mayor Pro Tem Marks announced the items to be approved on the consent calendar and asked the staff, the public and the Council members if there was anyone who wished to have any item removed from the consent calendar for separate discussion.

Motion was made by Wilson/Leonard to approve the consent calendar including approval of minutes of the September 28, 2011 Joint Study Session; approval of minutes of the October 4, 2011 Regular Meeting; and disposition of a laptop computer pursuant to Ordinance No. 271-2011. Motion carried 3-0.

SPECIAL PRESENTATIONS

Annual Financial Reports as of June 30, 2010 – Independent Auditor’s Report Management Discussion and Analysis (MD&A)

Finance Director Beauchaine provided a review of the Annual Financial Report prepared by the City’s Auditors Mann, Urrutia, and Nelson CPA’s. She began by summarizing five key points of interest which included:

- 1) Independent Auditors Report
- 2) Report on Internal Control Over Financial Reporting
- 3) Independent Auditors Report on Compliance – OMB Circular A-133
- 4) Communication with the Board of Governance (Letter to the Council)
- 5) Management’s Discussion and Analysis (MD&A)

Finance Director Beauchaine said that overall she was very pleased with the results of the 2009/2010 Audit and was happy to report that the City received an unqualified opinion, no material weaknesses were identified, and all material Federal guidelines were adhered to. She also reported that the City’s financial position continues to improve with net assets as of June 30, 2010 reported at \$9,465,416 compared to \$7,619,759 as of July 1, 2009. She reported an increase in combined citywide revenues by 12% and a 15% decrease in combined citywide expenses largely due to the re-organization in staffing. She stated the auditors will be performing site work during the second week of November and will be available to meet with individual council members and answer any additional questions or concerns they may have.

Councilmember Wilson referred to the 1,161 percentage variance noted on page 6 of the report under "Grants – Operating" and asked for the sake of clarity how that was possible; Finance Director Beauchaine stated the formulas are set up by the auditors and that she would make note of that when the next year's report is prepared.

Mayor Pro Tem Marks asked if the City pays bank fees and if they are included in the report; Beauchaine stated the City is assessed bank fees however this report does not include a Balance Sheet where they would be shown.

Mayor Pro Tem Marks said she would like to have a list of the accounts written off each year to bad debt.

Finance Director Beauchaine stated she would have available for the next regular meeting, the 1st Quarter Budget Reports and with that she will include bank fee totals and bad debt write-offs.

REPORTS/STAFF COMMUNICATIONS

Finance Director Beauchaine reported on recent activities in the Finance Department and said she was diligently working in preparation of the auditors site visit, and also reported that department inventory sheets were updated.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Pro Tem Marks asked Chief of Police Hill if he would be submitting Monthly Police Reports any time soon; Chief Hill said the City Manager had mentioned it to him and they would be forthcoming.

Mayor Pro Tem Marks reported on recent activities with the Humboldt Waste Management Authority (HWMA) and requested an item be placed on the next agenda regarding her resignation as representative to HWMA and the appointment of another council member to serve on that Board. She said with the upcoming tax season approaching she would be going back to work and would no longer be available to serve as representative for the City.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 6:55 P.M. to the November 1, 2011 regular meeting.

Melissa Marks, Mayor Pro Tem

Attest:

Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL
SPECIAL MEETING
OCTOBER 25, 2011
MINUTES**

A Special Meeting of the Rio Dell City Council was called to order at 9:00 a.m. by Mayor Pro Tem Marks.

ROLL CALL: Present: Mayor Pro Tem Marks, Councilmembers Leonard, Thompson and Wilson

Absent: Mayor Woodall (excused)

Others Present: City Manager Henrickson and City Clerk Dunham

SPECIAL MEETING MATTERS

CLOSED SESSION - Conference with Legal Counsel – Existing Litigation: 2 cases pursuant to Government Code Section 54956.9(a).

- a. Mercer Fraser Company vs. City of Rio Dell**
- b. Joseph Baratti vs. City of Rio Dell**

ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

Mayor Pro Tem Marks announced the Council would be adjourning to closed session to discuss the above matters and asked for public comment. There being no public present, the Council adjourned to closed session at 9:01 a.m.

At 9:30 a.m. Treven Tilbury, representing the City from Downey Brand Attorneys, LLP, joined the Council and City Manager in Closed Session.

The meeting reconvened at 10:10 a.m. Mayor Pro Tem Marks announced the Council took action in closed session by a vote of 4-0 authorizing the City Manager to expend up to \$125,000 as needed for legal fees in conjunction with the Wastewater Project II litigation.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 10:12 a.m. to the November 1, 2011 regular meeting.

Melissa Marks, Mayor Pro Tem

Attest:

Karen Dunham, City Clerk



**RIO DELL CITY COUNCIL
STAFF REPORT
NOVEMBER 1, 2011**

TO: Rio Dell City Council
FROM: Karen Dunham, City Clerk
THROUGH: Ron Henrickson, City Manager
DATE: November 1, 2011
RE: Holiday Schedule

RECOMMENDATION

Approve the 2011 Holiday Schedule

BACKGROUND AND DISCUSSION

The following schedule reflects designated holidays for City employees. City Hall will be closed on the following dates as indicated:

- Thanksgiving - City Hall closed Thursday, November 24 – Friday, November 25th (These are both designated paid holidays).
- Christmas Holiday - City Hall closed Friday, December 23rd – Monday, December 26th (Friday and Monday are both designated paid holidays).
- New Years - City Hall closed Monday, January 2nd (This is the designated paid holiday since New Year's Day falls on a Sunday).

675 Wildwood Avenue
Rio Dell, CA 95562



STAFF REPORT

TO: Mayor and Members of the City Council

THROUGH: Ron Henrickson, City Manager

FROM: Stephanie Beauchaine, Finance Director

DATE: October 25, 2011

SUBJECT: Citywide Operations and Capital Budget Variance Report and Combined Balance Sheet for the Period Ending September 30, 2011

RECOMMENDATION

Receive and File

BACKGROUND AND DISCUSSION

Attached are both Citywide Operations and Capital Budget Variance Report and the Combined Balance Sheet for the Period Ending September 30, 2011.

**City of Rio Dell
Budget Variance Report
Period Ending 09/30/2011**

Fund	YTD 2011-2012		YTD 2011-2012		Prior Year		YTD 2011-2012		YTD 2011-2012		Prior Year	
	Revenue Budget	Revenue Actual	Variance	%	%	Expenditure Budget	Expenditure Actual	Variance	%	%		
General Fund	\$ 830,561	\$ 18,694	\$ (811,867)	2%	9%	\$ 906,436	\$ 199,932	\$ (706,504)	22%	26%		
Streets Funds	\$ 182,550	\$ 17,920	\$ (164,630)	10%	22%	\$ 200,013	\$ 78,743	\$ (121,270)	39%	34%		
Sewer Funds	\$ 1,162,214	\$ 294,076	\$ (868,138)	25%	27%	\$ 1,217,476	\$ 242,862	\$ (974,614)	20%	23%		
Special Revenue Funds	\$ 35,695	\$ 14,129	\$ (21,566)	40%	3%	\$ 31,617	\$ 37,493	\$ 5,876	119%	7%		
Water Funds	\$ 651,112	\$ 172,772	\$ (478,340)	27%	33%	\$ 719,062	\$ 193,328	\$ (525,734)	27%	19%		
Total	\$ 2,862,132	\$ 517,591	\$ (2,344,541)	18%	21%	\$ 3,074,604	\$ 752,358	\$ (2,322,246)	24%	23%		

* The 9/30/2011 Budget Report reflects activity within the first quarter, or 25% of annual activity.

Citywide Budget Highlights

As of 9/30/2011 the City has received 18% of anticipated annual Citywide Operations Revenue. Revenue to date is proportionately low resulting from the County Tax Disbursement schedule and delayed receipt of operating grants and State subventions.

As of 9/30/2011 the City has expended 24% of operations funding appropriated for the year.

As of 09/30/2011 the City's originally adopted expenditure budget of \$3,030,789 has been amended and increased by 1% and now totals \$3,074,604. Revenues estimates have not been amended.

General Fund Highlights

General Fund Revenues received as of 9/30/2011 are 2% of annual projections. General Fund revenues are typically proportionately low during the first two quarters as a result of the County tax disbursement schedule. The City will receive it's first tax disbursement for the 2011-2012 Fiscal Year in January of 2012.

General Fund expenditures for the first quarter total 22% of annual appropriations. Expenditures to date are slightly low as a result of police department expenditures originally budgeted within the General Fund being expensed to a Special Revenue Fund in anticipation of potential SLESF State Funding. However, if the SLESF Funding is not received, the expenditures will be transferred back to the General Fund as budgeted.

This years General Fund revenue receipts are 7% less in comparison to the prior year as a result of delayed sales tax disbursements from the State.

Streets Fund Highlights

Streets Funds Revenue received to date totals 10% of annual projections. Much of the Street Funding is provided as a state subvention and is not received on a regularly scheduled basis.

Street Expenditures thus far total 39% of annual funding appropriated. Although expenditures are relatively high this quarter, that is to be expected as a result of contract payments for transportation services paid in full (in excess of \$35k) during the first quarter. Expenditures during the next quarter are expected to be significantly less.

As of 09/30/2011 Streets receipts are 12% less than the prior year as the City has not yet received a TDA disbursement from HCOAG due to HCOAG's postponement of the adoption of the unmet transit needs report. HCOAG has reported that the report is scheduled to be adopted in November and disbursements will be issued subsequently. SAFETEA funds from the State have also been delayed, but have been received and will be reported in the next quarter period.

Sewer Fund Highlights

Sewer Fund Revenues received total 25% of anticipated annual receipts. To date funding received is consistent with budget projections.

Sewer Fund Expenditures total 20% of annual funds appropriated. Similar to revenue, expenditures to date are consistent with budget projections.

**City of Rio Dell
Budget Variance Report
Period Ending 09/30/2011**

Special Revenue Funds

Special Revenue Fund receipts received to date total 40% of annual projections, 37% higher than the prior year due to fluctuating grant revenues. To date, the City has not received any of the SLESF Cops Funding and expenditures which were not included in the original budget. However, we continue to post transactions to this fund group in anticipation of a potential disbursement. The result is expenditures to date reported as 119% of appropriations budgeted. If the Funds are approved, expenditures within this fund category will be increased. In the event the SLESF Funds are not approved by the State expenditures will be transferred back to the General Fund.

Water Fund Highlights

Water Fund Revenues received total 27% of anticipated annual receipts. To date funding received is consistent with budget projections.

Water Fund Expenditures total 27% of annual funds appropriated. Similar to revenue, expenditures to date are consistent with budget projections.

City of Rio Dell
Combined Balance Sheet with All Funds
September 30, 2011

	Balance
Assets and Other Debits	
Cash & Cash Equivalents	830,572.70
Cash Held in Trust	0.00
Investments	0.00
Receivables: Assessments	180,000.00
Accounts Receivable	198,019.22
Accrued Interest	0.00
Intergovernment	0.00
Notes Receivable	1,342,907.55
Due From Other Funds	0.00
Inventory	0.00
Prepaid Items	48,511.87
Grants Receivable	120,429.04
Infrastructure, Property, Machinery & Equipment	13,363,878.43
Amount for Long-Term Debt	0.00
Total Assets	<u>16,084,318.81</u>
Liabilities	
Accounts Payable	112,064.34
Accrued Payroll, Taxes, & Comp	0.00
Deferred Revenue	1,338,064.62
Interest Payable	0.00
Deposits Payable	26,745.20
Retainage Payable	0.00
Due To Other Funds	0.00
Assessment Bonds Payable	180,000.00
Notes Payable, Net	2,516,000.00
Capital Leases Payable	58,295.93
Compensated Absences Payable	15,854.28
Settlement Payable	0.00
Total Liabilities	<u>4,247,024.37</u>
Fund Balances-Beginning	11,277,327.29
Excess Revenue over (under) Expense	<u>(235,021.55)</u>
Total Fund Balance	<u>11,042,305.74</u>
Total Liabilities and Fund Balance	<u>15,289,330.11</u>

675 Wildwood Avenue
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**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
NOVEMBER 1, 2011**

TO: Mayor and Members of the City Council

THROUGH: Ron Henrickson, City Manager

FROM: Karen Dunham, City Clerk

DATE: November 1, 2011

SUBJECT: Appointment of Representative and/or Alternate to Humboldt Waste Management Authority (HWMA)

RECOMMENDATION

Accept resignation of Mayor Pro Tem Marks as representative to HWMA and ratify the Mayor's appointments to Humboldt Waste Management Authority.

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

At the October 18, 2011 regular meeting, Mayor Pro Tem Marks announced she would no longer be available to serve as representative on HWMA Board and asked that an item be placed on this agenda for the appointment of a new representative and/or alternate.

ATTACHMENTS:

City Council Board/Committee/Commission Assignments for 2011

Updated 7-5-11

CITY COUNCIL BOARD/COMMITTEE/COMMISSION ASSIGNMENTS

	<u>Appointee</u>	<u>Alternate</u>
Humboldt County Association of Governments (HCAOG) <ul style="list-style-type: none">• Meets 4th Thursday at 4:00 PM in Eureka	Woodall	Leonard
Humboldt County Convention & Visitors Bureau Meets Quarterly for lunch (various locations)	Leonard	Wilson
Humboldt County Waste Management Authority (HCWMA) <ul style="list-style-type: none">• Meets 3rd Thursday @ 6:30 PM in Eureka	Marks	Leonard
Humboldt Transit Authority (HTA) <ul style="list-style-type: none">• Meets 3rd Wednesday at 9:00 AM at HTA	Woodall	Leonard
League of California Cities (Redwood Empire Division) (LOCC) <ul style="list-style-type: none">• Meets Quarterly (various locations)	Woodall	Marks
Redwood Region Economic Development Commission (RREDC) <ul style="list-style-type: none">• Meets 4th Monday at 6:30 PM in Eureka	Leonard	Marks
Local Agency Formation Commission (LAFCO)	Thompson (unofficial rep.)	
Redwood Coast Energy Authority Meets 3 rd Monday at 3:00 PM in Eureka	Thompson	Leonard
Humboldt/Del Norte Hazardous Response Authority Leonard <ul style="list-style-type: none">• Meets Quarterly at 4:30 PM in Eureka	Leonard	Wilson

Internal Committees

Traffic Committee	Wilson	Marks
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For Meeting of: November 1, 2011

To: City Council
From: Kevin Caldwell, Community Development Director
Through: Ron Henrickson, City Manager *RH*
Date: October 24, 2011
Subject: Residential Uses in the Community Commercial Zone

Recommendation:

That the City Council:

1. Receive staff's report regarding residential uses in the Community Commercial zone; and
2. Receive public input and deliberate; and
3. Decline to accept an application to amend the Community Commercial zone to allow residential uses and direct staff to amend the Community Commercial land use designation to be consistent with the Community Commercial zoning designation.

Background

The City was recently approached by Mike Ward regarding the possibility of allowing residential uses in the Community Commercial zone. Mr. Ward owns and operates an automobile repair business at 23 Center Street, APN 052-222-03. Please refer to Attachment 1. Mr. Ward would like to build a living unit above his existing automotive repair business.

The purpose of the Community Commercial or CC zone is to provide for large-scale commercial and light industrial uses. The Community Commercial development standards are included as Attachment 2. Most of the allowed uses are considered light industrial use types.

The Community Commercial General Plan land use designation, included as Attachment 3, allows residential uses restricted to upper floors of mixed use buildings. However, the Community Commercial zone does not allow any residential uses whatsoever. Motels and RV Parks are conditionally permitted. Obviously there is a disconnect between the zone and plan designations.

The principally and conditionally permitted uses allowed in the Community Commercial zone include a number of uses which may not be compatible with residential uses. Small animal hospitals, completely enclosed within a building, stores, agencies and services such as carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards, metalworking shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing and lithographic shops are all allowed in the Community Commercial zone. Many of the allowed uses are considered light industrial use types that have the potential to generate noise, dust, smoke, odors and other related impacts that are not compatible with residential uses.

While the Conditional Use Permit would allow the review of the compatibility of the residential use with the current commercial use, the commercial use could change, possibly affecting the compatibility between the two uses.

Currently the only commercial designation that allows residential uses is the Town Center zone. Detached two-story and second story residential uses in a mixed use building are allowed in the Town Center commercial zone. Most jurisdictions do allow mixed residential-commercial uses in their downtown commercial zoning districts. However, almost all jurisdictions require that the residential use be subordinate to the commercial uses.

Based on the allowed use types in the Community Commercial zone and the fact that the Town Center zone allows residential uses, staff recommends that we do not amend the Community Commercial zone to allow residential uses at this time. Should the Council agree, staff should be directed to amend the Community Commercial General Plan land use designation to eliminate residential uses restricted to upper floors of mixed use buildings.

Alternatives

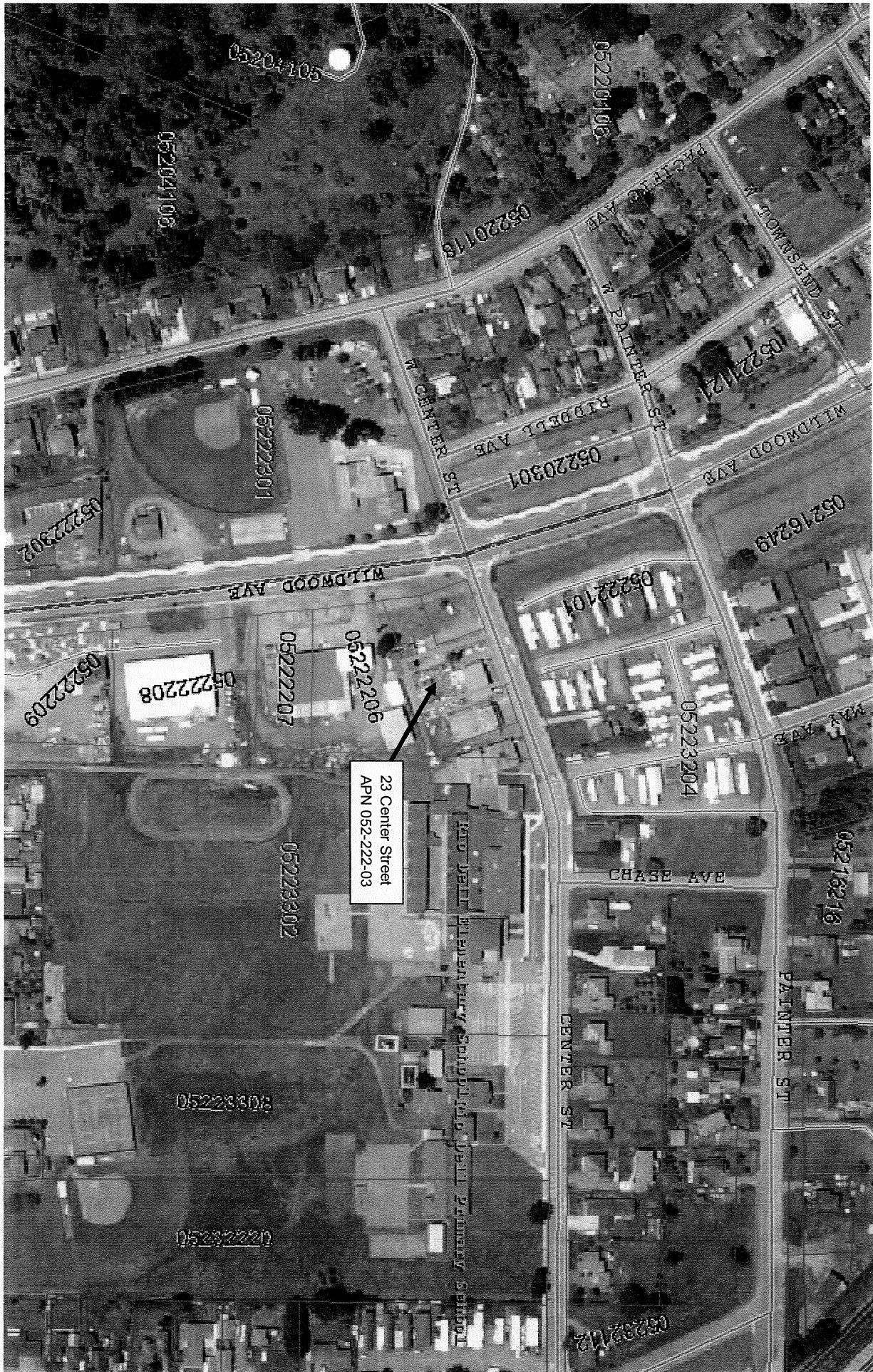
The City Council may direct staff to accept a text amendment application to amend the Community Commercial designation to allow residential uses with a Conditional Use Permit (CUP). For the reasons above, staff does not recommend this alternative.

Attachments

Attachment 1: Aerial photo of APN 052-222-003.

Attachment 2: Section 17.20.060, Community Commercial Zone Standards.

Attachment 3: General Plan Community Commercial Standards.



23 Center Street
APN 052-222-03

23 Center Street
APN 052-222-03



Attachment 1



17.20.060 Community Commercial or CC zone.

The purpose of the community commercial or CC zone is to provide for large-scale commercial uses. The following regulations shall apply in all community commercial or CC zones:

(1) Principal Permitted Uses.

- (a) Large-scale retail stores and retail services, including supermarkets;
- (b) Automotive sales, automotive services contained entirely within a building, and gas stations;
- (c) Light manufacturing contained entirely within a building;
- (d) All uses permitted with a use permit in neighborhood center or NC zones, without regard to the securing of any use permit, except as provided in subsection (2) of this section.

(2) Use Permitted with a Use Permit.

- (a) Motels in a lodging building or in a mixed use building, RV parks;
- (b) Small animal hospitals, completely enclosed within a building;
- (c) Stores, agencies and services such as carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards, metalworking shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing and lithographic;
- (d) Civic and cultural uses including City offices and other government services and City parking facilities.

(3) Other Regulations.

See Table 17.20.060 for development standards for the community commercial (CC) zone.

- (a) Minimum lot area, width, and minimum yards shall be the same as those required in the neighborhood commercial or NC zones.
- (b) Maximum building height: 45 feet.

Table 17.20.060 Development Standards for the Community Commercial or CC Zone	
Site Development Standard	Zone Requirement
Minimum Lot Area:	5,000 sq. ft.
Maximum Ground Coverage:	100% [Floor Area Ratio = 1.5]
Minimum Lot Width:	50 ft.
Minimum Yards	
Front:	15 feet if abutting residential, otherwise none required
Rear:	15 feet if abutting residential, otherwise none required
Side:	15 feet if abutting residential, otherwise none required
Maximum Building Height:	3 stories or 45 feet

DESIGNATION	MAP LABEL	ALLOWABLE USES	LOT SIZE	OPEN SPACE	DENSITY/ FAR*	BUILDING HEIGHT
		<ul style="list-style-type: none"> Lodging uses including hotels, bed and breakfast inns, and rooming houses in a lodging building, or in a mixed-use building. Civic and Cultural uses including city offices and other governmental services, city parking facilities, conference centers, museums, libraries, day care centers, and parks. 				
NEIGHBORHOOD CENTER	NC	<ul style="list-style-type: none"> Residential uses restricted to upper floors of mixed use buildings. Neighborhood commercial uses including retail sales, retail services, and restaurants in a commercial building, or in the ground floor of a mixed-use building. Limited office uses including commercial services, professional services, and health services in a mixed-use building. Limited lodging uses including bed and breakfast inns, and rooming houses in a mixed-use building. Civic and Cultural uses including city offices and day care centers. 	2,000 square feet average	None required	FAR – 1.5	Maximum 3 stories, or 45 feet
COMMUNITY COMMERCIAL	C	<ul style="list-style-type: none"> Residential uses restricted to upper floors of mixed use buildings.. Commercial uses including large-scale retail sales, super markets, automotive sales, automotive services contained entirely within a building, gas stations, and light manufacturing contained entirely within a building. 	5,000 square feet.	10%	FAR – 1.5	Maximum 3 stories, or 45 feet

675 Wildwood Avenue
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TO: Honorable Rio Dell City Council
FROM: Ron Henrickson, City Manager *RHA*
DATE: November 1, 2011
SUBJECT: Proposals for City Attorney

Council Action:

By motion:

- A. Direct the City Manager to invite Paul Brisso and Russ Gans to a closed Council session.
- B. Direct the City Manager to invite Andrew Stunich to a closed Council session.
- C. Direct the City Manager to invite Paul Brisso, Russ Gans and Andrew Stunich to a closed Council session.

Background:

On August 16, 2011, the City Council discussed the draft Request for Proposals for City Attorney and directed that the item be placed on the next agenda for Council action.

The City Attorney serves at the pleasure of the City Council as enumerated under Chapter 2.40 of the Rio Dell Municipal Code.

The City received two proposals. The first from the firm of Mitchell, Brisso, Delaney & Vrieze (Brisso & Gans); and the second from Bragg,

Perlman, Russ, Stunich & Eads (Stunich).

On October 18th the Council interviewed the candidates in open session.

Recommendation:

The City Manager recommends that the Council interview both candidate firms in closed session.

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**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
NOVEMBER 1, 2011**

TO: Mayor and Members of the City Council
FROM: Ron Henrickson, City Manager
DATE: November 1, 2011
SUBJECT: New Vision for Commercial Development in Rio Dell

BACKGROUND AND DISCUSSION

Information for this item will be provided at the Council Meeting.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager *RHA*

DATE: November 1, 2011

SUBJECT: Affirmation of Authorization for legal costs in conjunction with the Wastewater Treatment Plant Upgrade and Disposal Project

ATTACHEMENT: Resolution No.1134 -2011

Council Action:

By motion move to approve Resolution No. 1134-2011- A Resolution of the City Council of the City of Rio Dell Affirming City Manager Authorization to Expend up to a Total Amount of \$125,000 for Legal Services Related to Lawsuits Involving the Wastewater Treatment Plant Upgrade and Disposal Project.

Background:

At the recommendation of the City Attorney on September 20, 2011, the City Council authorized a contract for legal services with Downey Brand regarding issues related to the bids for construction of the Wastewater Facility in an amount not to exceed \$25,000.

Presently two lawsuits have been filed against the City and the City is actively engaged in defending the suits.

On October 25, 2011, the City Council met in closed session with our attorney and the Council subsequently voted 4-0 to authorize the City Manager to expend up to \$125,000 in legal services to defend the City. This resolution affirms that decision.

Presently the City has invested over 1.1 million dollars in the project most of which will be reimbursed by project funding provided the City awards a construction contract. Although the estimated cost of the project is in the neighborhood of 13 million dollars, if the City awards a construction contract it is eligible for 6 million dollars in principal forgiveness thereby significantly reducing the actual cost to City residents. If the construction contract award is not made in a timely manner the City risks losing the 6 million dollars as well as project financing.

Financial impact:

Funding of these costs would be from the sewer capital fund related to the project.

City Manager Recommendation:

The City Manager recommends approving the resolution.

RESOLUTION NO. 1134-2011

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AFFIRMING CITY MANAGER AUTHORIZATION TO EXPEND UP TO A TOTAL
AMOUNT OF \$125,000 FOR LEGAL SERVICES RELATED TO LAWSUITS
INVOLVING THE WASTEWATER TREATMENT PLANT UPGRADE AND
DISPOSAL PROJECT.**

WHEREAS, The City Council of the City of Rio Dell, California, requested bids for the Wastewater Treatment Plant Upgrade and Disposal Project (Project) on March 15, 2011, received bids on April 15, 2011 and rejected all bids on June 14, 2011; and

WHEREAS, The City issued a second request for bids on June 20, 2011, and received bids on August 16, 2011; and

WHEREAS, Mercer-Fraser Company (Mercer) was the apparent low bidder and Wahlund Construction, Inc./Sequoia Construction Specialties, A Joint Venture (Wahlund) was the apparent second low bidder; and

WHEREAS, The City, based on information received from the State Water Resources Control Board (SWRCB), project consulting engineer and legal counsel, rejected the bid from Mercer on September 6, 2011 by approving Resolution No. 1128-2011; and

WHEREAS, a lawsuit was filed against the City by Mr. Joseph Baratti on September 15, 2011, related to the rejection of the Mercer's bid; and

WHEREAS, The City authorized a contract for legal services in an amount not to exceed \$25,000 on September 20, 2011; and

WHEREAS, A hearing was held regarding a temporary restraining order (TRO) requested by Mr. Baratti prohibiting the City from awarding the construction contract on September 19, 2011; and

WHEREAS, The court found against the plaintiff Mr. Baratti and did not issue a TRO on September 30, 2011; and

WHEREAS, A second lawsuit was filed against the City by Mercer on September 30, 2011 regarding the Project; and

WHEREAS, Wahlund agreed to extend their bid beyond October 15, 2011, on October 13, 2011; and

WHEREAS, a hearing was held regarding an injunction sought by Mr. Baratti on October 25, 2011; and

WHEREAS, The City has invested over 1.1 million dollars in the proposed wastewater Project, most of which will be reimbursed by SWRCB provided the construction contract is awarded; and

WHEREAS, The City is under a SWRCB Cease and Desist Order for continued discharge of effluent into the Eel River and a North Coast Region's Administrative Order and is continuing to incur significant fines until the new wastewater Project is complete and operating; and

WHEREAS, The City believes the lawsuits are without merit; and

WHEREAS, If the construction contract for the Project is not awarded in a timely manner the City risks losing the 6 million dollars in principal forgiveness as well as Project financing; and

WHEREAS, The City believes awarding a construction contract and commencing the Project as soon as possible is in the best interests of the residents of the City; and

WHEREAS, The City Council in closed session on October 25, 2011, voted 4-0 to authorize the City Manager to expend up to \$125,000 in legal services to defend the City related to lawsuits involving the Project.

NOW, THEREFORE, BE IT RESOLVED, that the City of Rio Dell hereby affirms City Manager authorization to expend up to a total amount of \$125,000 for legal services related to lawsuits involving the Wastewater Treatment Plant Upgrade and Disposal Project.

APPROVED this 1st day of November, 2011, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

TO: Honorable Rio Dell City Council
THROUGH: Ron Henrickson, City Manager
FROM: Carla Ralston, P.W. Admin.
DATE: November 1, 2011
SUBJECT: Recycling Budget Amendment Resolution 1135-2011

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Adopt Resolution 1135-2011 approving a Recycling Budget Amendment for the purchase of 25 rigid liners for City owned garbage and recycling receptacles.

BACKGROUND AND DISCUSSION

The City has multiple two part garbage and recycling receptacles throughout town. Originally, these receptacles came with canvas bags for liners. Recently, we have noticed that many of the canvas bags, which are 5 to 7 years old, have deteriorated and/ or have been removed from the receptacles.

The receptacles were purchased from Recy-Cal Supply, and we have attached a quote from Recy-Cal for 25 rigid liners to replace the existing canvas liners. We believe these liners will be much more functional than the canvas bags and offer a longer life. We are seeking a budget expense amendment in the amount of \$1,450.00 to cover the associated costs of the liners and shipping.

BUDGETARY IMPACT

This purchase is proposed to be funded by Recycling Fund 27 Reserves.

ATTACHMENTS

1. Quote from Recy-Cal
2. Resolution Number 1135-2011



RECY-CAL SUPPLY, LLC
 42597 DE PORTOLA ROAD
 TEMECULA, CA 92592
 FAX 951/302-7530
 Telephone 800/927-3873

Sales Order 44477

Customer No. RDE675

Bill To:

CITY OF RIO DELL
 ATTN: CARLA RALSTON
 675 WILDWOOD AVENUE
 RIO DELL, CA 95562

Ship To:

CITY OF RIO DELL
 ATTN: CARLA RALSTON
 475 HILLTOP
 RIO DELL, CA 95562

**** THIS IS A BID/ESTIMATE ****

Date		Ship Via		F.O.B.		Terms	
10/04/11		BEST WAY		FACTORY		Net 30 Days	
Purchase Order Number			Order Date		Salesperson		Our Order Number
			10/04/11		LL		
Quantity			Item Number	Description	Tax	Unit Price	Amount
Required	Ship	B.O.					
25			RC3546BE-DS	22 GALLON ROUND RIGID LINER,BEIGE	Y	49.50	1237.50
1			SHIP-DROP	SHIPPING CHARGES FROM FACTORY	N	85.00	85.00
1			ESTIMATE	SHIPPING CHARGES SUBJECT TO CHANGE	Y	0.00	0.00
1			PRICE	CHANGE IN QTY MAY REQUIRE REQUOTE	Y	0.00	0.00
1			PRICE2	QUOTE FOR 1 ORDER TO 1 LOCATION	Y	0.00	0.00
1			QUOTE	QUOTE GOOD FOR 30 DAYS	N	0.00	0.00

ATTN: CARLA RALSTON - EMAIL: cralston@riodellicity.com
 PHONE: 707-764-3532

THANK YOU!

NonTaxable Subtotal	85.00
Taxable Subtotal	1237.50
Tax @ 7.250 %	89.72
Total Order	1412.22

Customer Original

24

**RESOLUTION NO. 1135-2011
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
AMENDING THE FISCAL-YEAR 2011-2012
RECYCLING BUDGET**

WHEREAS, The City Council approved Resolution 1117-2011 on July 19, 2011 approving the City of Rio Dell, California, Fiscal Year 2011-2012, Budget; and

WHEREAS, The City of Rio Dell desires to upgrade existing garbage and recycling receptacle can liners; and

WHEREAS, The appropriations within the adopted Recycling Budget for FY 2011-2012 did not include funding for upgrading the existing garbage and recycling receptacle can liners; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby amend the City of Rio Dell, California Fiscal Year 2011-2012 Recycling Budget increasing Department Budget expenditures in the amount of \$1,450.00 to 5102-04-027.

PASSED AND ADOPTED by the City of Rio Dell on this 1st day of November, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk



Date: November 1st, 2011

To: Honorable Mayor and Members of the City Council

Through: Ron Henrickson, City Manager

From: Graham Hill, Chief of Police

Subject: Year-to-date police department statistics (01-01-2011 to 10-26-2011)

SUMMARY:

The statistics below represent activity from several areas within our crime management system. They are year-to-date statistics with the same time period from the previous year are displayed to give the numbers some context and have something to compare them to.

	2010	2011
Calls For Service	4318	2905
Incidents	486	317
Arrests	260	181
Citations	247	173
Written Warnings	106	95
Animal Control	148	137
Nuisance Abatement	30	5
Traffic Stops	563	391
		172

I wanted to specifically point out the difference between last year and this year with the Calls for Service statistics. This difference is due in part because of reductions in staff, but are also related to how we are documenting information into our crime management system. Over the last couple of months we have been utilizing a module within our system that allows officer to document calls more efficiently than if they were documenting them into the Calls for Service Module. We are still capturing the information, but just doing it differently and more efficiently. This new way of capturing the information goes hand-in-hand with the recent addition of computers in our patrol vehicles. So in short the Call for Service numbers do not necessarily represent the effects of staff reductions or other variables very accurately at this point, and would represent a smaller variance between this year and last if we were still using that module in the same way. There is a 32% decrease in activity as compared to the previous year.

Below calls for service you will find the Incident statistics. The Incident module is where the detailed crime reports and other types of reports that require detailed documentation such as when a person is detained for a psychological evaluation, or when someone is bitten by a dog, are captured. We saw a 34% decrease in the number of Incident Reports taken this year as compared to last.

Arrests dropped by 30%, Citations by 29%, and Traffic Stops by 30%. Written Warnings only dropped 10%, and Animal Control only dropped by 7%. Animal Control was one of the areas in particular that I was concerned about when we experienced our staffing reductions earlier this year, and we have made a concerted effort to stay on top of this issue. I think the statistics for this category represent that effort, but also represent the fact that the Animal Control issue is a fairly consistent one that needs additional attention.

We saw an 83% decrease in Nuisance Abatement activity. This is due in part to less effort being placed on this activity by the department this year, but also is due to the fact that many of our Nuisance Abatement cases consist of weed abatement, which generally occurs in the spring. The department will be looking at this issue more carefully in the coming months to make sure that these issues are addressed efficiently.

These numbers represent a combination of factors, but the one that is most easily detected is the reduction in staff. Lower numbers in this case do not necessarily represent less crime or fewer calls. Earlier this year we reduced our police force by

44%. Last year each officer averaged about 539 Calls for Service, or 12% of the total calls. This year each officer is averaging 581 calls for Service, or 20% of the total calls (as mentioned above this number would likely be higher if we did not change our reporting method). So individually we are taking on additional calls, but as a department we have seen a reduction in total calls handled.

One of the things the department will be doing in the coming weeks is looking very closely at how we are organized and how efficient we are at accomplishing the tasks we need to get done. Some of the key issues we have been working on are how citizens get information to us, how the different tasks within the department are delegated, and the recruitment of Reserve Police Officers to compliment our full time staff.