



**AGENDA**  
RIO DELL CITY COUNCIL  
REGULAR MEETING – 6:30 P.M.  
TUESDAY, FEBRUARY 4, 2014  
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. CEREMONIAL MATTERS

E. 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. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Councilmembers present 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 3 minutes.*

F. 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) 2014/0204.01 - Approve Minutes of the January 21, 2014 Regular Meeting  
(ACTION)

- 2) 2014/0204.02 - Approve Agreement between Rio Dell and Humboldt Waste Management Authority for administration of Recycling Program **(ACTION)** 16
- 3) 2014/0204.03 - Approve Amendment to the Rio Dell/Scotia Chamber of Commerce Agreement for Business Incubator Cash Match to allow funds to be made in the 2013-14 and 2014-15 fiscal years **(ACTION)** 24

**G. SPECIAL PRESENTATIONS**

**H. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS**

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2014/0204.04 - Public Hearing - Unmet Transit Needs 30
- 3) 2014/0204.05 - Provide staff direction on concept of establishing Building Inspection Administrative Fees to fund the Building Inspection Program **(ACTION)** 32

**I. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

- 1) 2014/0204.06 - Introduce and conduct first reading (by title only) of Ordinance No. 317-2014 amending Section 2.60.030(4) of the Rio Dell Municipal Code changing the Planning Commission's monthly regular meetings from the 4<sup>th</sup> Wednesday of the month to the 4<sup>th</sup> Thursday **(ACTION)** 37
- 2) 2014/0204.07 - Continue public hearing, introduction and first reading (by title only) of Ordinance No. 312-2014 amending current Home Occupation Regulations to the meeting of February 18, 2014 **(ACTION)**

**J. REPORTS/STAFF COMMUNICATIONS**

- 1. City Manager
- 2. Chief of Police
- 3. Finance Director
- 4. Community Development Director

**K. COUNCIL REPORTS/COMMUNICATIONS**

**L. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS: No Closed Session Items Scheduled**

**M. ADJOURNMENT**

*The next regular meeting will be on February 18, 2014  
at 6:30 p.m. in City Hall Council Chambers*

**RIO DELL CITY COUNCIL  
SPECIAL MEETING  
REGULAR MEETING  
JANUARY 21, 2014  
MINUTES**

The special meeting/regular meeting of the Rio Dell City Council was called to order at 6:00 p.m. by Mayor Thompson.

**ROLL CALL:** Present: Mayor Thompson, Councilmembers Johnson, Marks, Wilson and Woodall

Others Present: (Special Meeting) City Manager Stretch, Community Development Director Caldwell, City Attorney Gans and City Clerk Dunham

(Regular Meeting) City Manager Stretch, Chief of Police Hill, Community Development Director Caldwell, Water/Roadways Superintendent Jensen, Wastewater Superintendent Chicora and City Clerk Dunham

**SPECIAL MEETING MATTERS**

Appeal Hearing – Steven and Sharon Wolff – Related to CDBG Loan Advisory Committee Denial of Request for Loan Forgiveness

City Manager Stretch provided background on the subject of the appeal hearing and stated on December 2, 2013 the CDBG Loan Advisory Committee received a request from Steven and Sharon Wolff for forgiveness of their \$54,000 CDBG loan, challenging the legality of the loan documents and claiming it to be a worthless debt. He said the request was referred to the City Attorney for a legal opinion; upon completion of his review, he prepared a response directed to the Loan Advisory Committee. Based on the City Attorney's review of the request and corresponding documentation in the files, the Committee concluded that contrary to the Wolff's assertions, the loan was valid and there was no basis for it to be written off.

He further reported that the Committee communicated its decision in a letter to the Wolff's on December 23, 2013, followed by a letter the next day informing them that they had the right to appeal the Committee's decision to the Rio Dell City Council, which is the board that receives appeals from residents that are in disagreement with the decision of the CDBG Loan Advisory Committee. The Wolff's submitted an appeal letter to the City dated December 26, 2013 including additional information related to the loan. As such, the appeal hearing was scheduled before the City Council at this time.

Mayor Thompson began with a brief introduction regarding the public hearing on the Wolff's appeal and stated on a technical point, the appeal letter dated December 26, 2013, submitted by Steven and Sharon Wolff was not signed. He asked the City Clerk at this time, to present the letter to Sharon Wolff for signature and verification that it was the same letter as originally

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presented. Sharon Wolff then signed the letter; since Steven Wolff was not present, Sharon signed on his behalf.

Mayor Thompson continued with review of the outline on how the appeal hearing would be conducted.

Sharon Wolff provided a brief presentation stating that the response letter from Attorney Gans was based on City files that were incomplete and as such, the missing documents were added.

Mayor Thompson called for questions from the Council related to the appeal.

Councilmember Johnson referred to the December 26, 2013 letter from the appellants (the last bulleted point on the first page) which referenced a "Notice to Stop Work Order" delivered on October 20, 2003 that was claimed to have been backdated to 10/9/03 and then restated as being backdated to 9/9/03.

Sharon Wolff responded stating that the 9/9/03 date was a typo and should have read 10/9/03.

Councilmember Johnson then asked the appellant if the upper floor of the residence had been occupied prior to their purchase of the home.

Sharon Wolff stated that she believed that it was occupied and described the condition as being "pretty trashed."

Councilmember Johnson noted that by the Wolff's letter, it appears that they initially were given \$40,000 with the purchase of their home under the First Time Home Buyer Program; followed by a \$14,000 deferred CDBG Rehabilitation loan for repairs and remodeling for a total of \$54,000 which becomes interest free at the conclusion of thirty years provided they are still living in the home; and an additional \$50,000 grant to complete the repairs.

City Manager Stretch commented that the City Attorney was asked to review the appeal; upon completion of his review he prepared for the City a confidential attorney-client letter which the Council may include as part of these proceedings.

The letter dated January 15, 2014 from the City Attorney's office of Mitchell, Brisso, Delaney & Vrieze, LLP to the City of Rio Dell CDBG Loan Advisory Committee was presented to Councilmembers and the City Clerk to be entered into as part of the record.

City Attorney Gans proceeded by providing a summary of the key points outlined in the letter. He said one of the assertions of the Wolff's was that the Truth and Lending Disclosure was signed 6 days after the close of escrow however; the Truth in Lending Disclosure Statement, the Loan Agreement and Note and Deed of Trust were in fact all signed on the same day,



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September 25, 2003. He noted the Deed of Trust was recorded on September 30, 2003, at the time escrow closed which is more than three days as required by law.

He further stated that the Wolff's claimed that they were told that the loan would be forgiven in its entirety after 10 years, provided they maintained the home as their primary residence. He said the loan documents signed by the Wolff's clearly state that the accrued **interest** is forgiven at the conclusion of the **30 year** term of the loan, assuming the Wolff's continue to live in the home as their primary residence. He further explained that there is no recital to that effect in any of the loan documents and that the principal is **never** forgiven under the terms of these loans.

Additionally, the Wolff's are prohibited from pursuing claims of invalidity of the loan by the terms of the comprehensive General Release of all Claims which they signed on September 17, 2004, releasing the City of Rio Dell from all claims and causes of action in any way related to or arising out of the City's administration of the First Time Home Buyer's Program. He said in consideration of the release, the Wolff's received a \$50,000 grant which does not have to be repaid, for additional repairs to their home.

City Attorney Gans noted that in recent bankruptcy filings by the Wolff's, the challenge on the validity and enforceability of the loan survived as being a valid debt.

In closing, he said he simply could not find any defaults in the loan documents and found no basis for the loan to be written off by the City. He said the City Council has a fiduciary responsibility to safeguard the City's finances and this matter should not be taken lightly. Also; if the City begins forgiving loans that have no basis to be forgiven, the money will never be repaid and will never be available to assist other low income residents who need assistance.

Councilmember Wilson asked for clarification as to whether there were 1 or 2 recent bankruptcy filings by the Wolff's. Attorney Gans stated the first bankruptcy was in 2006; the second in 2012 however; the Wolff's withdrew the motion to avoid the City of Rio Dell's lien and filed a motion as to only the lien created by the abstract of judgment recorded by Brad Floyd because the order to dismiss the City's loan was denied.

Councilmember Johnson referred to the December 26, 2013 letter from the Wolff's where the loan was referred to as a "wholly worthless debt (26 USC §166)" and asked for clarification of that term.

City Attorney Gans explained that it is a characterization of the debt by the Wolff's and is basically a lien of record.

Sharon Wolff then reviewed the timeline with regard to the loan documents and said the title company prepared the loan documents on September 16, 2003, they went to the title company on September 19, 2003 and signed the documents however; because Larry Miller from Redwood

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Community Action Agency (RCAA) didn't show up, they had to go into RCAA's office with the documents days later.

She said with regard to the lien, they did contest the loan with the bankruptcy court on the basis that the home has no value above the first deed of trust and therefore they cannot obtain a loan to do necessary repairs to the roof.

Mayor Thompson pointed out that in 2003 when the Wolff's applied for the rehab loan, RCAA assessed the needed repairs to the home and indicated that the existing roof was fairly new.

Councilmember Wilson asked the appellant why they bought the house if it was in such bad condition.

Sharon Wolff responded that they were looking for a fixer-upper and at that time, home values were high and they felt the value was in the land.

Councilmember Johnson asked if there were any defects in the home that they were not aware of at the time of purchase.

Sharon Wolff commented that the only real surprise was that they were not aware they would have to fight the City for the repairs to the foundation and support beam that basically held up the second story of the home.

City Manager Stretch noted that the Wolff's received a \$50,000 grant from the City in 2004 to achieve an additional scope of work to the home including repair of the roof and installation of vents and asked why the work was not accomplished.

Sharon Wolff commented that the work was not done because there was not enough money.

A public hearing was opened to receive public comment on the matter; there being no public comment, a motion was made by Wilson/Marks to close the public hearing. Motion carried 5-0.

Mayor Thompson announced that this concludes the public hearing and asked for questions of the Council.

City Manager Stretch reviewed the options and said with regard to the appeal of Steven and Sharon Wolff from the Rio Dell CDBG Loan Advisory Committee decision to deny their request for forgiveness of their \$54,000 CDBG loan, based on the information and testimony provided in the appeal, the Council can either approve a motion to uphold the appeal, overturning the Committee's decision, or deny the appeal, affirming the Committee's decision not to forgive the loan.

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Councilmember Johnson asked if all of the items (a-j) contained in the Scope of Work were accomplished with the \$50,000 grant.

Sharon Wolff commented that the roof repair was the major item that was not done and that the foundation work was done and the beam was installed to take care of the structural concerns. She noted that there was no close out of the project or final inspection since a portion of the work was not finished.

Mayor Thompson asked for clarification of Civil Code Section 1542 as referenced in Item 9 of the *General Release of All Claims*.

City Attorney Gans explained there is a provision in the California Civil Code that says where a party releases all claims relative to the dispute, even though they may not have knowledge of a matter relative to the dispute, future claims are also waived if it is stated so in the agreement, putting the person(s) signing the agreement on notice that they are waiving all future claims.

Motion was made by Johnson/Wilson to deny the appeal of Steven and Sharon Wolff, affirming the Rio Dell CDBG Loan Advisory Committee decision to deny their request for forgiveness of their \$54,000 CDBG loan. Motion carried 5-0.

City Attorney Gans left the meeting at this time, 6:34 p.m.

The City Council continued with the regular meeting portion of the agenda.

## **PUBLIC PRESENTATIONS**

**Sharon Wolff** addressed the Council regarding the current drought declaration by the State and said in 2004 the City put forth a Water Shortage Contingency Plan and requested a copy of that plan. She questioned the current water level and if there are any ongoing plans for implementation of water conservation measures. She also commented that the Dinsmore tank was expanded as part of a proposed development which the developer paid for and asked if the additional capacity was set aside for the Dinsmore Plateau only or available for the entire City.

Mayor Thompson asked her to provide her questions/request in writing and staff would respond.

**Karen Chase** addressed the Council regarding the river bar issue and said she agreed to keep an eye on activities on the river bar and presented more pictures of at least 5 marijuana dump sites. She said the used soil is full of toxins and could work its way into the ground or the water and could have a huge impact on the City's drinking water. She asked who is responsible for cleaning up these dump sites and why the gate needs to be open after dark or during winter months. She said the people going down to the river after dark are not going down to go fishing and stressed the need to limit the number of people accessing the river bar.

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**Gary Chapman** addressed the Council regarding the High Energy Use Tax the City of Arcata recently passed and stated that PG&E is offering to provide other jurisdictions the opportunity to get free information and asked that the City Council explore the possibility of implementing the same tax in Rio Dell.

City Manager Stretch commented that the “free” information is estimated to cost the City between \$500 and \$1,000.

**Nick Angeloff** provided a brief update on the North State Economic Forecast east-west rail efforts and said the Rail Committee met and set up a booth at the NCED conference in Chico to provide information and is moving forward to seek funding. He said the Tehema-Humboldt Railroad Committee is also seeking funding for that side.

#### **CONSENT CALENDAR**

City Manager Stretch asked that Item 4 be removed from the consent calendar and tabled to a later meeting as he was still reviewing expenditures and revenues in the water fund. He also requested that Item 3 be removed from the consent calendar and placed under special call items for amendment to the recommended action.

Motion was made by Marks/Woodall to approve the consent calendar including the approval of minutes of the January 7, 2014 regular meeting; approval of Pay Request No. 2 to Cal Electro in the amount of \$51,607.16 for the Wildwood Ave. Streetscape Improvement Project, directing staff to file the Notice of Completion, and authorizing the City Manager to release 5% retention in the amount of \$33,173.34, 35 days after filing Notice of Completion; approval of Pay Request No. 22 to Wahlund Construction, Sequoia Construction Specialties in the amount of \$275,327.08 directing staff to file the Notice of Completion and authorizing staff to release the 5% retention in the amount of \$539,764.29, 35 days after filing of the Notice of Completion; approval of payment to Wahlund Construction/Sequoia Construction Specialties in the amount of \$6,281.50 (50% shared cost) for additional paving required at the Wastewater Treatment Plant Facility; and approval of Resolution No. 1216-2014 appointing the representative and alternate to the Board of Directors of SCORE (Small Cities Organized Risk Effort). Motion carried 5-0.

#### **SPECIAL CALL ITEMS FROM CONSENT CALENDAR**

Approve Pay Request No. 22 to Wahlund Construction/Sequoia Construction Specialties in the amount of \$275,327.08, direct staff to file Notice of Completion and authorize staff to release 5% retention in the amount of \$539,764.29 35 days after filing of the Notice of Completion

City Manager Stretch amended the recommended action stating that the motion should include additional language to say “after the Certificate of Substantive Completion is received by the City Engineer.”

Motion was made by Woodall/Marks to approve Pay Request No. 22 to Wahlund Construction/Sequoia Construction Specialties in the amount of \$275,327.08, direct staff to file Notice of Completion and authorize staff to release 5% retention in the amount of \$539,764.29, 35 days after filing of the Notice of Completion and after the Certificate of Substantive Completion is received by the City Engineer. Motion carried 5-0.

### SPECIAL PRESENTATIONS

Presentation by David Carter, PE, GHD, Inc. and Matthew Marshall, Executive Director of Redwood Coast Energy Authority – Grant funded opportunity for plug-in electric vehicle charging station installed at City Hall – Approve participation in Program and authorize staff to sign a letter of support

City Manager Stretch provided a brief staff report and said he had a conversation with David Carter, PE, GHD, Inc. and Matthew Marshall, RCEA regarding an opportunity for the City to host a grant funded plug-in Electric Vehicle Charging Station at City Hall as part of the North Coast Plug-in Electric Vehicle Charging Network – Phase 1 Project.

Mayor Thompson commented that the goal of the Redwood Coast Energy Authority (RCEA) is to find ways to produce more electricity and at the same time, reduce energy consumption.

Matthew Marshall stated that RCEA has been instrumental in savings of several million dollars over the past 10 years through various energy efficiency measures. Also, they have provided more transportation opportunities for the community.

David Carter gave a presentation about the EV Charging project and said a summary of the project was included in the Council packet but in order for the City to participate, the City Council needs to authorize staff to sign a letter of support for the project by January 31, 2014 as part of the first 10 (plus or minus 2) stations in Humboldt County.

He stated that the Redwood Coast Energy Authority (RCEA), the Schatz Energy Research Center (SERC), and GHD have been working together to plan out the best locations for Electric Vehicle chargers throughout the County; and preparing a grant application through the California Energy Commission to fund the installation of the first 10 or so charging stations as a first phase of the network. He said in looking around the City, it seems the preferred location would be at City Hall. He noted that the Governor's Office of Planning and Research has issued Universal Charging Access Guidelines to make EV charging accessible to handicapped persons; and installing the station on the dividing line between the existing ADA accessible space and the adjacent space in front of City Hall would accomplish that.

David Carter continued with a timeline of the project and reported the anticipated notice of award date is March 2014; start date for agreements June 2014; and completion of the projects by May 2018.

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Discussion continued regarding what the arrangement would be between the City and RCEA. David said the City would act as the site host for the EV Charger and provide the electricity and RCEA would reimburse the City quarterly for the electricity used. Also, RCEA would be responsible for the installation, operation, maintenance and advertising the station.

He briefly reviewed the specifications of the charging stations and said they will be set up as 240 volt systems with 40 amp circuits with a specialized plug to prevent arcing.

Mayor Thompson suggested Memorial Park as an optional site for the charging station.

David Carter commented that the location could be changed provided there are not a lot of additional costs associated with development of the new site.

Councilmember Woodall questioned the charging time for electric vehicles.

David stated that most electric vehicles operate on 6.6 kilowatts which takes about 4-6 hours to fully charge however; most drivers won't wait to charge until the vehicle is almost dead. He estimated 20 miles of extra range per each hour of charging.

Councilmember Johnson asked how many electric vehicles there are in the local area.

David said there are approximately 100 vehicles owned locally. He pointed out that most of those vehicles will be charged at their home where it is the cheapest and most convenient.

Nick Angeloff commented that marketing seems to be the key and suggested the downtown City parking lot might be a better location for an EV charging station since it is located in the middle of the business district.

Motion was made by Woodall/Marks to approve the City of Rio Dell's participation in the North Coast Plug-in Electric Vehicle Charging Network Project- Phase 1, and to authorize staff to sign a letter of support for the project. Motion carried 5-0.

A 5 minute recess was called to allow for setup of the projector for the next public presentation.

The meeting reconvened with introduction of Craig Olson, HDR Engineering.

Presentation by Craig Olson, HDR Engineering – Close-out of the Wastewater Treatment Plant Upgrade and Disposal Project

Craig Olson provided a power point presentation on the Wastewater Treatment Plant Upgrade and Disposal Project. He began by introducing Brett Rinehart, Wahlund Construction, Brian Pritchard, Sequoia Construction Specialties, and Richard Behrens, Construction Manager on the project.



He reviewed the project timeline from the planning/design phase beginning December 2010 to construction and final completion January 2014.

He noted that the engineer's estimate for construction was \$11.2 million; Wahlund Construction bid \$10.6 million and with the additional \$164,286 in change orders was able to complete the project for \$10.8 million. He pointed out that the industry average for project change orders is 7.5%; this project was completed with 1.55%. Also, engineering costs all came in under budget.

He announced the City was honored with 3 awards including the 2013 Project of the Year Award (APWA); the 2013 Water/Wastewater Project of the Year Award (ASCE); and the 2014 Engineering Excellence Award.

In closing, he said the City should be very proud of staff for their role in the success of the project and thanked the City Council for giving HDR the opportunity to work with the City on such a great project.

Mayor Thompson called for a round of applause for all the consultants.

Richard Behrens, Construction Manager thanked the City Council and said it's not often when you see a balance left in the engineering budget at the end of a project, or have a project receive 3 prestigious awards. He said credit for the success of the project needs to be given to the engineer, the City Council, City staff and the contractors. He said Wahlund Construction/ Sequoia Construction Specialties did an outstanding job. He said he has worked with a lot of contractors and it was a joy working with these. He gave personal thanks to Rick Chicora and Stephanie Beauchaine and said without their thoroughness, this project could not have been done. He said the City now has a top-notch wastewater system they can be very proud of.

## **SPECIAL CALL ITEMS/COMMUNITYAFFAIRS**

### Upgrade – City Council Chambers Public Address System

City Manager Stretch provided a brief staff report and said this item was presented to the Council at the December 3, 2013 meeting. At the conclusion of the discussion, the Council felt that more information was needed before making a decision. As such, Craig Pedley from Sound Advice was invited to attend this meeting to answer any questions the Council may have.

Councilmember Marks asked Mr. Pedley if he was able to hear the Council members from where he was sitting in the audience.

Mr. Pedley commented that he heard them speaking but did not hear any of their voices coming through the sound system. He said if the sound is acceptable to the Council; his recommendation would be to simply get rid of the microphones except for recording. He noted that he could hear much better standing at the podium than sitting in the audience but the audience has difficulty



hearing if members are sitting back in their chairs. He reiterated that the existing microphones are not the correct type for a City Council.

Councilmember Woodall questioned whether it's worth spending \$6,000 versus the Council members speaking louder. She said she has been on the Council for 15 years and very few people have complained about not being able to hear.

Carol Theuriet commented that the person speaking should be facing the audience because half of what they are saying is lost. She added that she wouldn't mind keeping things the way they are; provided the Council isn't offended when the audience asks them to speak up.

Sharon Wolff commented that she has battled with the current sound system for years and that the Council was instructed to speak directly into their mics and Councilmember Woodall has had her mic turned away ever since. She said she has difficulty picking up voices on her system and said it would be nice to fix the problem now rather than later to save on increased costs. She said she supports the upgrade including acoustical panels.

Councilmember Wilson stated one option would be to start with the purchase of a new microphone for the podium and relocation of the speakers and see how that works.

Craig Pedley said his proposal includes microphones with a movable base and mute switches at each station.

Mayor Thompson asked if he could guarantee a visible improvement with the proposed upgrade.

Craig Pedley stated that he does not install systems and then walk away. He said the company has been business for 60 years and installed these types of systems for 25 years.

Councilmember Woodall suggested starting with one new microphone and to relocate the speakers.

Mayor Thompson called for public comment on the matter.

Carol Theuriet commented that she would like to see the City Manager with a working microphone because with poor acoustics, the audience can't hear him speaking when he is addressing the Council.

Karen Chase said she agreed with the idea of starting with one new microphone to see how it works before spending the money on all new equipment.

Craig Pedley commented on the importance for Council members to have individual mute switches however, said with acoustical treatments on the back and side walls, the microphones could be left on.

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There being no further public comment, the public comment period closed.

Motion was made by Wilson/Johnson to approve upgrade of the City Council Chambers Public Address System and authorize the City Manager to contract with Sound Advice to install a new podium microphone, repair the floor jack connection, and to move the ceiling speakers one bay toward rear of room.

Councilmember Marks questioned the cost for the modified upgrade as proposed. Craig Pedley stated the cost for parts and labor would be in the range of under \$1,000. Motion carried 5-0.

Approve Bio-Solids Giveaway Program

Wastewater Superintendent Chicora provided a staff report and said this subject is back before the Council after being tabled during the December 17, 2013 meeting due to Council's questions and concerns expressed regarding safety of the product. He said he made contacts with multiple sources and is prepared to address any questions the Council may have.

He drew Council's attention to the lab reports included in the Council packet for Rio Dell and Fortuna which shows that after composting, the level of metals as reported are much lower than Fortuna's. Also the fecal coliform was reported as NA; whereas Fortuna's was reported for the same period as 1,200 MPN. He said the sludge dryer is doing what it's supposed to do.

Wastewater Superintendent Chicora explained the main reason for the Release of Liability Agreement is to track where the product is going. He said as a first priority he would like to see the product go to local residents.

Gary Chapman commented that in his experience working with other agencies, he knows that biosolids seem to accumulate with not enough people that want to take it and disposal can become very costly. He said it would be beneficial to the City to have a giveaway program.

Councilmember Johnson stated that he and the City Manager talked about how biosolids are now being used on construction projects such as the Confusion Hill Bypass Project; he said about a 3 inch blanket of biosolids product was spread out over several acres and noted that Cal-Trans is in the process of spec'ing this type of material.

Wastewater Superintendent Chicora commented that staff has been exploring other options aside from residential use for disposal of biosolids such as use by farmers or perhaps Cal-Trans projects.

City Manager Stretch pointed out that the product is piling up and needs to be disposed of.

Motion was made by Johnson/Woodall to approve the giveaway of the wastewater treatment plant's exceptional quality Class A Biosolids to City residents as first priority, and to other

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County residents as a second priority if required to dispose of excess biosolids product. Motion carried 4-0; 1 abstain (Marks).

Declare (2) Public Works Trucks Surplus and Approve Purchase of (1) Used 2002 ¾ Ton GMC Diesel Pickup

City Manager Stretch stated that the Public Works Department currently has 2 vehicles that are off-line due to mechanical problems. Staff has located a 2002 GMC 4X4 diesel truck in good condition with an asking price of \$10,900 plus tax and license fees; also the seller is willing to take the City's 2 old vehicles in trade to offset a portion of the purchase price.

Councilmember Marks said she had discussed this matter with the City Manager and encouraged him to recommend that staff consider the purchase a newer vehicle due to problems in the past with purchase of older used vehicles.

Water Superintendent Jensen commented that the primary focus for this truck is that it has the towing capacity needed to tow the sewer machine and also 6.6 diesel engines with the Allison transmission are very reliable and tend to run over 200,000 miles and outlast gas vehicles by far. He commented that the fuel mileage is rated at 14 MPG compared to the existing public works vehicles that get around 6 MPG.

Councilmember Marks asked if this vehicle will be subject to new California emissions regulations. Staff responded that this vehicle does not fall into that category.

Motion was made by Wilson/Johnson to declare a nonoperational 1995 Chevrolet ½ ton pickup (VIN #1GCEK14KXSZ209150) and a 1993 Ford F-350 pickup (VIN# 1FDKF37H7REA00822) surplus to the City, to be offered as trade-in or credit for a replacement vehicle; and approve the purchase of a used 2002 ¾ ton GMC diesel pickup at a cost not to exceed \$12,000; and to defer purchase of the used \$50,000 roller approved in the 2013-14 Capital Budget until the 2014-15 fiscal year. Motion carried 5-0.

Approve appointment of one (1) member of the City Council to the Wildwood Ave. Sculpture Committee and Community Development Director Caldwell

City Manager Stretch reported that Guidelines for the Wildwood Ave. Sculpture Program were approved at the January 7, 2014 meeting which call for the City Council to appoint a member of the Council to the 5 member Committee which will also include the Community Development Director, a resident from the community, a member from the Arts District, and a member of the Rio Dell/Scotia Chamber of Commerce.

Councilmember Wilson volunteered to serve on the committee. As such, motion was made by Marks/Woodall to approve the appointment of Councilmember Frank Wilson and Community Development Director Kevin Caldwell to serve on the Wildwood Ave. Sculpture Committee. Motion carried 4-0; 1 abstain (Wilson).

## **ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

### Conduct Second Reading (by title only) and adopt Ordinance No. 308-2014 Establishing Environmentally Sensitive Habitat Area (ESHA) Regulations, Section 17.30.080 of the Rio Dell Municipal Code

Community Development Director Caldwell provided a brief staff report and said the draft ordinance was discussed in detail at the last meeting and provided there are no additional questions, recommends the second reading (by title only) and adoption.

A public hearing was opened to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Motion was made by Johnson/Marks to conduct second reading (by title only) and adopt Ordinance No. 308-2014 Establishing Environmentally Sensitive Habitat Area (ESHA) Regulations, Section 17.30.080 of the Rio Dell Municipal Code. Motion carried 5-0.

## **REPORTS/STAFF COMMUNICATIONS**

City Manager Stretch reported on recent activities and announced that Paul Kimura, the principal conducting the recruitment of City Manager from Avery Associates will be here on January 31, 2014 to meet individually with Council members to get a better feel for what is desired in a City Manager, and to better understand the organizational needs of the City. He noted that he also has established contacts with other local agencies which are how they get their referrals so will be making those contacts while he is here to see if he can find potential candidates.

He also reported that he received notification from the Regional Water Quality Control Board with regard to the recent drought proclamation by the Governor stating that in pending months and weeks the State will be notifying water rights holders to stop diversion of water; and based on the right to divert, "junior right holders" such as the City will be the first users asked to discontinue diversion giving agriculture users priority. He stated he will bring forward at the next meeting a local plan so the Council will be up to date.

City Manager Stretch then reported that the advertisement for Finance Director will be published in the Times-Standard on January 24<sup>th</sup> with the closing date of February 14<sup>th</sup>. He said the position will also be advertised on the CSFMO web site which will provide pretty good coverage.

He then announced that he received a request from Kemp Inspection Services today for an extension of his contract termination to the end of February to allow additional time to obtain quotes for liability insurance.

**JANUARY 21, 2014 MINUTES**  
**Page 14**

Chief of Police Hill reported on recent activities in the police department and provided highlights of the annual Police Statistics report as submitted.

Council had questions regarding patrol of the river bar in which the Chief reported that 2 campsites were removed, garbage cleaned up and 1 poacher was identified.

With regard to the police officer recruitment, Chief Hill reported that the first candidate did not meet the qualifications and as such, background began on the second candidate and hoped to have that person on board in February.

Community Development Director Caldwell reported on recent activities in the Community Development Department and announced he attended an OHV Workshop in Sacramento and was a little disappointed to learn that the application process favors applicants that have existing OHV riding areas and basically discourages new applicants from applying. He said out of 146 possible points, new applicants do not qualify for 86 of those points.

He also reported that he was working on the draft RFP/RFQ for drainage improvements in the Ogle/Belleview area and thanks to the help of Councilmember Johnson hoped to have it out the following week.

### **COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Johnson asked for an update on nuisance abatement activities.

Community Development Director Caldwell reported that an abatement notice was sent to the property owners at 909 Martin Dr. by certified mail on December 31, 2013 however it was not signed for and picked up until January 14, 2014. Because of the difference between the delivery date and when it was actually received by the property owner, it brought up the question of the process as defined in the ordinance. He said the question was presented to the City Attorney on how to proceed since the ordinance is unclear as to when the clock starts clicking. He said staff will likely be bringing back an ordinance text amendment to clean up the language.

City Manager Stretch commented that he discussed with staff the application process related to OHV grants and said one option would be to talk our State Representatives and propose a bill to say that jurisdictions that don't have existing OHV riding areas to have equal share with regard to earning points on grant applications for OHV grant funding.

Mayor Thompson asked Council members if they had any questions related to the Monthly Check as submitted.

Councilmember Wilson questioned the late fee charged on the Bank of America credit card billing.

**JANUARY 21, 2014 MINUTES**  
**Page 15**

Mayor Thompson commented that perhaps it was due to the recent departure of the Finance Director.

City Clerk Dunham commented that there is a relatively short period of time between the date the statement is received and the due date; often times staff has to take the bill to the bank rather than mail it to avoid a late fee.

Mayor Thompson said staff was looking into setting up a system to be able to take debit/credit cards as another method for receiving payments and asked if the cost had been determined.

City Manager Stretch said staff was moving forward with the implementation and there will be no cost to the City except for the equipment.

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 8:42 p.m. to the February 4, 2014 regular meeting.

---

Jack Thompson, Mayor

Attest:

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Karen Dunham, City Clerk



---

*Rio Dell City hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*



February 4, 2014

TO: Honorable Mayor and City Council Members  
FROM: Jim Stretch, City Manager  
SUBJECT: Approval of agreement with HWMA for administration of Recycling program

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Subject to the approval by the City Attorney as to legal form, approve an agreement with the Humboldt Waste Management Authority for the administration of City's waste reduction (recycling) programs

BACKGROUND AND DISCUSSION

The City Manager inherited the administration and reporting requirements for the City's state mandated recycling programs about 8 months ago. It's a great program, but it requires time to plan program activities and even more time to comply with the required reporting requirements. In addition, the mandated program elements are changing and the California Department administering the programs, CalRecycle, is becoming more assertive, as evidenced by a recent site visit by the Sacramento staff. In short, the City Manager does not have the time to do what needs to be done.

Staff has been in discussion with the Executive Director of the Humboldt Waste Management Authority (HWMA) over the last several months to determine the feasibility of their providing this service to the City. Both the HWMA staff and the Rio Dell City Manager now believe that the service is feasibility and will be of mutual benefit to both organizations. And, recycling funds are available to fund the program for the remainder of this fiscal year and for 2014-15. There is no City General Fund monies required for the program.

Progress on a program outline has been developed as follows:

1. Administer beverage Container Grant Program (CalRecycle) for 2013-14.
2. Administer AB 939 programs i.e. diversion and collection reports
3. Administer AB 341 program concerning mandatory recycling requirements for certain multi-family units and commercial businesses.
4. Coordinate and conduct community outreach programs about recycling
5. Coordinate and conduct annual electronic waste collection event



6. Administer other programs, such as a “sharps” container program and household battery collect containers.
7. Administer the Used Oil Grant program funded by CalRecycle.
8. Administer the Waste Tire Grant program for the region.

On November 7, 2013 the City Council approved the proposal to contract with HWMA in concept. The agreement has been passed between the agencies several times to get the language right and to change the program content and funding amount due to the State discontinuing its annual \$10,000 grant for Beverage Container Recycling in 2014-15. Staff believes that the attached agreement is in final form, but it may be subject to minor non-substantive adjustments by Counsel.

**AGREEMENT BETWEEN THE CITY OF RIO DELL AND  
THE HUMBOLDT WASTE MANAGEMENT AUTHORITY FOR THE  
PROVISION OF COMPLIANCE AND WASTE REDUCTION SERVICES**

This Agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2014 (this "Agreement"), by and between the City of Rio Dell, a municipal corporation (hereinafter "CITY"), and the Humboldt Waste Management Authority, a joint powers agency (hereinafter "AUTHORITY").

**RECITALS**

**WHEREAS**, the AUTHORITY is a joint powers agency created pursuant to the provisions of Government Code Sections 6500 in order to provide for cost effective coordination of solid waste management and disposal services, and the CITY is a member agency; and

**WHEREAS**, Section 6.6 of the AUTHORITY'S Joint Exercise of Powers Agreement authorizes the AUTHORITY to provide other related waste management duties on behalf of member agencies, provided such services are paid for solely by the contracting member; and

**WHEREAS**, the CITY and AUTHORITY desire to enter into an agreement whereby the AUTHORITY would provide California Integrated Waste Management Act (CIWMA) compliance services for the CITY and provide management and coordination of various waste reduction and used oil programs in the City of Rio Dell.

**NOW THEREFORE**, based on the mutual conditions and covenants recited herein and made a material part hereof, the parties agree as follows:

1. Services To Be Provided. AUTHORITY shall perform those services described in the Scope of Work attached hereto as Exhibit "A" and incorporated herein as material term(s) of this Agreement. Any changes to the Scope of Work will require a written amendment to this Agreement.
2. Payment for Services for 2013-2014 Fiscal Year. In fiscal year 2013-2014, the CITY shall pay AUTHORITY as compensation in full for those services provided under this Agreement, excepting the electronic waste collection event held pursuant to section B.3.b of the Scope of Work, an amount not to exceed Seven Thousand Dollars (\$7,000) to be derived from the California Beverage Container Recycling Funds ("CBCRF") and California Assembly Bill ("AB 939") pass through payments. The AUTHORITY will invoice the CITY on an annual basis, but no payment shall be required from the CITY until the CITY actually receives its CBCRF and AB 939 pass through monies. Any additional charges will require a written amendment to this Agreement.
3. Payment for Services for 2014-2015 Fiscal Year. In 2014-15 the CITY shall pay AUTHORITY as compensation in full for those services provided under this Agreement, excepting the electronic waste collection event held pursuant to section B.3.b of the Scope of Work, an amount not to exceed Five Thousand Dollars (\$5,000) to be derived from AB 939

pass through payments. The AUTHORITY will invoice the CITY on an annual basis, but no payment shall be required from the CITY until the CITY actually receives its AB 939 pass through monies. Any additional charges will require an amendment to this Agreement.

4. Electronic Waste Collection Event. For the annual electronic waste collection event hosted by the CITY with the assistance of the AUTHORITY pursuant to section B.3.b of the Scope of Work, the AUTHORITY shall be paid for actual costs incurred by the AUTHORITY with revenues received from the electronic waste collection. Electronic waste revenues in excess of actual AUTHORITY costs, if any, shall be paid to the CITY. In the event AUTHORITY's costs exceed electronic waste revenues, the CITY shall reimburse the AUTHORITY for unpaid costs.
5. Reports to City. No later than April 15 of each year this Agreement remains in effect, the AUTHORITY shall prepare and present to the attention of the Rio Dell City Manager a proposed program description and budget for recycling activities and services to be provided by the AUTHORITY to the CITY pursuant to this Agreement for the ensuing fiscal year. At least annually and no later than June 30 of each fiscal year this Agreement remains in effect, the AUTHORITY shall prepare a written summary of the activities and costs for the prior 12 month period and present a report for submission to the City Manager and Rio Dell City Council for review.
6. Term. This Agreement shall become effective on January 1, 2014, and shall remain in effect until June 30, 2015, unless sooner terminated as provided herein.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the day and year first hereinabove written.

**CITY OF RIO DELL:**

\_\_\_\_\_  
Mayor Date: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Russell Gans, City Attorney Date: \_\_\_\_\_

**HUMBOLDT WASTE  
MANAGEMENT AUTHORITY:**

\_\_\_\_\_  
Jack Thompson, Chair of the Board  
Humboldt Waste Management Authority

Date: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Clerk,  
Humboldt Waste Management Authority

Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Nancy Diamond, General Counsel

Date: \_\_\_\_\_

**EXHIBIT A**  
**SCOPE OF WORK**

The AUTHORITY agrees to assist with administration of CITY waste reduction programs as follows:

**A. California Beverage Container Recycling Fund Activities**

The AUTHORITY agrees to oversee administration of the CITY's waste reduction program, including administration of CalRecycle's Beverage Container Recycling Funds (formerly administered by the Department of Conservation) allocated to the CITY in fiscal year 2013-14. Beverage Container Recycling Funds will no longer be paid by CalRecycle after Fiscal year 2013-14.

In fiscal year 2013-14, the AUTHORITY will provide recycling and litter reduction activities, as approved by the CITY, and in compliance with the provisions of California Public Resources Code Section 14581. Eligible activities include, but are not necessarily limited to recycling assistance and supplies for large events including community festivals, classroom lessons focused on recycling, and public education promoting beverage container recycling including, but not limited to, cooperative regional outreach efforts among two or more local jurisdictions. Funds may not be used for activities unrelated to beverage container recycling or

litter reduction.

CalRecycle annually prepares and distributes a funding request form to each CITY. The form specifies the amount of beverage container recycling and litter cleanup funds for which the CITY is eligible.

The AUTHORITY shall complete grant application to CalRecycle for fiscal year 2013-14. The CITY, as the grant recipient, will receive direct payment of the CITY'S Beverage Container Recycling Funds. The AUTHORITY will bill the CITY in accordance with the Agreement.

## **B. AB939 Implementation and Compliance**

The AUTHORITY agrees to provide California Integrated Waste Management Act (CIWMA) compliance services on behalf of the CITY, in conformity with the requirements of AB939, as codified in Public Resources Code Division 30 Integrated Waste Management Act and Title 14 California Code of Regulations, Division 7, Chapter 9, Section 18700 et.seq. Such compliance services shall include the following activities:

### *1. Electronic Annual Reporting (EAR) to CalRecycle*

The AUTHORITY shall prepare an annual report as required by PRC Section 41821, according to the procedures and requirements of Title 14, CCR, Sections 18794.0 through 18794.5. The report is due to CalRecycle by August 1 of each year and shall encompass the previous calendar year, January 1 to December 31, inclusive. The report shall summarize the CITY'S annual disposal tonnage and progress in reducing solid waste as required by PRC Section 41780. For purposes of completing the EAR, The AUTHORITY can request CITY solid waste and recycling data from the CITY'S hauler as outlined in the CITY'S franchise agreement.

The CITY will receive quarterly AB 939 pass through payments from the AUTHORITY. The AUTHORITY will bill the CITY a portion of AB 939 pass through payments, with payments thereafter due the AUTHORITY, in accordance with the Agreement.

The AUTHORITY shall submit the final report to CalRecycle on behalf of CITY by August 1 of each year or, in the case of postponement by CalRecycle, by the due date required by CalRecycle, and shall provide copy of same to CITY:

City Manager  
City of Rio Dell  
675 Wildwood Avenue  
Rio Dell, CA 95562

### *2. Compliance and other Responsibilities*

The AUTHORITY shall ensure that planning requirements implemented on behalf of

CITY are consistent with PRC Sections 41780 through 41794.

The AUTHORITY shall, in a timely manner, respond to all requests for information from CalRecycle concerning the CITY's compliance with the Integrated Waste Management Act. The AUTHORITY's written responses regarding compliance shall be reviewed by CITY prior to forwarding to CalRecycle.

All compliance documents submitted to CITY shall be provided to:

City Manager  
City of Rio Dell  
675 Wildwood Avenue  
Rio Dell, CA 95562

If CalRecycle issues any compliance order according to Title 14 CCR 18772, CITY may terminate this Agreement, and the AUTHORITY shall, at the request of CITY, reimburse CITY in an amount sufficient to pay the cost of the program.

### *3. AB 939 Waste Reduction Activities*

#### a. Public Outreach and Promotions

The AUTHORITY shall assist the CITY in providing coordinated and cooperative regional outreach and promotional activities including, but not limited to, new and ongoing State legislation and local waste reduction programs, including public outreach about mandatory commercial recycling (AB 341) and the AUTHORITY's Countywide Program Fees. Working on behalf of the CITY, the AUTHORITY will work with the CITY'S hauler and or staff to collect data, within the boundaries of the franchise agreement, pertinent to these tasks.

#### b. Waste Reduction Activities

As requested, the AUTHORITY shall assist the CITY with collecting and analyzing recycling data so that the CITY may evaluate their existing diversion programs.

The AUTHORITY shall assist the CITY by hosting one electronic waste collection event in the city limits, in which residents and businesses can bring qualifying materials for collection.

The AUTHORITY shall distribute medical sharps containers, purchased with a CalRecycle grant, to appropriate locations in the CITY and conduct necessary public outreach to promote the campaign.

The AUTHORITY shall consult with CITY staff as necessary to give updates about and complete the tasks outlined in this Scope of Work.

c. Used Oil & Waste Tire Program Activities

The AUTHORITY shall act as the lead agency authorized to secure grant funds and implement the regional Used Oil Block Grant Program and Waste Tire Cleanup and Amnesty Event Grant Program in coordination with the CITY and other local jurisdictions. The AUTHORITY will disseminate related outreach materials as appropriate. These programs are funded separately with grant funds awarded to the AUTHORITY and are not funded with the CITY'S AB 939 funds.





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*Rio Dell City hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*

February 4, 2014

TO: Honorable Mayor and City Council

FROM: Jim Stretch, City Manager

SUBJECT: Amendment to Rio Dell Chamber Agreement for Business Incubator Match

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Amend the July 7, 2014 conditions of approval for the City's 25% cash match for the Headwaters Grant to the Scotia/Rio Dell Chamber of Commerce so the matching funds requirement may occur into fiscal year 2013-14 and 2014-15.

BACKGROUND AND DISCUSSION

On July 2, 2013 the Rio Dell City Council approved a cash match of 25% (\$6,250) for a \$25,000 Headwaters Grant to the Chamber. It was assumed at the time that the "Business Incubator Program" would be funded this fiscal year and all of the required matches from various agencies would occur in the same time frame. In actuality, it has taken until now for all of the matching fund commitments to fall into place, which does not fit into the conditions for the City funds that the Council approved.

As you may recall, the Council's conditions of approval for the Business Incubator Program were specific to the fiscal year (in blue) as follows,

1. The City's cash contribution to the Chamber is conditioned on the Chamber receiving a \$25,000 grant from the Headwaters Fund for the Rio Dell "Business Incubator" project in 2013-14, wherein a 100% cash match to the grant is required, and
2. The contribution of \$6,250 from the City to the Scotia/Rio Dell Chamber of Commerce is a project specific one-time only contribution for 2013-14, and
3. The contribution is to be used as set forth in the full plan (\$50,000) submitted by the Chamber and approved by the City Council for only the "Business Incubator" project in Rio Dell, and

4. Funds will be disbursed from the City to the Chamber in 2 equal installments, and only after the Chamber has provided written evidence to the satisfaction of the City Manager that **other parties** have promised, and **have the ability to deliver**, the balance of the **cash match (\$18,750) during the 2013-14 fiscal year**, and
5. The Chamber shall quarterly provide to the City Manager a detailed report of expenditures for the program and **at the end of the fiscal year (June 30, 2014)** the Chamber shall promptly **return to the City any monies provided by the City that are unspent**.

Since it has taken longer than anticipated for the program to “spool up”, it is recommended that the City Council amend the conditions of approval to allow the matching funds promised by other agencies year to be made in the 2013-14 and 2014-15 fiscal years

Chamber of Commerce



To: Honorable Mayor Thompson and City Council  
Attn: Mr. Jim Stretch, City Manager  
City of Rio Dell  
675 Wildwood Avenue  
Rio Dell, CA 95562

From: Rio Dell/Scotia Chamber of Commerce  
406 Wildwood Avenue  
Rio Dell, CA 95562

RE: Wildwood Avenue Sculpture Guidelines  
Dear Mayor Thompson:

The Rio Dell/Scotia Chamber of Commerce is pleased to let you know that we have accomplished the task of matching our Headwaters grant in the amount of \$24,725. The Humboldt County Department of Health and Human Services has committed \$10,584 as indicated by their attached letter of commitment. The Rio Dell/Scotia Chamber of Commerce has committed \$7,891 as evidenced by the attached letter of commitment, and with the City of Rio Dell committing \$6,250, our match is complete.

The City of Rio Dell commitment of \$6,250 is based on a series of conditions, one of which we respectfully request be altered. According to the July 2, 2013 minutes the condition set forth in bullet point four (4) states:

"Funds will be disbursed from the City to the Chamber in 2 equal installments, and only after the Chamber has provided written evidence to the satisfaction of the City Manager that other parties have promised, and **have the ability to deliver**, the balance of the cash match (\$18,750) **during the 2013-14 fiscal year**; and", (emphasis added).

Given the current situation in which we have just garnered a complete match in January 2014, we respectfully request that only the City's \$6,250 is required to be delivered by the end of the 2013-14 fiscal year as the grant funding, both Headwaters and various match funding will continue until expended and will keep the business incubator running into 2015. This simple change will bring nearly \$50,000 into our community and allow the Chamber to sustain one employee, and continue to work with other Welfare to Work or WEX (work experience) employees into the foreseeable future.

Sincerely,

1/23/2014

X

  
\_\_\_\_\_  
Nick Angeloff  
Rio Dell/Scotia Chamber of Commerce  
Signed by: Nick Angeloff

406 Wildwood Avenue, Rio Dell CA 95562  
707.506.5081 [rdscmonica@gmail.com](mailto:rdscmonica@gmail.com)  
<http://www.riodellscotiachamber.org/>

Page 1



# Chamber of Commerce



TO: Honorable Mayor Thompson and City Council  
Attn: Mr. Jim Stretch, City Manager  
City of Rio Dell  
675 Wildwood Avenue  
Rio Dell, CA 95562

From: Rio Dell/Scotia Chamber of Commerce  
406 Wildwood Avenue  
Rio Dell, CA 95562

RE: Chamber of Commerce commitment of funds

Dear Mayor Thompson:

The Rio Dell/Scotia Chamber of Commerce is pleased to commit \$7,891 towards the Headwaters grant award in the amount of \$24,725. With the \$6,250 commitment from the City of Rio Dell, and the \$10,581 commitment from the Humboldt County Department of Health and Human Services towards an employee, we have now garnered a \$24,725 cash match satisfying the conditions set forth by the Headwaters board and can begin realizing the purpose of the grant to enhance, provide technical assistance to, and encourage existing and startup businesses in our community. We have arranged for stringent accounting services provided by a third party and will continue to vie for competitive grant funding to continue to expand our efforts to the benefit of our community. This grant will allow the Chambers business incubator to become self-sufficient into the foreseeable future and your funding will dedicated, as conditioned, to sustaining our employee through the 2013-14 fiscal year, although the grant funding will continue into 2015. We thank you for your contribution and hope to expand our relationship to the benefit of the business and general community well into the future.

Sincerely,

1/23/2014

X

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Nick Angeloff  
Rio Dell/Scotia Chamber of Commerce  
Signed by: Nick Angeloff



Social Services  
Katherine Young, MSW, Director  
929 Koster Street, Eureka, CA 95501  
phone: (707) 476-4700 | fax: (707) 441-2096

January 2, 2014

Nick Angeloff  
Scotia/Rio Dell Chamber of Commerce  
406 Wildwood Avenue  
Rio Dell, CA 95562

Dear Nick,

This letter is to document that the CalWORKs Welfare to Work program, of the DHHS Social Service Branch, has placed a work-experience trainee with the Scotia/Rio Dell Chamber of Commerce effective September 19, 2013 through March 14, 2014. This trainee is learning essential work skills under the supervision of Nick Angeloff and the Scotia/Rio Dell Chamber in preparation for unsubsidized work. The trainee is working 38 hours per week providing clerical and organizational supports for the Chamber's Business Stimulator Project.

It is the intention of the Scotia/Rio Dell Chamber to hire this trainee at the end of her training period and to bring her on full-time as an Office Manager. The CalWORKs Welfare to Work program will continue to support her employment through its On-the-Job training program with a 50% wage reimbursement to the Chamber for an additional six months.

These subsidized workforce placements are presented for consideration as match to the Business Stimulator Headwaters Grant awarded the Chamber in 2013. The total value of the subsidized wages if completed as anticipated is as follows:

- Work experience placement 09/19/13 – 12/13/13 at 30 hours per week \$ 2,976
- Work experience placement 12/16/13 – 03/14/14 at 38 hours per week \$ 3,648
- On-the-Job training reimbursements for 3/17/13 – 8/15/14 at 40 hours per week and 50% of the employer's hourly wage of \$9.00 \$ 3,960

Total potential match through August of 2014 is: \$ 10,584

We are pleased to offer this match in support of the Chamber's Business Stimulator Grant.

Sincerely, 

Connie Lorenzo, Program Manager, DHHS Employment and Training Division



DHHS Administration  
phone: (707) 441-5400  
fax: (707) 441-5412

Mental Health  
phone: (707) 268-2990  
fax: (707) 476-4049

Public Health  
phone: (707) 268-2121  
fax: (707) 268-2126





Social Services  
Katherine Young, MSW, Director  
929 Koster Street, Eureka, CA 95501  
phone: (707) 476-4700 | fax: (707) 441-2096

January 2, 2014

Nick Angeloff  
Scotia/Rio Dell Chamber of Commerce  
406 Wildwood Avenue  
Rio Dell, CA 95562

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*675 Wildwood Avenue  
Rio Dell, CA 95562*



**TO:** Mayor and Members of the City Council  
**FROM:** Karen Dunham, City Clerk  
**THROUGH:** Jim Stretch, City Manager  
**DATE:** February 4, 2014  
**SUBJECT:** **Unmet Transit Needs Public Hearing**

#### **RECOMMENDATION**

Open public hearing and receive input on any unmet transit needs in the community. Close the public hearing and make a motion to direct staff to send a letter to Humboldt County Association of Governments (HCAOG) relaying the comments made during the public hearing regarding unmet transit needs.

#### **BACKGROUND AND DISCUSSION**

Each spring the Humboldt County Association of Governments (HCOAG), as the Regional Transportation Planning Agency (RTPA) conducts a citizen participation process to assess unmet transit needs within Humboldt County. This annual "unmet transit needs" process helps HCOAG properly apply funds provided by the Transportation Development Act. HCOAG will hold a public hearing for community members to express any unmet needs they have for specific public transit and paratransit service.

In addition to the County unmet transit needs hearing, HCOAG recommends each entity conduct a separate hearing to receive comments specific to their jurisdiction. Any public comments made at the local meeting will be sent to HCOAG and included in the Unmet Transit Needs Report of Findings.

Provided there are no unmet transit needs identified, all of the funds will be allocated for street improvements.





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## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Rio Dell City Council will hold a Public Hearing on **Tuesday, February 4, 2014 at 6:30 p.m.** or soon thereafter, in the City Hall Council Chambers at Rio Dell City Hall, 675 Wildwood Avenue, Rio Dell, California.

THE PURPOSE OF THE PUBLIC HEARING WILL BE TO DISUCSS:

### 1) UNMET TRANSIT NEEDS

The Public Hearing will give citizens the opportunity to make their comments known. If you are unable to attend the Public Hearing, you may direct your written comments to the City Clerk, City of Rio Dell, 675 Wildwood Avenue, Rio Dell, CA 95562 or you may call City Hall staff at (707) 764-3532.

All members of the community are encouraged to attend.

---

Karen Dunham, CMC  
City Clerk  
Posted 1-24-14



---

*Rio Dell City hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*

February 4, 2014

TO: Rio Dell City Council

FROM:  Jim Stretch, City Manager

SUBJECT: Concept Approval of Building Inspection Administrative Fees

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide staff direction on the concept of establishing building inspection administrative fees to fund the building inspection program.

BACKGROUND AND DISCUSSION

In many jurisdictions the Building Inspection Program is totally supported by user fees; i.e. parties who require building inspection services pay for them and other residents of the City do not subsidize the cost. The Building Inspection Program in Rio Dell is not on a self-supported basis, generally running a deficit in excess of \$22,000/year depending on building activity.

During the 2013-14 budget hearing the City Council addressed this issue and directed staff to develop a concept to allow the service to be provided without a general fund subsidy. The concept set forth above is intended to address the imbalance between building program revenue and expenditures and provide financial stability to the program.

THE SITUATION

In particular, the building inspection budget for 2013-14 totals roughly \$54,500. In a recent negotiation with Arnie Kemp for a new professional services contract the matter of professional liability insurance coverage was introduced as a requirement. He determined that he could not afford the insurance and gave the City a termination notice. That notice has been extended to February 28, 2014.

A local Broker quotes a price for Mr. Kemp for general liability and errors and omissions coverage required in the draft agreement at \$3,300 for the year. Assuming that 60% of

that amount is related to his Rio Dell services agreement (\$1,980), the total program cost would increase to \$56,480, but would only offset by approximately \$34,000 of revenue. That leaves \$22,480 (40%) of the cost of the program being shouldered by the general taxpayer.

## THE PROPOSAL

The concept proposal is that an administrative fee be added as a percentage of the building permit fees beginning with 15% immediately, 28% next year and 40% in 2015-16 and thereafter to raise program revenues to fully fund the program. Several examples of how the fee increases would impact typical building permits are provided in Attachment "A". The most common building permit issued in Rio Dell is for an upgrade to a 100 amp service. As proposed, that cost would increase this year from \$70 to \$81 and in 2015-16 would be \$98.

A provision to stabilize the funding for the building inspection program is part of the concept, whereby, if at the end of any fiscal year program revenues are greater than expenditures, the surplus revenue would be deposited in a restrictive fund to be drawn against in future years where the revenue is less than expenditures. And, in the event revenues should accrue over time to \$20,000 or more at the end of a fiscal year, the amount over \$10,000 would be used to reduce the "Building Department Administrative Fee" accordingly.

Building permit fees are not subject to the Proposition 218 protest process, but are subject to the public hearing process.

## OPTIONS

The concept presented to the Council is responsive to its directive, which was to make the program self-supporting. However, there are other options that could be considered as follows:

1. *Delete the requirement* for the contractor to carry professional insurance coverage from the new agreement, thereby shifting the liability and defense costs for claims filed against the contractor to the City, or
2. Take the position that the cost of professional insurance for the contractor should be considered as a *cost of doing business*, and thus should not be reimbursed from the "administrative fee". This would decrease the recommended administrative fee over the next 3 years to 15%, 12% and 11% respectfully, or
3. Accept Mr. Kemps *termination* letter effective 2-28-14 and direct staff to find a replacement contractor, either an individual or a public agency.

The specific language to implement the concept is attached in Attachment "B"

If the Council approves the suggested concept, the new administrative fees will be noticed for a public hearing on February 18, 2104, and contract with Arnie Kemp will be placed on the agenda for consideration and approval.

Cc: Arnie Kemp, Contract Building Inspector  
Kevin Caldwell, Community Development Director  
City Clerk, Karen Dunham  
Finance Department

**BUILDING PERMIT ADMINISTRATIVE FEES**

<b>BUILDING PERMIT TYPE</b>	<b>PERMIT FEE</b>	<b>ADMIN FEE @ 15%</b>	<b>ADMIN FEE @ 20%</b>	<b>ADMIN FEE @ 40%</b>
Single Family Residence	2,852	427	570	1,141
<b>TOTAL</b>		<b>3,279</b>	<b>3,422</b>	<b>3,993</b>
100 AMP Electrical	70	11	14	28
<b>TOTAL</b>		<b>81</b>	<b>84</b>	<b>98</b>
Re-roof (\$9,000 Valuation)	90	14	18	36
<b>TOTAL</b>		<b>104</b>	<b>108</b>	<b>126</b>
Commercial (\$724,000 Valuation)	8,100	1,215	1,620	3,240
<b>TOTAL</b>		<b>9,315</b>	<b>9,720</b>	<b>11,340</b>

ATTACHMENT A

RECOMMENDED LANGUAGE  
TO IMPLEMENT THE BUILDING  
INSPECTION PROGRAM OUTLINED  
ON JANUARY 4, 2014

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Conduct a public hearing on establishing administrative fees in the amount of 15% of all plan check and building permit fees effective immediately, 28% of all plan check and building permit fees effectively July 1, 2014, and 40% of all plan check and building permit fees effectively July 1, 2015 and thereafter, and
2. Direct that the revenue collected from the administrative fee shall be deposited in a revenue account entitled "Building Department Administrative Fee" for the purpose of fully funding the activities of the Building Department, including the professional insurance requirements of a contract building inspector attributable to the City, or to cover the additional costs of such services charged to the City by another public agency, and
3. Direct that in any fiscal year that the total revenue from building plan check and building permits fees is greater than the gross cost of the department, the additional revenue shall be deposited into a "Building Department Trust Fund" to be used in future years when revenues fall short of covering the total cost of the program, and
4. Direct that, if and when the revenue in the "Building Department Trust Fund" accrues at the end of any fiscal year to \$20,000 or more, the Fund shall be reduced to \$10,000 by applying the amount in excess of \$10,000 to reduce the "Building Department Administrative Fee" for the ensuing fiscal year.




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



For Meeting of: February 4, 2014

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim  Stretch, City Manager

Date: January 30, 2014

Subject: Text Amendment Revising the Planning Commission's Regularly Scheduled Meeting of Each Month, Section 2.60.030(4) of the Rio Dell Municipal Code

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**Recommendation:**

That the City Council:

1. Receive staff's report regarding the proposed text amendment;
2. Open the public hearing, receive public input, and deliberate; and
3. Introduce Ordinance No. 317-2014 amending Section 2.60.030(4) of the Rio Dell Municipal Code (RDMC) changing the Planning Commission's monthly regular meeting from the fourth Wednesday of the month to the fourth Thursday of the month and continue consideration, approval and adoption of the proposed Ordinance to your meeting of February 18, 2014 for the second reading and adoption; or
4. Choose not to change the regular monthly meeting date of the Planning Commission.

**Background/Summary**

At the request of one of the Planning Commissioner's at their meeting of January 22, 2014 the Planning Commission considered and discussed changing the regular monthly meeting date. The Planning Commission currently meets the fourth Wednesday of the month. The



Commissioner who requested the change apparently has conflicts with the Wednesday evening meetings.

Below is a copy of the current language of the Rio Dell Municipal Code (RDMC), Section 2.60.0030(4):

*The Commission shall hold at least one regular meeting each month. The regular meeting of the Planning Commission shall be held at 6:30 p.m. on the fourth Wednesday of the month and, in the event that the fourth Wednesday falls on a legal holiday, the meeting shall be held the following day at the same hour. Location shall be in the Rio Dell City Hall Council Chambers at 675 Wildwood Avenue.*

Because the City Council regularly meets the first and third Tuesday's of each month and sometimes the second and fourth Tuesday of the month for special meetings or study sessions, staff suggested that the Planning Commission meet either the second or fourth Monday or Thursday of the month. Upon further discussion, staff felt and the Planning Commission concurred that Mondays are somewhat problematic because many times unexpected issues are raised on Mondays. In addition, staff sometimes takes vacation time on Fridays and Mondays.

After a fairly lengthy discussion, the Planning Commission voted 4 – 1 to request that the City Council amend the regular meeting date to the fourth Thursday of the month.

Should the Council decide to approve the Planning Commission's recommendation to move the regularly scheduled meeting to the fourth Thursday of the month, staff and the Planning Commission recommends that Section 2.60.030(4) be further amended. The current language requires that if the meeting date falls on a legal holiday, the meeting shall be held the following day at the same hour. This language could require that the Planning Commission meet on a Friday. Both the Commission and staff do not want to meet on a Friday. As such, if the Council does decide to approve the Planning Commission's recommendation, staff recommends that if the meeting date does fall on a holiday, the meeting will be either cancelled or rescheduled to the following Thursday. Again, should the Council decide to approve the Planning Commission's recommendation, staff recommends the following language:

*The Commission shall hold at least one regular meeting each month. The regular meeting of the Planning Commission shall be held at 6:30 p.m. on the fourth ~~Wednesday~~ **Thursday** of the month and, in the event that the fourth ~~Wednesday~~ **Thursday** falls on a legal holiday, the meeting shall be held the following ~~day~~ **Thursday** at the same hour. Location shall be in the Rio Dell City Hall Council Chambers at 675 Wildwood Avenue.*

#### **Alternatives**

The City Council may choose to not change the meeting date of the Planning Commission.

### **Financial Impact**

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

### **Attachments**

1. Draft Ordinance No. 317-2014 amending Section 2.60.030(4) of the Rio Dell Municipal Code (RDMC) changing the Planning Commission's monthly regular meeting from the fourth Wednesday of the month to the fourth Thursday of the month.

**ORDINANCE NO. 317 – 2014**



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING SECTION 2.60.030(4) OF THE RIO DELL MUNICIPAL CODE (RDMC) CHANGING  
THE PLANNING COMMISSION'S MONTHLY REGULAR MEETING FROM THE FOURTH  
WEDNESDAY OF THE MONTH TO THE FOURTH THURSDAY OF THE MONTH

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

**WHEREAS** at the request of one of the Planning Commissioner's at their meeting of January 22, 2014 the Planning Commission considered and discussed changing the regular monthly meeting date; and

**WHEREAS** the Planning Commission currently meets the fourth Wednesday of the month; and

**WHEREAS** the Commissioner who requested the change apparently has conflicts with the Wednesday evening meetings; and

**WHEREAS** because the City Council regularly meets the first and third Tuesday's of each month and sometimes the second and fourth Tuesday of the month for special meetings or study sessions, staff suggested that the Planning Commission meet either the second or fourth Monday or Thursday of the month; and

**WHEREAS** upon further discussion, staff felt and the Planning Commission concurred that Mondays are somewhat problematic because many times unexpected issues are raised on Mondays; and

**WHEREAS** after a fairly lengthy discussion, the Planning Commission voted 4 – 1 to request that the City Council amend the regular meeting date to the fourth Thursday of the month; and

**WHEREAS** should the Council decide to approve the Planning Commission's recommendation to move the regularly scheduled meeting to the fourth Thursday of the month, staff and the Planning Commission recommends that Section 2.60.030(4) be further amended; and

**WHEREAS** the current language of Section 2.60.030(4) requires that if the meeting date falls on a legal holiday, the meeting shall be held the following day at the same hour; and

**WHEREAS** if the Council does decide to approve the Planning Commission's recommendation, staff recommends that if the meeting date does fall on a holiday, the meeting will be either cancelled or rescheduled to the following Thursday.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rio Dell does hereby ordain as follows:

**Section 1.** Section 2.60.030(4) of the Rio Dell Municipal Code is hereby amended as follows:

*The Commission shall hold at least one regular meeting each month. The regular meeting of the Planning Commission shall be held at 6:30 p.m. on the fourth ~~Wednesday~~ **Thursday** of the month and, in the event that the fourth ~~Wednesday~~ **Thursday** falls on a legal holiday, the meeting shall be held the following ~~day~~ **Thursday** at the same hour. Location shall be in the Rio Dell City Hall Council Chambers at 675 Wildwood Avenue.*

**Section 2. Severability**

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

**Section 3. Limitation of Actions**

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

**Section 4. Effective Date**

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on February 4, 2014 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the February 18, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 317-2014 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the February 18, 2014.

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Karen Dunham, City Clerk, City of Rio Dell