

**A G E N D A
RIO DELL CITY COUNCIL
STUDY SESSION - 5:00 P.M.
REGULAR MEETING- 6:30 P.M.
TUESDAY, AUGUST 16, 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 - 5:00 P.M.

- 1) 2011/0816.01 - Flag Protocol Policy 1
- 2) 2011/0816.02 - Alternative Policy for City Council/Commission Appointments 2
- 3) 2011/0816.03 - Davis Street Extension/River Access
- 4) 2011/0816.04 - Request for Proposals for City Attorney 3
- 5) 2011/0816.05 - Street Improvement Project Update

E. CEREMONIAL

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) 2011/0816.06 - Approve Minutes of the August 2, 2011 Regular Meeting (ACTION) 8

- 2) 2011/0816.07 - Approve Purchase of Water Department Tools in an amount not to exceed \$10,000 **(ACTION)** 16
- 3) 2011/0816.08 - Approve Release of Retention to Thomas R. Bess, Inc. in the amount of \$18,070.20 for work related to the 2011 Maintenance Paving Project **(ACTION)** 34
- 4) 2011/0816.09 - Approve Payment to Design Air in the amount of \$23,913.00 for work related to the City Hall Furnace and HVAC Replacement Project **(ACTION)** 37

G. SPECIAL PRESENTATIONS

H. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2011/0816.10 - Humboldt Waste Management Authority AB939 Funding Distribution **(RECEIVE & FILE)** 40

I. ORDINANCES/SPECIAL RESOLUTIONS

- 1) 2011/0816.11 - Approve Resolution No. 1121-2011 Approving the Purchase of Land and Easement Adjacent to 475 Hilltop Dr. **(ACTION)** 46
- 2) 2011/0816.12 - Approve Resolution No. 1122-2011 Amending Capital Improvement Plan **(ACTION)**
- 3) 2011/0816.13 - Approve Resolution No. 1123-2011 Approving the Edwards Parcel Acquisition and Certifying Compliance With California Environmental Quality Act (CEQA) **(ACTION)** 58
- 4) 2011/0816.14 - Approve Resolution No. 1124-2011 Adopting City Council Protocols 2011 **(ACTION)** 65
- 5) 2011/0816.15 - Introduce Ordinance No. 276-2011 by title, waive further reading and conduct Public Hearing for Zoning Text Amendment for Permitted Uses in Industrial/Commercial (IC) Zone **(ACTION)** 107
- 6) 2011/0816.16 - Introduce Ordinance No. 277-2011 by title, waive further reading and conduct Public Hearing on Lot Line Adjustment Ordinance Amendment **(ACTION)** 120

J. 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.

K. REPORTS/STAFF COMMUNICATIONS

- 1. City Manager

2. Finance Director
3. Chief of Police
4. Community Development Director

L. COUNCIL REPORTS/COMMUNICATIONS

M. ADJOURNMENT

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

DRAFT

Flag Protocol Policy

Purpose

It shall be the policy of the City of Rio Dell to raise, lower and display U.S. flags on City property in accordance with proper flag etiquette.

Policy

A. Flying the Flag at Half-Staff

1. On Memorial Day, the City Hall flag shall be lowered to half-staff prior to sunrise and raised to full staff at noon.
2. The City shall adhere to all Presidential and California Gubernatorial Proclamations including:
 - a. Lowering flags to half-staff on the day of internment when a public safety officer is killed in the line of duty in California.
3. Flags shall be lowered to half-staff from the time of notification of death until sunset on the day of internment for the following occasions:
 - a. A City of Rio Dell Public Safety Officer killed in the line of duty.
 - b. A military service person with a Rio Dell residence killed in action.
4. Flags shall be lowered to half-staff as dictated by Mayoral proclamation for other important occasions such as the death of a sitting City official.

B. Procedure

1. Upon notification the Chief of Police shall be responsible for directing that the City Hall flag be lowered to half-staff and raised at the appropriate time.

DRAFT

Alternative Method for Appointing Vacant Council and Commission Positions

1. Vacancies are publicly posted with an application deadline.
2. All applicants are invited to make a short presentation.
3. Council asks any questions of the applicants.
4. The Mayor calls for a motion.
5. The motion requires a second.
6. The Mayor calls for a vote.

If a majority approves it is done.

If the motion fails the Mayor would call for another motion.

(Under this scenario the Mayor could also make a motion)

For Appointment of Mayor and Mayor Pro-Tem

1. The City Clerk would call for a motion for appointment of Mayor.
2. A second would be required.
3. The motion would be voted on.

(Once the Mayor was selected, the Mayor would call for a motion for the Mayor Pro-Tem)

City of Rio Dell
Request for Proposals
City Attorney

Issue Date: September 7, 2011
Due Date: September 30, 2011

Notice is hereby given that Proposals Will Be Received by the City of
Rio Dell, California, for: City Attorney

The City of Rio Dell (the City), located at 675 Wildwood Avenue, Rio Dell, California, is seeking qualified individuals or firms to submit proposals to serve the City of Rio Dell as City Attorney. Applicants must have prior California experience serving as a City Attorney.

Proposals must be received not later than 5:00 PM on Friday, September 30, 2011 and sent to the attention of the City Manager.

This Request for Proposals (RFP) outlines specific instructions. Each proposal must be delivered in a sealed envelope clearly marked with “**Proposal for City Attorney, City of Rio Dell**” and addressed to:

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

Proposals later than 5:00PM on September 30, 2011 will not be considered.

The City reserves the right to reject any and all proposals, to request additional information concerning any proposal for purposes of clarification, and to waive the irregularities and informalities in the submittal and evaluation process. This RFP does not obligate the City to pay any cost incurred by respondents in the preparation and submission of a proposal. Furthermore, the RFP does not obligate the City to accept or contract for any expressed or implied services. All inquiries regarding this Request for Proposals should be directed to the City Manager at the above address.

**City of Rio Dell
Request for Proposals
City Attorney**

A. Background:

The City of Rio Dell is located in Humboldt County, California, and contains a population of approximately 3,300. The City Council consists of a Mayor and four (4) council members elected from the City at large. The Council meets twice a month on the first and third Tuesdays at 6:30 PM with an occasional workshop at 5:30 PM. The City Manager is appointed by the City Council. The City is a general law city. The City of Rio Dell operates under the Council-Manager form of government. City staff encompasses nineteen (19) employees, including the City Manager (who also serves as the Public Works Director), Chief of Police, City Clerk, Finance Director and Community Development Director. The City provides both sewer and water utilities to residents.

General legal services typically range from fifteen to twenty thousand dollars per year billed hourly. In addition, the City also currently contracts for specialized legal services primarily in the areas of personnel and public safety matters.

The City Attorney will be an independent contractor and not an employee of the City.

The City is an equal opportunity employer and this solicitation is open to all persons without regard to race, religion, color, national origin, sex, age, marital status, handicap or political affiliation.

B. Scope of Services to be Provided:

The City Attorney is the chief legal counsel for the City and is responsible for advising on all legal matters. The scope of services may include, in addition to other duties:

1. Advise the Mayor, Council, City Manager, City staff, and committees on legal questions arising from the conduct of City business.
2. Prepare oral or written opinions on legal matters as required by the City Council and/or City Manager.
3. Prepare and/or review all ordinances, resolutions, municipal contracts, joint power agreements, leases, or similar documents at the request of the City Council and/or City Manager.

4. Research and submit legal opinions on municipal or other legal matters as requested by the City Council and/or City Manager.
5. Attend City Council and Planning Commission meetings as requested by the City Council and/or City Manager. (The City Attorney is not typically required to attend Council meetings)
6. Provide guidance on personnel matters.
7. Perform legal work pertaining to land use issues including but not limited to property acquisitions, property disposals, public improvements, easements, dedications and right-of-way vacations.
8. Enforce City codes, zoning regulations, and building standards through administrative and judicial actions.
9. Keep the Council and City Manger informed of legislation or judicial opinions that have potential to impact the City.
10. Provide legal advice to staff upon the request of the City Manager.
11. Represent the City in proceedings in any court of competent jurisdiction when directed to do so by the City Council and/or City Manger. Representation shall include defending lawsuits which are not defended by the City's insurer. However, the City Attorney shall not be authorized to settle any claim except at the explicit direction of the City Council.
12. Promptly return all calls and e-mails from the City Council and City Manager.

C. Evaluation of RFP's:

The City reserves the right to accept or reject any and all submissions in the best interest of the City. In connection with the evaluation, the City may invite one or more applicants to make an oral presentation to the City Council at a time and location to be announced and may require the submission of supplemental material intended to substantiate or clarify information previously submitted.

The following information will be taken into consideration during the evaluation process:

1. Meets qualifications identified in the RFP.
2. Included complete and clear responses to required information.
3. Familiarity with laws and regulations governing California general law cities and operating procedures relative to the conduct of City business.
4. Demonstrated expertise in land use and zoning law as it relates to municipalities.
5. Reasonableness of response time, support staff and range of services offered.
6. Demonstration of workload capacity and a level of experience commensurate with the level of service required by the City.
7. The professional reputation for providing high quality services; ability to work cooperatively with the City Council, City Manager and Department Directors;

and demonstrates sound judgment, integrity, and reliability as determined by the references provided.

8. Cost of providing services. Note that while cost is important, it is not necessarily the most critical factor in evaluating a submittal.
9. Results of interview.

D. Selection Process:

The City Council and the City Manager will review the submitted proposals. After review, they may select one or more finalists for interviewing and choose a finalist. After completing negotiations and contract process, the City Manager will make a recommendation to the City Council to appoint a City Attorney and award a contract. The City Attorney serves at the pleasure of the City Council and may be removed at any time by a majority vote of the Council.

E. Tentative Time Line:

- | | |
|--|--------------------|
| • Issue Request for Proposals | September 7, 2011 |
| • Receive proposals | September 30, 2011 |
| • Review proposals and select finalists | October 4, 2011 |
| • Interview finalists | October 18, 2011 |
| • Complete negotiations and contract process | November 4, 2011 |
| • Present contract to Council for approval | November 15, 2011 |

F. Required Information

All RFP's must provide specific information to the following questions.

1. **Qualifications:** Please describe your qualifications to provide legal services to the City with a focus on the following areas, as well as any pertinent information you wish to provide on other members of your firm who could be involved in providing legal services to the City.

- a. Legal training including date of admittance to the California Bar.
- b. Years in practice and years of experience in municipal law. Please indicate what municipalities you have served, in what capacity and over what timeframe as well as the community's population and contact information.
- c. Range of experience and years of experience with California land use law.
- d. Experience with laws and litigation involving franchise fees and

agreements.

- e. Experience in labor union contract law and personnel matters.
- f. Experience related to public safety (police) matters.
- g. Identification of any perceived conflict of interest you or your firm may have representing the City in any land use or other local government matters.
- h. Location of your office, hours of operation, methods of contact, and availability to attend Council meetings if necessary.
- i. Six client references, three of which must be governmental entities, preferably cities. Include contact information.

2. Fee Structure:

The City desires to establish an hourly rate for services billed on a monthly basis. Please indicate how you would structure a fee rate or schedule to provide such services.

3. Responsiveness

Describe the standard timeframes for responses to direction and/or inquiry from the City.

4. Back-up

Identify whom you would designate as a competent substitute or back-up legal service for the City in your absence.

5. Insurance

Indicate your coverage for professional liability and other insurance.

6. Disclosure

Please provide a written statement giving the City of Rio Dell permission to contact listed client references named above and obtain information about you.

7. Contract

Please provide a general form of contract you would propose.

8. Other Information

Applicant's may submit other information regarding their expertise or experience.

**RIO DELL CITY COUNCIL
STUDY SESSION
REGULAR MEETING
AUGUST 2, 2011
MINUTES**

The Study Session/Regular Meeting of the Rio Dell City Council was called to order at 5:30 p.m. by Mayor Woodall.

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

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

STUDY SESSION – 5:30 p.m.

Review of Draft City Council Protocol Update 2011

City Manager Henrickson stated the purpose of the Study Session is to review the draft City Council Protocols. He said the current Protocols were adopted in 2000 and in need of update. As a result, the City Clerk was directed to proceed with the update and bring forward to the Council for review.

City Clerk Dunham proceeded with review of the document and said included in the new Protocols are topics related to statutory requirements such as the Brown Act, Political Reform Act, and Code of Ethics. Other additions had to do with the seating order for newly elected or appointed councilmembers; Council attendance requirements; agenda packet preparation; placing items on the agenda; procedures for motions; ADA requirements; decorum for council and staff; as well as added exhibits for Council's convenience.

Questions arose regarding procedures for the selection of Mayor and Mayor Pro Tem (Section 3.2). Mayor Woodall suggested staff review other methods and procedures for choosing the Mayor and Mayor Pro Tem as well as a different method for selecting applicants to boards and commissions and bring it back to Council for consideration.

In reviewing the language regarding attendance requirements for Councilmembers (Section 5.1) Council concurred to modify the last sentence to read *“Any absent Councilmember who has left a message by 5:00 p.m., or reached the Mayor or City Manager’s Office directly before the start of the meeting on the day of the meeting to advise of such absence, shall be considered excused only upon majority vote of the Council.”*

AUGUST 2, 2011 MINUTES
Page 2

Section 5.8 regarding placing items on the agenda was modified to read in part: "*Matters may be placed on the agenda for consideration by request of 1) the Mayor; 2) the City Manager; and 3) the City Attorney.* Also added was: "*Councilmembers shall have the opportunity to request an item be placed on the agenda during an open council meeting; with concurrence of the Council, the request shall be honored.*"

The next revision was under Section 6.10 where a fourth bullet was added to read "*The Mayor may ask for public comment on the motion.*"

Upon further review, it was noted that the description for "Public Presentations" was omitted from the document. City Clerk Dunham agreed to add it as Section 8.7.

At the conclusion of the study session, City Clerk Dunham was directed to bring the revised document along with a resolution back to the Council on August 16, 2011 for formal adoption.

The study session ended at 6:23 p.m.; Mayor Woodall called for a brief recess until 6:30 p.m.

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

CEREMONIAL

Meritorious Service Award to Officer John Beauchaine

Chief of Police Hill said it was an honor to have an officer being recognized with the Meritorious Service Award and stated that Officer Beauchaine has been with the department for 9 years and is not only an asset to the department but to the community as well.

Mayor Woodall said Officer Beauchaine was on patrol near the intersection of Wildwood Ave. and Monument Road where he was flagged over by a citizen. He was informed that a distraught woman was intending to jump off the Eagle Prairie Bridge. Officer Beauchaine drove to the area and located the woman who was balanced on the outside of the hand rail above the river. He stopped, and without regard for his own safety was able to grasp the woman, lift her over the railing and onto the bridge, effectively saving the woman's life. She said Officer Beauchaine is being recognized for this act with the Meritorious Service Award, which is presented in instances when officers prevent the death or injury of another, while putting themselves at some degree of risk under adverse conditions.

Officer Beauchaine came forward to receive the award; receiving a round of applause from the audience.

CONSENT CALENDAR

Mayor Woodall 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.

Councilmember Marks asked that Item 4 be removed and placed under Special Call Items for separate discussion.

Motion was made by Thompson/Leonard to approve the consent calendar including approval of minutes of the July 19, 2011 regular meeting; declaring 2001 Crown Victoria Police Vehicle as Surplus Property and approving disposition thereof; and approval of Resolution No. 1118-2011 Adopting the Gann Appropriations Limit for FY 2011-2012. Motion carried 5-0.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Approve Resolution No. 1119-2011 Confirmation of FY 2011-2012 Tax Assessment for 1978 Sewer Assessment Bonds

Councilmember Marks asked for clarification if the list of Sewer Assessments by parcel as presented represents all parcels within the City; Finance Director Beauchaine explained it actually represents the improved parcels as of 1978 when the assessment began less those assessments that have been paid in full since that time.

Motion was made by Marks/Leonard to approve Resolution No. 1119-2011 Confirmation of FY 2011-2012 Tax Assessment 1978 Sewer Assessment Bonds. Motion carried 5-0.

Authorize the City Manager to Approve Labor Compliance Contracts

Finance Director Beauchaine said as the Council is aware, the City recently went out to bid on the Wastewater Effluent Disposal and Facility Plan Project which is subject to California Prevailing Wage laws regulated by the Department of Industrial Relations. Pursuant to SB 278, the City is required to implement and enforce a labor compliance program to ensure the proper payment of prevailing wages. She said the City issued two Requests for Labor Compliance Services and received two responses; one to complete labor compliance services, and the other to conduct the on-site interviews for the labor compliance consultant. She said both proposals received are from reputable companies with excellent reputations. The City initial estimate for labor compliance services was \$100,000 so is very pleased that the proposals received are significantly less than initial projections totaling only \$64,400. She said the City Attorney has reviewed the contract as to form and staff is recommending approval of the contracts.

Finance Director Beauchaine noted that it was brought to her attention that the contract referred to Rio Dell as a district rather than a City but it was corrected. Also, SHN had listed the Fire Department as authorized to execute the contract and she asked them to change that to reflect the City Manager as the authorized signer.

AUGUST 2, 2011 MINUTES

Page 4

Finance Director Beauchaine then referred to Section "N" of the SHN Service Agreement which states that SHN is not subject to State or Federal prevailing wages; if it is subsequently determined that work performed is subject to prevailing wages, the Client (City of Rio Dell) shall Compensate SHN 1.3 times the difference between actual wage paid and prevailing rate required, plus any penalties. For clarification, she said as a consultant, SHN is not subject to prevailing wages so the City will not be required to pay 1.3 times as stated.

City Manager Henrickson explained that after September, the City will no longer be allowed to sub out the labor compliance due to new State regulations but if we are under contract before that time, the contract will be allowed.

Motion was made by Thompson/Leonard to authorize the City Manager to approve the Labor Compliance Contracts.

Councilmember Marks asked if Labor Compliance has always been awarded under a separate scope of work and not included under the project scope of work; Finance Director Beauchaine explained the idea is to not have the contractor monitor his own records thus eliminating any potential liability.

Motion then carried 5-0.

County Redistricting

City Manager Henrickson stated during the last discussion regarding redistricting, the Council asked that he send a letter to Carolyn Crnich, Humboldt County Registrar of Voters, expressing the City Council's desire that 1) Rio Dell remain in one district to maintain the City's integrity; and 2) Identifying Fortuna as a "community of interest" for the City. He further reported that Councilmembers Thompson and Wilson were asked to attend subsequent redistricting public meetings and represent the Council.

Councilmember Wilson reported that the first public meeting held in Rio Dell, had a small attendance and only 3 of the 4 redistricting committee members were present. He said the subsequent meeting in which he attended in Scotia included all 4 of the committee members. He said the County Board of Supervisors must make a decision on the redistricting or the decision will fall back on the committee to decide. He said there seems to be a strong desire by Scotia to move from District 2 to District 1 and stated that 4 proposals were brought to the committee for consideration. Another thing that came out of the meeting was that Rio Dell was assured it will not be split into multiple districts. The first proposal will go before the Board of Supervisors on August 16, 2011, followed by 4 more opportunities to review proposals, with the deadline for establishing the lines set for November 1, 2011. He said as it currently stands, the City's statement has been recognized by the committee.

Councilmember Thompson said he wanted the Council to have another opportunity to make sure of their decision to support the concept of remaining in District 2. He said in doing legal

AUGUST 2, 2011 MINUTES
Page 5

research, he found that the County will not be challenged if the population in each of the districts has no more than a 2.5% variance between districts. He said in reviewing the pros and cons of remaining in District 2 or not, he is supportive of the railroad whereas Supervisor Clendenon is not; and said since the County only goes through the redistricting process every ten years, the decision should be carefully thought out.

Maps were provided to the Council representing proposed lines for redistricting.

Councilmember Wilson said in looking at redistricting, the Council needs to think about who the City is most aligned with as a community of interest; in his opinion, the City is most aligned with Fortuna although somewhat with Ferndale who is in District 1. He said if we were to decide we should be moved to District 1 which includes Honeydew, Petrolia, Ferndale, Loleta, Fields Landing, and portions of Eureka that district would be too large. He said he personally would not want to be aligned with Eureka and still sees the City having more in common with Fortuna. He said if fair and equal representation is a concern, the citizens have the opportunity to vote out their supervisor.

Councilmember Marks commented that our kids go to school in Fortuna and we shop in Fortuna and she expressed concern about being aligned with Eureka and the possible lack of representation because of the difference in population between the two communities.

Mayor Woodall agreed that Fortuna is a "community of interest" to Rio Dell and that our residents shop, work and go to school there and like Councilmember Wilson feels that if citizens feel we are not fairly represented by our supervisor then vote him out.

Consensus of the Council was that the City remain in District 2 and stay with the original recommendation to not split the City between districts and name Fortuna as a "community of interest."

ORDINANCES/SPECIAL RESOLUTIONS

Approve Resolution No. 1120-2011 Approving the Billable Rate for Staff Time for FY 2011-2012

Finance Director Beauchaine explained that often times, especially within the Planning Department, the City is involved in projects and activities that require cost recovery for staff time spent on behalf of the customer. As a result, the City must develop a rate that includes the cost of the employee's salary, benefits, supplies, and overhead which is what is referred to as the "billable rate". She said the billable rate was developed for each employee for FY 2011-2012 by taking the hourly rate plus the City average benefit cost and adding indirect expense to come up with the billable rate. She said this allows the City to recover all costs associated with staff time.

Councilmember Thompson asked if the resolution could provide for an automatic annual adjustment to allow for inflation; Finance Director Beauchaine explained the rates would be re-

AUGUST 2, 2011 MINUTES
Page 6

calculated with update of employee contracts and salary adjustments. Councilmember Thompson wanted assurance the rates would be kept current; Finance Director Beauchaine said the resolution only approves the billable rate for FY 2011-2012 and concurrent with the expiration of employee contracts June 30, 2012 a new resolution with the new billable rate would come back to the Council for approval.

Mayor Woodall asked if this resolution would cover the cost of the City Clerk's time talking with contractors and developers and how much of her time would be unbillable; City Clerk Dunham explained that under the current policy, there is no charge to prospective applicants for what is referred to as "over the counter planning conferences" that last 15 minutes or less.

Councilmember Marks asked if the City has procedures in place for requiring bonds; Finance Director Beauchaine said it depends on the project but typically a deposit is all that is required at the beginning of a project. She indicated some work does not even provide for a deposit; therefore we may need to revise the current policy.

City Manager Henrickson said the problem is not so much with the initial deposit but the charges incurred after the deposit is exhausted. In talking with the Community Development Director, he said we need to make sure there is sufficient money in the project account to cover any additional staff time associated with the project at any given time.

Community Development Director Caldwell suggested the resolution be revised to read in part "*Whereas, the City Council shall annually review the billable rate.*" Council concurred.

Motion was made by Thompson/Leonard to approve Resolution No. 1120-2011 *Approving the Billable Rate for Staff Time for the Fiscal Year 2011-2012* as revised. Motion carried 5-0.

Finance Director Beauchaine referred back to the staff report on the consent calendar regarding adoption of the Gann Appropriations Limit for FY 2011-2012 and noted that the last sentence of the staff report which stated "The City has not adopted an appropriations limit since 1995" was in error and should be deleted as the last appropriations limit was adopted in 2010.

PUBLIC PRESENTATIONS

Al Petrovich expressed concern regarding installation of PG&E SmartMeters and said the Council adopted an ordinance establishing a moratorium on the installation of SmartMeters to allow time for research of facts regarding potential health risks but the ordinance is not being recognized by PG&E. He said what is disturbing to him is that PG&E representatives are claiming they are mandated by the Public Utilities Commission and authorized to install the meters which is not true. He asked that the City Council demand PG&E to put in writing, the source which mandates the installation.

REPORTS/STAFF COMMUNICATIONS

City Manager Henrickson announced that the date for the bid opening for the Wastewater Treatment Plant Upgrade and Disposal Project has been moved up once again to August 16, 2011.

Chief of Police Hill reported on recent activities in the police department and announced on August 17, 2011 from 5:30 to 8:00 p.m. the Humboldt County Youth Driving Coalition and Rio Dell Police Department in connection with other agencies would be holding a free event for teens and their parents at the Rio Dell Fire Hall called "Drive Safe – Drive Smart."

He said local experts will cover topics including safe driving tips; how and where collisions occur; insurance information for new drivers ; and have a "jaws of life" demonstration.

Chief Hill also announced that his department was geared up and ready for the upcoming Wildwood Days events and said he would be receiving assistance from Ferndale Police Department and the College of the Redwoods Policy Academy.

Community Development Director – Report on July 27, 2011 Planning Commission Meeting

Community Development Director Caldwell reported that there is a section in the City's Subdivision Ordinance that requires the Planning Department to make a written report to the City Council regarding the Planning Commission's action approving tentative maps and any associated conditions of approval. He said at the July 27, 2011 meeting, the Planning Commission conditionally approved the Albin subdivision and lot line adjustment. A copy of the Tentative Map was presented to Council along with other supporting documentation. He stated the Subdivision Ordinance also allows the Council the authority to schedule a public hearing to add, modify or delete conditions of approval or deny the map approval when the Council determines that the subdivision does not conform with the requirements of the City's ordinances or the Subdivision Map Act. He said the Planning Commission found that the subdivision is consistent with the requirements of both the Subdivision Ordinance and the Subdivision Map Act and therefore does not recommend scheduling a public hearing before the City Council.

Mayor Woodall referred to the Conditions of Approval in regard to street improvements and noted that sidewalk improvements were only being required on the South side of North Street. She asked if and when the City can require sidewalk improvements on both sides of the street. Community Development Director Caldwell reviewed the Conditions of Approval and explained there would need to be a nexus before imposing that requirement.

Discussion continued regarding zoning and Community Director Caldwell pointed out that the City does not currently have any R-1, R-2 or R-3 zoning designations and Urban Residential (UR) is one of those zones that can distract from the character of the zone because of the flexibility in the development standards within that zone. He said although the zoning for this project cannot be changed, the Planning Commission may want to look at changing it in the future.

Councilmember Thompson congratulated Mr. Caldwell for a job well done. City Manager Henrickson stated that the Planning Commissioners were also impressed with his work.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Marks requested an item be placed on the next agenda regarding Davis St. access. The Council concurred.

Mayor Woodall reported she attended the tree planting event at the Rio Dell Community Garden at Baptist Church where 25 varieties of trees were planted as a result of the donation of fruit trees through the *Communities Take Root Program* to help support the local food pantry; and said she attended the HTA meeting where the board offered the General Manager position to one of the applicants interviewed however, he declined the offer. She announced she hoped to see everyone at the Wildwood Days events.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:42 p.m. to the August 16, 2011 regular meeting.

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk



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

TO: Mayor and Members of the City Council
THROUGH: Ron Henrickson, City Manager *RH*
FROM: Randy Jensen, Water Sup. / Carla Ralston, Public Works Admin. Tech.
DATE: August 16, 2011
SUBJECT: Public Works Tool Purchases

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve the purchase of needed water department tools in an amount not to exceed \$10,000 for Leak Detection Equipment, a Hot Tap tool, a Walk behind Concrete Saw, and a Metal Detector.

BACKGROUND AND DISCUSSION

Leak detection equipment allows water utility crews to pin point water leaks within 6 inches, thus saving the utility crew from hunting for the leak and creating larger holes in City roads. Currently, the City does not own any leak detection equipment, and in the past we have had to rely on neighboring jurisdictions loaning us theirs.

“Hot Tap Tools” are designed to allow for repairs to be made to pressurized water lines, thus alleviating the need to stop water service to customers while repairs are performed. The water department’s hot tap tool is extremely old and outdated and no longer works efficiently.

Walk behind concrete saws are necessary for properly fixing and repairing potholes, failing road areas, and sidewalks. Currently, we only have a handheld concrete saw. The handheld saw weighs almost 50 lbs. and is primarily intended for cutting concrete pipes and does not work well for other types of jobs.

Lastly, metal detectors are useful for locating storm drains, manholes, or steel water lines. Our current metal detector has already been repaired twice and no longer works.

Per *RDMC 3.30 Purchasing Procedures*, we have obtained three quotes for each of the above items and we are recommending the following: the **HL-5000 Electroacoustic Water Leak Locator for \$3,975.00**, the **Aqua Tap Hot Tapping Kit for \$1,795.00**, the **10 HP Concrete Saw – Model 3x3r for \$1,550.00**, and the **Fisher M-66 Metal Detector for \$500.00**; plus tax and shipping.

BUDGETARY IMPACT

\$10,000.00 from the Public Works normal operations budget line item 5215-09-(3).

ATTACHMENTS

Three quotes for each of the requested tools:

- Leak Detection Equipment
- Hot Tap tool
- Walk behind Concrete Saw
- Metal Detector

HL5000™

Electroacoustic Water Leak Locator



The HL5000 water leak locator is the next generation of high quality water leak detection instruments. Using a latest Dual Segment Analysis (DSA) the HL5000 is a pre-locating and pinpointing instrument. The DSA displays the minimum constant leak sound as well as the total current sound level. A powerful signal processor suppresses extraneous sounds, allowing the constant sound of the leak to be displayed as the minimum sound level. Plastic pipe location mode is a new feature for improved location of impulses generated with the RSP-3 Plastic Pipe Locator. Available in different models featuring 100% piezo microphones like wind shielded GM80 and contact mic PAM-B2, 2 contact rods, tip, 2 different tripods and aviation headphones.

HL5000 Water Leak Detector

Filter Cut-off Frequencies	70Hz, 106Hz, 160Hz, 240Hz, 360Hz, 540Hz, 800Hz, 1200Hz, 1800Hz, 4000Hz
Analysis Bandwidth	0Hz – 4000Hz
Display	Backlit LCD 5in x 1.4in (130mm x 36mm)
Histogram Recording	9 dual display
Memory	Leak sound measurements 3, 10 and 30min
Headset	Aviation headphones included
Batteries	10 x AA Alkaline Cells
Battery Life	> 35hours
Environmental Protection	IP54
Operating Temperature	14°F to 122°F (-10°C to 50°C)
Dimensions	8.5in (L) x 3.7in (W) x 4.3in (H) (215mm x 95mm x 110mm)
Weight	2.6lbs (1.2kg)

PAM-B2 Microphone	Piezo in tough rubber housing
Frequency Range	0 - 4000Hz
Weight	0.9lbs (408g)
Dimension	1.89in (Dia.) x 4.4in (H) (48mm x 112mm)
Environmental Protection	IP67

GM80 Microphone	Piezo in tough rubber housing with wind protection. Handle, cable and tripod included. Available with the HL5000-C+GM and HL5000-CGH
Weight	7.7lbs (3.5kg)
Dimension	6in (Dia.) x 8in (H) (152mm x 203mm)
Environmental Protection	IP67

Technical Data

Features:

- Uses latest DSP (Digital Signal Processing) technology to clearly recognize the real leak sound, even when there is other noise in the environment
- DSA (Dual Segment Analysis) technology: simultaneous display of the constant ground and changing ambient sound. Ability to hear and view leaks: Histogram mode with 9 simultaneously displayed DSA measurements
- Very high audio quality
- Large display to easily read measurement results
- Plastic pipe locate mode to use with an impulse generator
- Frequency analysis of the actual measured sounds
- Real-time recording of sound levels up to 30 minutes

Standard Equipment:

HL5000 is available in two professional popular models with a selection of high quality microphones.

Accessories:

- Ground microphone GM80 (wind protected)
 - Handle
 - Cable
 - Tripod
- Extension rod
- PAM-T3 (rugged contact mic)
- PAM-H₂ (tracer gas sensor)



PAM-T3

Length	23in (600mm) microphone, 16in (400mm) head
Weight	2.1lbs (0.95kg)
Power Supply	HL10, HL5000 series
Connection Cable	5ft (1.5m)
Protection Class	IP67




PAM-H₂

Analysis Bandwidth	0-10,000 ppm
Sensitivity	0.7ppm H ₂ in air
Response Time	< 1sec
Warm-up Time	6sec
Operating Life of the Replaceable Gas Sensor	2 to 5 years (depending on intensity of use)



HL5000 Professional Models

HL5000-C	<ul style="list-style-type: none"> • Receiver with professional software • Contact microphone • Cable • 2 Extension rods • Tip • Tripod • Hard case • Operation manual • Noise-cancellation headphones
HL5000-C+GM 	<ul style="list-style-type: none"> • All items in HL5000-C • GM80 wind protected ground microphone with cable • Handle • Tripod
HL5000-H₂	<ul style="list-style-type: none"> • Receiver with professional software • H₂ sensor • Hard case • Operation manual • Noise-cancellation headphones
HL5000-CGH	<ul style="list-style-type: none"> • All items in HL5000-C+GM • H₂ sensor • Hard case • Operation manual • Noise-cancellation headphones

For more information contact:



74 E. Hill Street, Mt. Juliet, TN 37122
T 1-877-897-4350 F (615) 758-4463
www.tracerelectronicsllc.com

Vivax-Metrotech Corporation

3251 Olcott Street, Santa Clara, CA 95054
T/Free: +1-800-446-3392 Tel: +1-408-734-1400
Fax: +1-408-734-1415 Email: sales@vxmt.com

Vivax Canada Inc.

400 Esna Park Drive, Unit 17, Markham, Ontario, L3R 3K2, Canada
Tel: +1-289-846-3010 Fax: +1-905-752-0214
Email: CanadianSales@vxmt.com



Disclaimer: All product availability or product accessory information is subject to change without notice.

V2.1(May 2011)

Tracer Electronics

74 E. Hill Street Mt. Juliet TN 37122
PH 877-897-4350 or 615-758-4472, Fax 615-758-4463
E-mail: hkern@tracerelectronicllc.com

Randy Jensen
City Of Rio Dell
Water1@riodellcity.com

6/29/2011

I am pleased to quote the following equipment for your consideration:

QTY	Part Number	Description	Your price
1	HL 5000 - C+GM	Contact Mic PAM-B-2, Ground Mic, pro Software, Accessories in Case (Same as former HL 5000-4)	\$3,975.75



FOB Mt Juliet TN (Freight will be added to invoice)

Terms net 30 upon credit approval
Delivery 1-2 Days after receipt of order

You may fax your Purchase order directly to 615-758-4463

Please call with any questions, 615-758-4472

Hope Kern
Tracer Electronics

20)



Subsurface LD-15 Acoustic Leak Detectors

- Superior signal-to-noise ratio is vastly improved over other models
- Three filter ranges let you easily hone in on leaks
- Magnetic sensor and cable are waterproof

Subsurface LD-15 professional leak detectors are designed to survey for water leaks at hydrants, meters and valves. The ratio between signal and noise is vastly improved over many other models, and they provide excellent sound through the aviation-grade headphones.

The filters let you easily hone in on leak sounds whether under asphalt, cement or through the ground. Use the high frequency range when you are first surveying your system. This is best when listening at hydrants or other contact points along the pipeline. High-frequency leak sounds travel down the pipes farther.

Use the low frequency range to pinpoint suspected leaks, since lower frequencies pass through the soil more readily. The LD-15 also incorporates a built-in notch filter that effectively blocks out a narrow band of the most common undesirable frequencies.

Measure signal strength on the amplifier to compare loudness at different access points. This provides your best indication of which location is closest to the leak. The amplifier features easy-to-use filter controls. Amplifier distortion is less than 1%!

Contact the pipe with either the included magnetic sensor or the optional 60" contact rods (sold separately below). Attach the included base plate to the sensor for clear listening on street surfaces. 5-year warranty.

Includes: amplifier, padded case and belt, magnetic sensor with 9.75-ft cable, base plate, aviation-grade stereo headphones, batteries and a heavy-duty ABS plastic carrying case.

Bandwidth:	30 to 5000 Hz
Filters:	3
Filter types:	high, low, notch
Output indicators	
Audio:	high-performance headphones
Visual:	analog meter
Battery test:	meter
Battery type:	four C batteries
Battery life:	approximately 80 hours
Weight (amplifier/display):	31 ounces (including batteries)
Dimensions (amplifier/display):	6.4"W x 3.0"H x 5.7"D

ADS Mikron Digital Acoustic Leak Detectors

- Very high acoustic sensitivity
- Lightweight amplifier with clear digital display
- Minimum Noise Level Measurement helps you see if you are moving toward or away from a leak



The Mikron digital acoustic leak detector features an advanced sensor and low-noise processing electronics for excellent acoustic performance over a wide range of frequencies. Its lightweight amplifier offers a clear digital display that shows sound level, volume and battery charge.

The Minimum Noise Level Measurement System displays the background noise level, which potentially includes your leak noise, while removing any transient sound such as road traffic. It also displays the two previous Minimum Noise Levels, enabling you to easily tell if you are moving toward or away from a leak.

Choose from three different configurations, based on your sensor preference. The **Leak Detector with Alpha Acoustic Probe Sensor** includes: sensor handle and three rods; ground contact tripod; ground spike; magnet attachment; hand-held amplifier with neck strap; headphones; battery charger and carrying case.

The **Leak Detector with Gamma Ground Microphone** includes: ground microphone sensor; 2-piece microphone handle; hand-held amplifier with neck strap; headphones; battery charger and carrying case.

The **Leak Detector Combined System** includes: all the components from both configurations above. An optional car battery charger is available and works with all configurations.

All models feature a two-year warranty.



Bandwidth:	30 to 4000 Hz
Filters:	5
Filter types:	3 high, 2 low
Output indicators:	
Audio:	high-performance headphones
Visual:	digital display
Battery test:	N/A
Battery type:	rechargeable
Battery life:	approximately 35 hrs
Weight (amplifier/display):	3.5 lbs
Dimensions (amplifier/display):	21"W x 19"D x 10"H

DESCRIPTION	STOCK #	EACH
SubSurface LD-15 Leak Detector	MG-24913	\$ 3,750.00
Optional 60" Contact Rod w/ Adapter	MG-24914	125.00

DESCRIPTION	STOCK #	EACH
Mikron Leak Detector w/ Alpha Acoustic Probe Sensor	MG-50055	\$ 3,330.00
Mikron Leak Detector w/ Gamma Ground Microphone	MG-50056	3,850.00
Mikron Leak Detector Combined System	MG-50057	4,680.00
Optional Car Battery Charger	MG-50058	67.00

Art Equipment

Drafting Equipment

Blueprint Storage

Measuring Tools

Surveying Equipment

SEARCH AND SAVE!

Go

Shop By Brand | Shop By Category

Browse Our Catalog

- Home
- Art Equipment
- Blueprinting Equipment
- Builders Levels
- CAD Digitizers
- Calculators
- Computer Accessories
- Construction Lasers
- Drafting Equipment
- Facilities Management
- Gift Ideas
- Hand Trucks & Service Carts
- Large Document Storage
- Magnetic Locators
- Measuring Tools
- Moisture Meters
- Office Equipment
- Office Furniture
- Office Supplies
- Paper & Media
- Pipe & Cable Locators
- Server Racks & Cabinets
- Shelving
- Stream Gauges
- Surveying Equipment

Popular Searches

- Art Equipment
- Blueprint Storage
- Land Surveying Equipment
- Drafting Equipment
- Measuring Wheels
- Calculators

We Accept Academic and Government PO's

10 Years

Serving customers like you. Buy with confidence.



Deal Alert

Never miss a deal again!



Subsurface Instruments "Professionals Plus" Water Leak Detector LD-12

Product Code: ES1337

Condition: New

Usually ships off dock within: 5 to 7 Business Days

Your Price **\$3,295.00**

Qty 1

Add to Cart

Ask Us A Question



Authorized Dealer

- ✓ Secure Shopping!
- ✓ Low Prices!
- ✓ Trusted Brands!

Share |

Product Information and Details

Large meter display (with back light) of sound loudness, allowing the user to pinpoint the exact leak location.

Light weight amplifier, weighing only 31 ounces, with a padded carrying case and a strap.

Six selectable filters, split into three "low side" filters (100Hz, 200Hz, or 400Hz) and three "high side" filters (600Hz, 800Hz, or 1200Hz).

"Limiter" switch which cuts off all loud noises greater than 110dB. If you drop the sensor, you won't hurt your hearing.

"Filter-Thru" switch, which turns OFF all of the amp's filters, allowing the user to hear all sounds from 50Hz to 15,000Hz.

High-sensitivity ground microphone and low "electronic noise" amplifier combine to offer the very best quality sound for leak detection.

Three accessories for attachment to the sensor:

- Ground plate for pinpointing on streets/slabs
- Magnet base for surveying at hydrants/valves

Quote # 1

Drilling/Tapping/Cutting Tools PIPE

NEW!



63158

REED® PVC/G900 Drilling Machine Kits



PIPE TOOLS & VISES
SINCE 1896

- Hot tap 3/4" and 1" in all classes of PVC pipe

This kit includes everything you need to tap PVC pipe through 3/4" and 1" corp stops. Shell cutters are designed to drill through all PVC wall thicknesses: PVC Sch 40, 80, C900 and SDR series. Adapters are included for both AWWA and NPT threads.

Set up is simple. Drills are screw-fed through corp stop for a clean cut while line is under pressure.

The complete kit includes the PVC base machine with carrying case, 7/16" ratchet handle, 3/4" and 1" NPT to AWWA converters, 3/4" and 1" AWWA corp adapters, 7/8" shell cutter and 1 1/16" shell cutter.



DESCRIPTION	STOCK #	EACH
PVC Complete Kit	MG-25310	\$ 719.95
Replacement PL688 1 1/16" PVC Shell Cutter	MG-25311	95.95
Replacement PL875 7/8" PVC Shell Cutter	MG-25312	103.95

AQUATAP Hot Tapping Kits

- Tap into all types of pipe—PVC, ductile iron, copper and more!
- Everything you need in one complete kit

AQUATAP hot tapping kits are compatible with all pipe applications—PVC, AC, ductile iron, steel, copper, etc. Use them to tap into water lines up to 120 psi. They include everything you need, all packed in a rugged carrying case. Choose from kits with standard carbide-tipped hole saws or heavy-duty carbide Tiger Cutter hole saws.

Kits include: 18V cordless drill, 12" drill rod, carbide-tipped hole saws, valve adapters (IPS and CTS), coupon retaining pilot bit, coupon ejector, laminated instructions and carrying case. The AT-PRO-T kit features an upgraded 36V drill and heavy-duty carbide Tiger Cutter hole saws.



AT-PRO-T Kit 63159

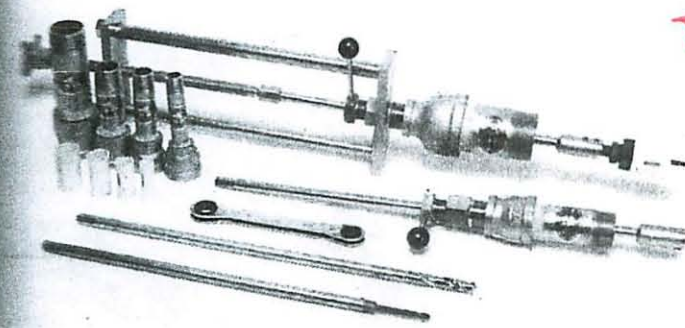


AT-K Kit 60901

MFR #	DESCRIPTION	HOLE SAWS	STOCK #	EACH
AT-JR	Kit for 3/4" & 1" Taps	Carbide Tipped	MG-63158	\$ 1,195.00
AT-K	Kit for 3/4", 1", 1 1/2" & 2" Taps	Carbide Tipped	MG-60901	1,795.00
AT-PRO-T	Kit for 3/4", 1", 1 1/2" & 2" Taps	Carbide Tiger Cutter	MG-63159	3,195.00

Replacement Items & Accessories

MFR #	TAP SIZE	ACTUAL SIZE	STOCK #	EACH
CARBIDE-TIPPED HOLE SAWS				
AT-3/4-H	3/4"	1 1/16"	MG-60915	\$ 20.00
AT-1-H	1"	7/8"	MG-60916	25.00
AT-1 1/2-H	1 1/2"	1 3/8"	MG-60917	30.00
AT-2-H	2"	1 3/4"	MG-60918	40.95
CARBIDE TIGER CUTTER HOLE SAWS				
AT-3/4-T	3/4"	1 1/16"	MG-63160	\$ 125.00
AT-1-T	1"	7/8"	MG-63161	145.00
AT-1 1/2-T	1 1/2"	1 3/8"	MG-63162	179.95
AT-2-T	2"	1 3/4"	MG-63163	220.95



Hot Tap Kits

- Safety pin prevents blowback of rod

Tap existing lines and extend service without shutting off pressure. This kit contains everything you need.

Includes: two drill rods, adapters for 3/4", 1", 1-1/4", 1-1/2" and 2" hole saws, manual and power broach assemblies, manual and power gland assemblies, hot tap frame, hex sleeve, manual push rod and push rod knob, assembly sizes, and hot tap ratchet.

DESCRIPTION	STOCK #	EACH
Hot Tap Kit	MG-44574	\$ 1,239.95

"Friendly, courteous, professional. It is good to talk to these people. Thanks!"

Here's what customers are saying about **USABlueBook**

Greg Woodall
Maintenance Supervisor
Greenville City Schools
Greenville, OH

Search Pollardwater.com



Aqua Tap Hot (Wet Tap) Tapping Machine



- Ask an Expert
- CHECK OUT
- Contact
- Find it for Me
- HOME
- How to Order
- Info Request
- Links
- PIPELINE INDEX
- Product Line Index
- Quote Request
- Sales Terms
- What's New

SHOPPING CART >

Line Items: 0
 Total Items: 0
 Sub Total: \$0.00

CURRENT SHOPPING CART STATUS

.....
 Applicable Tax and Freight
 Charge will be added to
 Final Invoice.

Aqua Tap is the most complete, and efficient, hot (wet) tapping machine available. Performs taps (through corp. stops) for 3/4", 1", 1 1/2", and 2" service lines. Includes Dewart 18V cordless drill, cutters, corp. stop adaptors, coupon ejector, and carrying case. Iron Pipe Size (IPS) and Copper Type Size (CTS) corp. adapters are included.

Aqua Tap's Hot Tap Kits

- **ATK KIT** : Complete tapping system for Ford, Jones, and A.Y. McDonald corp. stops
- **ATKM KIT**: Complete tapping system for Mueller and Cambridge corp. stops
- **ATKC KIT**: Complete tapping system with eight corporation stop adaptors of choice

Operating Instructions (Drilling)

Take Drill Rod and attach Desired Corp. Adaptor. Attach Desired Hole Saw. Spray Saw Tips With with approved lubricant, such as vegetable oil (all taps). Join Unit To Corp. Stop (hand tighten only). Attach Drill. Drill Hole (keep drill setting at LO Speed, and in Drill position.) (1/2 trigger for pvc taps). Aqua Tap's extensive, in the field testing, has shown that a low RPM drill combined with the supplied hole saws, gives the best results. To prolong cutter life and insure a smooth tap, do not force, let the machine do the work.

Coupon/Plug Ejection

Place drill in reverse. Grab onto saw with pliers. Pull Trigger. Remove drill rod from drill and install Ejection Rod. Install Saw, & place drill forward. Grab onto saw with pliers. Pull Trigger.

Important Tips

Do NOT use Aqua Tap for lines exceeding 100 psi water pressure.

Never use "Hammer Mode" on drill while performing taps.

When tapping steel or ductile iron pipe, the useful life of the carbide tipped cutter is diminished. The length of time needed to tap steel or DI will vary (wall thickness, etc.), but should take approx. 3 min. PVC taps should take less than 1 min. If delayed replace cutter.

Occasionally lubricate the O-rings in the rod housing. Tighten down cap against O-rings firmly to grip drill rod. If kickback occurs, replace O-rings.

Water leaking through fittings is normal. This does not mean tap is complete. Continue drilling until completely through the pipe wall.

Keep threads on end of drill rod oiled.

PURCHASE AQUA TAP MACHINES

ITEM NUMBER	DESCRIPTION	PRICE
QTY ADD TO CART ATKMKIT	Aqua Tap Kit for Mueller and Cambridge Brass	\$2195.00
QTY ADD TO CART ATKKIT	Aqua Tap Kit for Ford, Jones, and A.Y. MacDonald	\$2195.00
QTY ADD TO CART ATKCKIT	Aqua Tap Kit with 8 Corp. Stop Adapters of your choice - please specify requirements in "Special Instructions" section of Checkout	\$2195.00

BuyIt **ONLINE** 24/SEVEN

[HOME](#) [Sales Terms](#) [Checkout](#) [Contact](#) [Products](#) [Request Info](#) [What's New](#)

In USA: 800-437-1146 Outside USA: 425-861-8755 Fax: 516-746-0852

Contact us via eMail at: info@pollardwater.com

200 Atlantic Avenue, New Hyde Park, New York 11040 © copyright 2010 Pollardwater.com

Enable cookies in your browser to order items in the Shopping Cart.

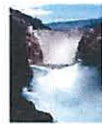
Click on a product for details: [Complete Parts List](#)



What Is A Hot Tap?

A Hot tap is the procedure of tapping into a live pressured water main through a corp stop. The benefit of this procedure is that you do not have to shut off the water main or interrupt anyone's service. Our hot tap kit has been fully tested for tapping through PVC, AC, Ductile Iron and all Steel Pipes.

Aqua-Tap Buyers Include:



NASA, Walt Disney, Texas Tech University, Hoover Dam, Langley AFB

Aqua-Tap (Hot Tap Kit)

Aqua-Tap is the most complete, and efficient, hot tapping machine available. Performs taps (through corp stops) for 3/4", 1", 1-1/2", and 2" service lines. Includes; 18 volt DeWalt cordless drill with two batteries and two chargers (standard & vehicle), cutters, corp stop adapters, coupon ejector, and carrying case. Iron Pipe Size (IPS) and Copper Type Size (CTS) corp. adapters are included.

Aqua-Tap Pro (New Upgraded Hot Tap Kit!)

Introducing Aqua-Tap Pro-T. The most complete and efficient, hot (wet) tapping machine just got better. Now including the most powerful cordless drill on the market - DeWalt 36 Volts! Complete kit includes 11 Commonly used IPS & CTS valve adapters. (3 more than the standard kit). Also includes Cobalt & Tungsten carbide coupon retaining pilot bits. A single charged battery can tap up to seven 1" Ductile Iron taps! And, of course, many more PVC & AC taps.

All of the power, valve adapters, cutters, and tools you will need to perform 3/4", 1", 1-1/2", and 2" hot taps in one convenient kit.

Place An Order: Parts List

Part Number	Name	Price		Shopping Cart (0 Items)
AT-JR	Aqua-Tap Jr. Kit	\$1,195	Add To Cart	Your Cart Is Empty
AT-K	Aqua-Tap Standard	\$2,195	Add To Cart	
AT-PRO-T	Aqua-Tap Pro (Tiger Cutters)	\$3,195	Add To Cart	
AT-D36	Dewalt Drill 36 Volt	\$550	Add To Cart	
AT-D18	Dewalt Drill 18 Volt	\$450	Add To Cart	
AT-D18R	18 Volt Ryobi Drill	\$250	Add To Cart	
AT-R12	12" Drill Rod	\$450	Add To Cart	
AT-R18	18" Drill Rod	\$500	Add To Cart	
AT-R24	24" Drill Rod	\$550	Add To Cart	
AT-BK	Pilot Bits	\$350	Add To Cart	
AT-H	Housing Assembly	\$595	Add To Cart	
AT-E	Plug/Coupon Ejector	\$65	Add To Cart	
AT-C	Blue Carrying Case	\$195	Add To Cart	
AT-YC	Yellow Carrying Case	\$295	Add To Cart	
AT-RC	Ryobi Carrying Case (For Jr. Kit)	\$60	Add To Cart	
AT-P	Pliers	\$35	Add To Cart	

Ford, Jones, A.Y. McDonald Valve Adapters

AT-3/4-C	3/4" CTS Adapter	\$135	Add To Cart
AT-1-1/4-C	1-1/4" CTS Adapter	\$160	Add To Cart
AT-1-I	1" IPS Adapter	\$145	Add To Cart
AT-3/4-I	3/4" IPS Adapter	\$135	Add To Cart
AT-2-C	2" CTS Adapter	\$175	Add To Cart
AT-2-I	2" IPS Adapter	\$175	Add To Cart
AT-1-1/2-C	1-1/2" CTS Adapter	\$160	Add To Cart
AT-1-1/2-I	1-1/2" IPS Adapter	\$160	Add To Cart
AT-1-C	1" CTS Adapter	\$145	Add To Cart
AT-2-M	2" IPS Male Adapter	\$175	Add To Cart

Mueller Valve Adapters

AT-1-1/2-CM	1-1/2" CTS Mueller Adapter	\$160	Add To Cart
AT-2-CM	2" CTS Mueller Adapter	\$175	Add To Cart
AT-3/4-IM	3/4" IPS Mueller Adapter	\$135	Add To Cart
AT-1-IM	1" IPS Mueller Adapter	\$145	Add To Cart

Carbide Tipped Hole Saws

AT-11/16-H	For 3/4" PVC & AC Taps	\$28	Add To Cart
AT-7/8-H	For 1" PVC & AC Taps	\$35	Add To Cart
AT-1-3/8-H	For 1-1/2" PVC & AC Taps	\$42	Add To Cart
AT-1-3/4-H	For 2" PVC & AC Taps	\$50	Add To Cart
AT-HA	Hole Saw Adapter	\$7	Add To Cart



800-UR-RENTS (800-877-3687)
unitedrentals.com

LOCATION #257
3132 JACOBS AVE
EUREKA, CA 95501
707-442-9378 707-442-9406 FAX



EQUIPMENT SALE QUOTE

94539270

Quote 1

Job Site

CITY OF RIO DELL
CORP YARD
475 HILLTOP DR
RIO DELL, CA 95562-1440
Office: 707-764-3532 Cell: 707-498-1867

Customer

CITY OF RIO DELL
675 WILDWOOD AVE
RIO DELL, CA 95562

Customer Number : 271213
Quote Date : 7/19/11

Job Location: CORP YARD, RIO DELL
Job Number : 3 - CITY OF RIO DELL
P.O. Number : QUOTE JUSTIN
Ordered By : JUSTIN
Written By : UR257LP
Salesperson : 4488

Qty	Equipment #	Price	Amount
1	6257210 CC: 625-7210 SAW CONCRETE 10 HP *	1437.80	1437.80
***** MK CONCRETE SAW - MODEL CX3R ***** NEW SAW - APPROX 1 WEEK DELIVERY *****			
Sub-total:			1437.80
Tax:			115.02
Estimated Total:			1552.82

Customer is hereby notified that United Rentals has assigned its rights (but not its obligations) in the agreement to sell all or any of the used equipment described herein to United Rentals Exchange, LLC., a qualified intermediary, as part of a Section 1031 like-kind exchange program.

Note: This proposal may be withdrawn if not accepted within 30 days.

THIS IS NOT AN EQUIPMENT SALE AGREEMENT/INVOICE. THE SALE OF EQUIPMENT AND ANY OTHER ITEMS LISTED ABOVE IS SUBJECT TO AVAILABILITY AND ACCEPTANCE OF THE TERMS AND CONDITIONS OF UNITED'S EQUIPMENT SALE AGREEMENT/INVOICE, WHICH MUST BE SIGNED PRIOR TO OR UPON DELIVERY OF THE EQUIPMENT AND OTHER ITEMS.



Don's Rent-All

916 Broadway
Eureka, CA 95501
www.donsrentall.com

707-442-4575 phone
707-442-6723 fax

Status: Quote

Quote #: q241

Quoted To Date: Fri 8/ 5/2011 9:00AM

Customer# 20292

Operator: Gregg

RIO DELL PUBLIC WORKS
675 WILDWOOD AVE
RIO DELL, CA. 95562

707 764-5767

Contract Info:

Qty	Key	Items Sold	Part#	Status	Each	Price
1	MS	NEW MK CX-3H 14" CONCRETE SA		Selling	\$1,600.00	\$1,600.00
1	BLADEDIA14MQEC	14" DIAMOND MQ ECONOMY	BLADEDIA14MQEC	Selling	\$0.00	\$0.00

THIS QUOTE IS FOR A NEW MK CX-3H 14" WALK BEHIND CONCRETE SAW AND A FREE BLADE.
SHIPPING IS FREE

Quote valid for 30 days.

RENTAL CONTRACT

Rental:	\$0.00
Damage Waiver:	\$0.00
Sales:	\$1,600.00
Delivery Charge:	\$0.00
Misc. Charges:	\$0.00
Subtotal:	\$1,600.00
SALES TAX 8.0%:	\$128.00
TOTAL:	\$1,728.00
PAID:	\$0.00
AMOUNT DUE:	\$1,728.00

SIGNATURE:

RIO DELL PUBLIC WORKS

Quote 3

Concrete & Ductile Iron Pipe Cutting TOOLS

Walk-Behind Concrete Saws

Performance and reliability—powered by Subaru Robin engines
 Built-in water distribution systems deliver water to both sides of the blade

Walk-behind concrete saws are engineered for performance and reliability. Each unit is powered by a Subaru Robin gas engine and has a limited warranty.

CX-3R is for small to medium jobs that require power and portability. This compact, lightweight saw has a built-in water distribution system that delivers water to both sides of the blade. The saw also features a folding handle bar for transport and a cast-aluminum blade guard that rotates up for blade removal. **Includes:** a 12" segmented concrete blade.

MK-1613R is for large jobs around the plant. Its one-piece box-structure chassis is made from 3/16" hot-rolled steel so it won't flex during operation, and is powder coated to resist peeling and corrosion. The saw has a positive-locking depth control mechanism. Its cast-aluminum blade guard mounts on both sides of the saw and cuts within 1" of the curb. Stainless steel water distribution system supplies water to both sides of the blade. **Includes:** a 14" segmented concrete blade.

Both models ship via motor freight.

	BLADE SIZES	WEIGHT (LBS)	STOCK #	EACH
	12 to 14"	117	MG-13964	\$ 1,429.95
13R	12 to 18"	223	MG-13963	2,399.95

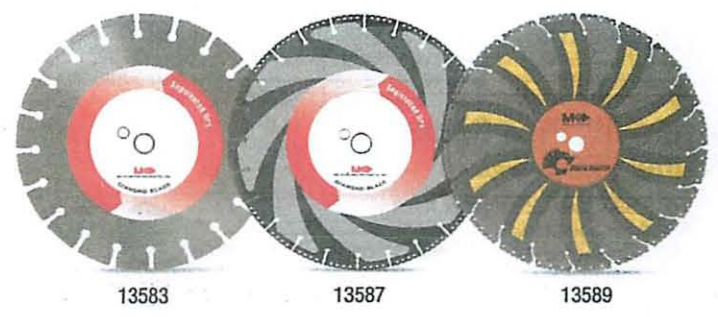


+ TAX
 + SHIPPING

Model CX-3R
13964



See page 1553
 for a selection of
**Concrete
 Breakers**



MK® Diamond Blades

- Cut a variety of materials including concrete, asphalt and ductile iron
- Use with portable saws and walk-behind machines

Use MK diamond blades dry on portable cut-off saws, and dry or wet on walk-behind saws. Choose the size and type of blade for your application, including cured or green concrete, asphalt or ductile iron. "Tiger Tooth" multi-purpose blades give you flexibility to cut these materials as well as steel, wood, plastic and masonry. Arbor diameter is 1".

SIZE (DIA x THICKNESS)	STOCK #	EACH	QTY 4+
SEGMENTED CURED CONCRETE & MASONRY BLADES			
12" x 0.125"	MG-13581	\$ 93.95	\$ 89.25
14" x 0.125"	MG-13582	100.95	95.90
PREMIUM SEGMENTED CURED CONCRETE & MASONRY BLADES			
12" x 0.100"	MG-13583	\$ 114.95	\$ 109.20
14" x 0.125"	MG-13584	128.95	122.50
SEGMENTED ASPHALT & GREEN CONCRETE BLADES			
12" x 0.125"	MG-13585	\$ 94.95	\$ 90.20
14" x 0.125"	MG-13586	111.95	106.35
SEGMENTED DUCTILE IRON BLADES			
12" x 0.100"	MG-13587	\$ 192.95	\$ 183.30
14" x 0.125"	MG-13588	229.95	218.45
"TIGER TOOTH" MULTI-PURPOSE BLADES			
12" x 0.125"	MG-13589	\$ 203.95	\$ 193.75
14" x 0.125"	MG-13590	257.95	245.05





Metal Detectors Super Store
Call Center: M-F 8am-9pm EST Sat. 9am-5pm
Showroom: M-F 9am-5pm Sat. 9am-5pm
Toll FREE 1- 866-800-6156



Search by name or keywords:



The Only Website Hosted By Certified Metal Detector Experts!

KELLYCO HOME

MY ACCOUNT

ABOUT US



Metal Detectors & Detector Products

By Manufacturer

All Metal Detectors

Metal Detector Accessories & Books

Coin Pinpointers

Search Coils

Metal Detectors by Category

All Purpose Metal Detectors

Beach/Surf/Water Metal Detectors

Metal Detectors For Meteorites and Relics

Gold Metal Detectors Gold Nuggets & Jewelry

2-Box Deep Searching Metal Detectors

Serious/Professional Type Metal Detectors

Commercial & Industrial Metal Detectors

Used/Demo/Refurbished Metal Detectors

Metal Detectors by Price

Metal Detectors for Kids

Shipping Details

Live Help



Click the icon above and a skilled Kellyco Team Member will call you now, anywhere in the world, FREE!



Home » Fisher Metal Detectors » M-66 Valve & Box Locator

Fisher M-66 Valve & Box Locator

with 8" Search coil



Fishers M-66 Valve and Box Locator is designed specially for finding buried or paved over valves, box's or vaults. In addition, the M-66 locates survey markers, water or gas meters, conduit, manholes and any other concealed metallic object. The M-66 detects all metals including aluminum, brass, copper, iron, nickel, steel or tin. Combining sensitivity and accuracy with maximum ground penetration, the M-66

[Click Here to Read More](#)

0 | Recommend



Fisher M-66 Valve & Box Locator

Retail price \$515.00

ADD TO CART

Now Only \$489.25

Or Call to Order Toll Free 1- 866-800-6156

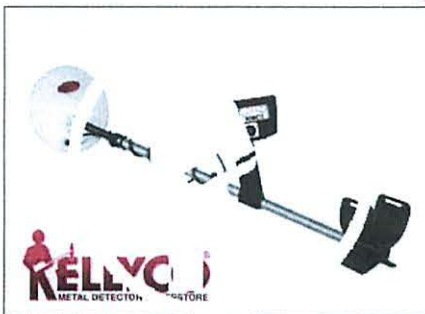
Cat# 12-mu66

LOOK! We Also Have Available:

Fisher M-97 - Only \$589.00

Features:

1. Simple operation - only 2 knobs
2. Ultra-sensitivity and maximum penetration through soil, asphalt or concrete
3. Ground rejection VLF (very low frequency) eliminates false signals
4. Detects all metals
5. Built-in battery test
6. Weather resistant design
7. Analog meter and audio target signal
8. Adjustable shaft
9. Fully submersible 8 inch search coil
10. Two year warranty



Reviews | Share | Newsletter Sign-up | Email a Friend

Customer Reviews:
Be the first to
[Write a review](#)

Amazon Ranks Kellyco's Customer Service as "Excellent" A+
[Click here to see full award](#)

Click below for Fisher M-66 Valve & Box Locator :

• [Instruction Manual](#)

This locator is ideal for locating aluminum, brass, copper, iron, lead, nickel, tin or other metallic survey markers, water or gas meters, conduit, and manholes. M-66 can sense manholes up to 42" deep and valve boxes up to 18" deep. Search coil is immersible in water. Operating frequency of search coil: 4.5 kHz. Sensitivity: 0.2mV RMS for full scale. Output indication: meter, 1 milliamp, 0-100 linear scale. Speaker, 16 ohm impedance. Audio frequency 450 kHz. Power supply: Two 9V batteries.

Specification:

Search Loop Configuration Double D (direct wired)

Output:

Output Frequency of Loop 4.5kHz,
Output Indication Speaker 16 ohm impedance
..... Audio frequency 450Hz

Power:

Power Supply 9V, each
Power Consumption (-9V) 17 mA
..... (+9V) 4mA min, 6 mA sound
..... Threshold, 125 mA max sound

Weight:

M-66 with 8" coil 4.25 lbs.
Shipping weight..... 7 lbs.

Operating Temp -40 to +1580F (-200 to +700C)

..... search loop immersible in water



2 Year Warranty:

Fisher warrants the M-66 to be free of defects in materials and workmanship when it is shipped from the factory. The terms of this warranty are fully

Quote #2



Fisher M-66 Metal Detectors

- Detects all metals
- 8" search coil
- Manual ground adjust

The Fisher M-66 is a no-frills metal detector designed for simplicity. It locates all types of underground metal, including steel, aluminum, brass and lead, plus it penetrates through soil, cement and asphalt.

The M-66's simplified design with only two knobs helps you attain maximum performance. The sensitivity knob eliminates signals from small items that may be in the ground. Adjust the manual 10-turn ground compensation knob for varied soil conditions.

Fisher's M-66 has the same mechanical design as the M-97, with a double locking shaft adjustable to 50". Operates on two 9V batteries (included). 2-year manufacturer's warranty.

Note: The M-66 is only available with a non-interchangeable 8" coil. Detection depth capabilities depend on size of the object and soil conditions.



Fisher M-97 Valve, Pedestal and Box Locators

- High sensitivity for maximum penetration through soil, asphalt or concrete
- Compact size for convenient storage and transportation
- 2-year warranty



This advanced yet easy-to-use locator is specially designed for finding buried or paved-over valves, boxes, manhole covers or other concealed metallic objects. It also locates targets made of aluminum, brass and lead.

Push-button tuning quickly and easily maintains optimum sensitivity for pinpointing of buried metallic objects. Also features auto-tune circuitry and ground effect rejection VLF (very low frequency) control, which eliminates annoying false signals from wet foliage, pavement or mineralized ground.

The M-97 features an adjustable shaft with double-locking stem. The waterproof search coil holds up extremely well when locating in adverse conditions. The unit folds up for convenient transportation and storage. Just compact the lower stem, twist the search coil 90°, and fold the search coil flat. The M-97 then fits easily into the optional carrying case.

The M-97 is available with either an 8" or an 11" search coil. Both versions operate on two 9V batteries (included).

Sensitivity adjustment range:	12:1
Battery type:	two 9V batteries (included)
Battery life:	25 to 35 hours
Weight:	3.3 lbs (8" coil); 3.9 lbs (11" coil)
Length:	adjustable, 38 to 50 inches

DESCRIPTION	STOCK #	EACH
Fisher M-66 Metal Detector	MG-25769	\$ 499.95
Soft Vinyl Case	MG-25767	53.95
Hard Molded Plastic Case	MG-25735	143.95
Replacement 9V Batteries, Pack of 4	MG-28342	19.99

DESCRIPTION	STOCK #	EACH
Fisher M-97 With 8" Coil	MG-25734	\$ 594.95
Fisher M-97 With 11" Coil	MG-25731	624.95
Soft Vinyl Case	MG-25767	53.95
Hard Molded Plastic Case	MG-25735	143.95
Stereo Headphones	MG-49437	30.95
Replacement 9V Batteries, Pack of 4	MG-28342	19.99

Goldak 7200 & 9200 Metal Locators

- Locate and pinpoint buried valve & curb boxes, water meters and manhole covers
- Find any kind of metal—aluminum, brass, iron & steel
- 1-year warranty

The Goldak 7200 & 9200 metal locators have an advanced design that is easy to use, fully automatic, durable, reliable and self-tuning. The easy-to-read LED display and crisp audio signal guide the user to locate and pinpoint the target. Unique 5 lb ergonomic design folds to make a compact package to stow. Both units are powered by 8 AA batteries (included). Choose from model 7200 with ferrous/non-ferrous indicator and separate locate/pinpoint modes, or the value-priced model 9200 with single mode and no metal-type indicator.



DESCRIPTION	STOCK #	EACH
7200 Locator	MG-25874	\$ 485.00
9200 Locator	MG-25875	385.00
Neon Carrying Bag	MG-25876	65.00
Replacement AA Batteries, Pack of 10	MG-28340	10.99



Magnetomatic Pipe Locators

- A space age diving rod

In the right hands the magnetomatic can locate PVC plastic pipe, iron or steel pipe, electrical cables, ceramic pipe, AC pipe and concrete pipe. Only one moving assembly. Collapses to fit in your hip pocket. The Magnetomatic is a highly sensitive instrument designed, engineered and field tested to insure reliability and accuracy. It has been successfully used by many municipal water and sewer department operators.

Skill is required to operate this instrument but it is relatively easy to master, if instructions and recommended practices are followed. Return for full credit within 30 days if you are not completely satisfied with results obtained from its use.



DESCRIPTION	STOCK #	EACH
Magnetomatic Pipe Locator	MG-25720	\$ 38.50
Canvas Belt Holder, Holds One	MG-25722	7.59
Hard Case, Holds Two	MG-17649	8.89



25722

Quote #3



Hot Summer Sale! US Shipping Over \$99.95 Personalized Gift Message Bonus Accessory Packages Ends August 31, 2011

All Orders Ship In Plain Boxes Order By August 31, 2011 Offers Extended While Supplies Last - We Ship From Our Own Facility

Need Help Deciding? Speak To A Product Specialist

Celebrating Our 28th Anniversary Toll Free US: 800-446-0244

Search [GO] Advanced Search



More Information

- Why buy your metal detector from us? First Time Buyer? Confused? Read about us in the news... What's The Best Gold Prospecting Metal Detector? How To Select A Metal Detector Underwater Metal Detectors - Reviewing the Best Options...

Fisher Industrial

M66

Order with confidence!



- Top Order Questions! > Can you ship in plain packaging? > Can I include a FREE gift message? > What are the basic accessories I should have to get started? > What is the best child sized metal detector?

Shopping Cart

Your Cart Is Empty

Fisher M-66 Industrial Metal Detector M66

Fisher M-66: All-metal, no-motion metal detector. (Valve and Box Locator metal detector with 8 inch coil)

Table with columns: In Stock, Your Price: \$515.00, Qty: 1, Add to cart

Hobby Metal Detectors

- Bounty Hunter Depthmaster Headphones Detector Pro Discovery Fisher Hobby Fisher Industrial Garrett Hobby Garrett Security JW Fishers Lesche Digging Tools Makro Metal Detectors Minelab Hobby Teknetics Tesoro Treasure Products XP Metal Detectors Clearance Detectors

Products

- Beach Hunting Metal Detectors Coin & Jewelry Metal Detectors Deep Seeking 2 Box Metal Detectors Gold Prospecting Metal Detectors Relic Hunting Metal Detectors Underwater Hobby Metal Detectors Metal Detector Accessories Marine Salvage Search & Recovery Crime Scene Investigation Metal Detectors Industrial Metal Detectors Security Metal Detectors

Most Popular Products

- 1. DepthMaster Audiophone II Metal Detector Headphones - Promotional Offer - 50% Off (List Price \$79.95) 2. Garrett Ace 250 Metal Detector - with Free Bonus Package 3. Garrett Superscanner Security Metal Detector Wand 4. Bounty Hunter Junior Treasure Tracker Metal Detector - New! (Ages 8 & Under) - Includes Bonus 5. Garrett Ace 150 Metal Detector with Free Bonus Package 6. Bounty Hunter Tracker IV Metal Detector with Free Bonus Package 7. Bounty Hunter Discovery 1100 Metal Detector featuring new Legacy Design and Free Bonus Pack 8. Bounty Hunter Fast Tracker Metal Detector with Free Bonus Package 9. Garrett Ace 250 Metal Detector Deluxe Sports Pack - New! with 6.5x9" Searchcoil, Ace 9"x12" Searchcoil & Free Bonus Package 10. Bounty Hunter Platinum Metal

Detailed Description

Fisher M-66 Metal Detector

VALVE, BOX & FERRO MAGNETIC LOCATOR

- The Fisher M-66 features simple operation - only 2 knobs Ultra-sensitivity and maximum penetration through soil asphalt or concrete Ground rejection VLF (very low frequency) eliminates false signals The Fisher M-66 detects all metals Built-in battery test Analog meter and audio target signal Adjustable shaft Fully submersible 8-inch search coil Weather resistant design

Additional Information

Click to Download PDF Product Brochure

Related Products

Accessories

Click For Details - Free US Shipping Over \$99.95 Pro Series Universal Standard Metal Detector

Top Accessories

Top Metal Detector Accessories

Metal Detector Accessories

- Battery & Power Books & Videos Carry Cases & Covers Coin Cleaners & Tumblers Digging Tools Gold Panning & Testing Headphones Other Accessories Pinpointing Probes Poles & Hardware Sand Scoops Search Coil Covers Search Coils Shirts & Logo Wear



Makro Detector Details

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



To: Honorable Rio Dell City Council
Through: Ron Henrickson, City Manager *RH*
From: Carla Ralston, Public Works Admin. Tech.
Date: August 16, 2011
Subject: **2011 Maintenance Paving Project Payment for Thomas R. Bess, Inc. for
"Release of Retention"**

Recommendation

Authorize Release of 10% Retention to Thomas R. Bess, Inc., in the amount of **\$18,070.20** for work performed on the 2011 Maintenance Paving Project

Budgetary Impact

All of the \$18,070.20 Retention Payment is funded by Prop.1B funding.

Discussion

The 2011 Maintenance Paving Project was completed on June 24, 2011. The project "Notice of Completion" was filed with the County Clerk's Office on July 15, 2011. Since the City has not received any "Notice of Liens" or "Stop Notices" in response to the filing of the "Notice of Completion", it is recommended that the remaining 10% Retention be released to Thomas R. Bess, Inc.

Attachments

- 1) Recorded "Notice of Completion"
- 2) Supporting Documentation from Thomas R. Bess, Inc.

THOMAS R. BESS INC.
ASPHALT, SAND AND GRAVEL
LICENSE NO. 548083 CLASS A

110 MEMORY LANE
CARLOTTA, CA 95528

TELEPHONE
(707)768-3427

June 28, 2011

City of Rio Dell Ca.
C/O Winzler & Kelly
633 Third Street
Eureka, Ca. 95501

Attn. Meritt Perry

REVISED JUNE 29, 2011

RE: 2011 Maintenance paving project. Request for Payment #2, Final

Meritt;

I request the following payment for work completed on the above mentioned project.

Mobilization. Lump sum =	\$	2500.00
Traffic control Lump sum =	\$	3000.00
Storm water prevention Lump sum =	\$	2500.00
Cold plane AC, 994 sy @ \$10.00/sy =	\$	9940.00
Class II Aggregate base, 298 sy @ \$73.00/cy =	\$	21,754.00
Replace Asphalt Concrete, 24.63 sy @ \$300/cy =	\$	7389.00
Roadway excavation, 263sy @ \$35.00/cy =	\$	9205.00
Asphalt Concrete, 1017 Tons @ \$110/T =	\$	117,870.00
Painted pavement markings, 233sf @ \$3.00/sf =	\$	699.00
Painted Traffic stripe, 2395 Lf @ \$1.00/LF =	\$	2395.00
Raise Utilities, 13 each @ \$450/ea =	\$	5850.00
Raise manhole, 3 each \$675.00/ea =	\$	2025.00
Raise drainage inlet Lump sum =	\$	<u>1575.00</u>
Total Estimate		\$180,702.00
Less Estimate # 1		(\$ 100,937.00)
Less 10% Retention		<u>(\$18,070.20)</u>
Total Due this Estimate		\$61,694.80

Sincerely,
Thomas R. Bess President

2011-14701-1

Recorded — Official Records
Humboldt County, California

Carolyn Crnich, Recorder

Recorded by RIO DELL

Exempt from payment of fees

Clerk: MM Total: 0.00

Jul 15, 2011 at 11:49

For the benefit of City of Rio Dell
Exempt from Recording Fees
GC 27383

Return to:
Randy Jensen
675 Wildwood Avenue
Rio Dell, CA 95562

NOTICE OF COMPLETION

NOTICE is hereby given that the undersigned, Merritt Perry, Civil Engineer with Winzler & Kelly, 633 Third Street, Eureka, CA 95501-0417, the agent of the owner of the improvements situated in the County of Humboldt, State of California, and described as follows, to wit:

Completed the furnishing of all labor, plant, equipment and supervision for the construction of the project. The work generally includes, but was not limited to replacing existing asphalt concrete pavement, paving, adjusting utility covers and roadway striping.

That the City of Rio Dell as the owner did enter into a contract with Thomas R. Bess, Inc. for the construction of:

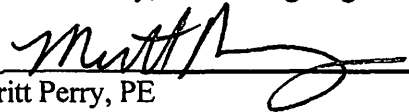
City of Rio Dell 2011 Maintenance Paving Project

That on June 24, 2011 the said contract, as a whole, was actually completed by Thomas R. Bess, Inc.

The name and address of the owner of said improvements is as follows:

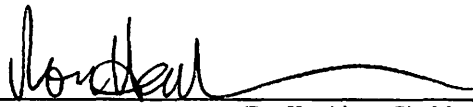
City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA 95562-1597

Winzler & Kelly, Consulting Engineers

BY 
Merritt Perry, PE
City Engineer

Verification for NON-INDIVIDUAL owner: I, the undersigned, declare under penalty of perjury under the laws of the State of California that I am the City Manager of the aforesaid interest or estate in the property described in the above notice; that I have read the said notice, that I know and understand the contents thereof, and that the facts stated therein are true and correct.


June 24, 2011
Date and Place



(Ron Henrickson, City Manager)

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



TO: Mayor and Members of the City Council
THROUGH: Ron Henrickson, City Manager 
FROM: Carla Ralston, Public Works Admin. Tech.
DATE: August 16, 2011
SUBJECT: Authorize Payment to Design Air for the City Hall HVAC Replacement Project.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

It is recommended that Council authorize payment to Design Air in the amount of \$23,913.00 for the City Hall HVAC Replacement Project.

BACKGROUND AND DISCUSSION

Work on this project began on July 11th and was 100% complete on July 24th. The new heating and cooling systems were checked by Design Air for efficiency and disposal of the old components were done according to the contract.

BUDGETARY IMPACT

This project is fully funded through the North Coast Integrated Regional Water Management Plan (NCIRWMP) Energy Efficiency and Conservation Block (EECBG) Grant.

ATTACHMENTS

Proposal and Invoice from Design Air.

PROPOSAL

Design Air
Heating and Sheet Metal



2039 Eich Road • Eureka, CA 95503

Phone: 707-442-1484 • Fax: 707-443-2187
Contractors License #638840

TO: CITY OF RIO DELL
675 WILDWOOD AVENUE
RIO DELL CA 95562

PHONE 764-3541	DATE 5/20/2011
JOB NAME / LOCATION CITY HALL HVAC REPLACEMENT	
JOB NUMBER	JOB PHONE

We hereby submit specifications and estimates for:

We propose to furnish material and labor to remove and dispose of 3- existing horizontal furnaces and air conditioner coils under the building, with the removal of one air conditioner coil only on the newer furnace. All refrigerant will be reclaimed and disposed of as required. Three new Carrier 94% efficient, 60,000 BTU furnaces will be installed with new air conditioner coils and a new air conditioner coil for the existing newer furnace. Four new Carrier 13 SEER R410 air conditioners will be installed complete with new refrigerant line sets, electrical hook up, start up, testing and adjustment.

Price includes new plenums, PVC flues, condensate drains, duct modifications where needed, hangers, controls, start up, testing and adjustment of all equipment. The existing furnace that is being reused will be serviced and the PVC flue pipe reconnected as needed. The existing electrical disconnects will be reused.

QUOTE: \$23,913.00

Price reflects state prevailing rate pay scale.

NOTE: Permits and leveling of the air conditioner pad in the back of the building to be by others.

WARRANTY: Price includes a one year parts and labor warranty and a five year workmanship warranty provided by Design Air. All equipment will be warranted as per manufactures warranty. All labor, material and design shall conform to all City, County and State Codes.

We Propose hereby to furnish material and labor — complete in accordance with the above specifications, for the sum of:
Twenty Three Thousand Nine Hundred Thirteen and 00/100 Dollars dollars (\$) 23,913.00)

Payment to be made as follows:

A finance charge computed by: a periodic rate of 1-1/2% per month (annual percentage rate: 18%) will be charged on all invoices not paid within 30 days from the date of purchase. If litigation becomes necessary, the customer is liable for such costs.

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation insurance.

Authorized
Signature

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Signature _____

Date of Acceptance: _____



Phone: 707-442-1484 • Fax: 707-443-2187
Contractors License #952521

JOB PHONE	DATE OF ORDER
	6-17-11
JOB NAME/LOCATION	
City Hall	

TO: City of Rio Dell

PHONE
7-5-11
ORDER TAKEN BY
DEAN

TERMS: A finance charge computed by a periodic rate of 1 1/2% per month (annual percentage rate: 18%) will be charged on all invoices not paid within 30 days from date of purchases. If litigation becomes necessary, the customer is liable for such costs.


DESCRIPTION OF WORK	AMOUNT
> Remove 3-existing Furnaces AND A/C's AND Install 3-New Horiz Furnaces with Air Conditioners -	
AS PER QUOTE:	23,913.00

Thank you!

LABOR	HOURS	RATE	AMOUNT	TOTAL MATERIAL	
				TOTAL LABOR	
WORK ORDERED BY				DATE COMPLETED	TAX
SIGNATURE (I hereby acknowledge the satisfactory completion of the above described work.)				Thank You! PAY THIS AMOUNT →	23,913.00

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



To: Honorable Rio Dell City Council
Through: Ron Henrickson, City Manager 
From: Carla Ralston, Public Works Admin.
Date: August 16, 2011
Subject: HWMA Onetime Additional AB939 Funding Distribution

Recommendation

Receive and File

Budgetary Impact

The City will receive an additional \$8,246.11 payout for the 2011/2012 fiscal year

Discussion

The City of Rio Dell has a joint Exercise of Powers Agreement with the Humboldt Waste Management Authority (HWMA). Currently, the tip fee at HWMA is \$2.46 per ton, and the City of Rio Dell is allocated 4.88% of the tip fees collected. In the last four years, HWMA has seen a 14% reduction in the disposal tonnage, and this has meant that our yearly AB939 pass through has decreased each year.

HWMA's Board expressed concern that funding to member agencies was being reduced to quickly and may cause those agencies hardships. Based on this information, we have been notified that at the September 8, 2011 HWMA Board meeting, it is expected that the board will vote in favor of distributing the additional onetime AB939 funding.

These funds are coming from the HWMA General fund and may be used for a variety of waste management programs and staffing. Staff is currently exploring effective uses of these funds to encourage solid waste reduction.

Attachments:

Copy of HWMA Staff Report and Supporting Documents



**HUMBOLDT WASTE
MANAGEMENT AUTHORITY**
Staff Report

DATE: September 8, 2011
FROM: Jim Test, Executive Director
SUBJECT: Item 9
Approve Distribution of Additional AB939 Funding.

RECOMMENDED ACTION:
Approve Distribution of Additional AB939 Funding.

DISCUSSION:

HWMA collects a **County/Cities AB939 Programs Fee** through the solid waste tipping fee and passes these funds on to member agencies on a quarterly basis. The funds are then used to cover the cost of recycling, other waste management programs, and staff time to help the agencies comply with the waste reduction mandate, AB939. The fee for FY 2011/12 is \$2.46/ton; and projected revenue is \$172,200. The revenue is based on disposal tonnage; and, in the past, the payout was based on a fixed formula developed about twelve years ago and increased by CPI. This worked when disposal tonnage was stable in the mid-80,000 tons/year; but, with a 14% drop in tonnage over the past four years, we have been paying out more than we have been collecting, and experiencing an increased spread between revenue collection and payout each year (see attachment: Graph 1).

Over the past two fiscal years, staff has tried to realign the payout with projected revenue, resulting in a 6.3% decrease in FY 10/11 and a decrease of 6.7% on FY 11/12. Board members expressed concern during budget hearings that we were reducing funds to the agencies too quickly and requested that staff return with a proposal for a one-time AB 939 program enhancement. Staff feels that the most equitable distribution would be to match each agency's projected FY 11/12 payout with a one-time grant payable in October 2011 (see attachment: Table 1). It should be noted that this money is coming from HWMA general funds, and may be used to support a variety of waste management programs and staff. For instance, we are helping Blue Lake develop a bulky item pick-up program to include in their collection franchise. The initial six to nine months of the program will be funded from this allocation.

FINANCIAL IMPACT:

The additional grant payable for FY 11/12 is \$168,958. HWMA would retain \$15,666. HWMA would normally retain the County share of \$72,246 and we are working with County staff to identify appropriate projects. The actual payout will be between \$81,046 and \$153,292, depending on which County projects are funded. On July 31, 2011 we had approximately \$3,400,000 in cash and reserves.

ATTACHMENTS:

Graph 1 AB 939 History of Payouts & Revenues

Table 1 AB 939 FY 11/12 Payouts

AB939 Funds



AB 939 Allocation

Paid Out 2010-2011

Pay Out 2011-2012

Entity	Total Due	Quarterly Payment	Jurisdictions Allocation	Total Due	Quarterly Payment
Arcata	22,479.51	5,619.88	12.42%	20,980.88	5,245.22
Blue Lake	6,986.45	1,746.61	3.86%	6,520.69	1,630.17
Eureka	35,450.34	8,862.59	19.58%	33,086.98	8,271.75
Ferndale	7,067.27	1,766.82	3.90%	6,596.12	1,649.03
Rio Dell	8,835.12	2,208.78	4.88%	8,246.11	2,061.53
Trinidad	6,015.47	1,503.87	3.32%	5,614.44	1,403.61
Unincorporated Areas (retained by HWMA)	77,407.33	19,351.83	42.76%	72,246.84	18,061.71
Retained by HWMA	16,785.28	4,196.32	9.27%	15,666.26	3,916.57
	<u>181,026.77</u>	<u>45,256.69</u>	<u>100.00%</u>	<u>168,958.32</u>	<u>42,239.58</u>

History of Payments to Members

CPI = 2.1% CPI = 4.3% CPI = 3.84%

Entity	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11
Arcata	21,693.00	22,148.55	23,100.94	23,988.02	22,479.51
Blue Lake	6,742.00	6,883.58	7,179.58	7,455.28	6,986.45
Eureka	34,210.00	34,928.41	36,430.33	37,829.25	35,450.34
Ferndale	6,820.00	6,963.22	7,262.64	7,541.53	7,067.27
Rio Dell	8,526.00	8,705.05	9,079.36	9,428.01	8,835.12
Trinidad	5,805.00	5,926.91	6,181.76	6,419.14	6,015.47
Unincorporated Areas (retained by HWMA)	74,699.00	76,267.68	79,547.19	82,601.80	77,407.33
Retained by HWMA	16,198.00	16,538.16	17,249.30	17,911.67	16,785.28
	<u>174,693.00</u>	<u>178,361.55</u>	<u>186,031.10</u>	<u>193,174.70</u>	<u>181,026.77</u>

89,234.61 92,661.23 86,834.15

AB 939 Allocation

Additional Grant	New Total
20,980.88	41,961.75
6,520.69	13,041.37
33,086.98	66,173.97
6,596.12	13,192.24
8,246.11	16,492.22
5,614.44	11,228.88
72,246.84	144,493.68
15,666.26	31,332.52
168,958.32	337,916.64

Ratio

93.33%

=current year/prior year
from county fees worksheet
for AB 939 revenue



675 Wildwood Avenue

Rio Dell, CA 95562

(707) 764-3532

TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager
Stephanie Beauchaine, Finance Director *SB*

DATE: August 16, 2011

SUBJECT: Approval of Resolution No. 1121-2011 – Approving the Purchase of Land and Easement adjacent to 475 Hilltop Drive; and Approval of Resolution No.1122-2011 Amending 2011-2012 FY Capital Budget Amendment 1

ATTACHMENTS: Resolution No.1121-2011
Resolution No.1122-2011
Land Purchase and Easement Acquisition Agreement
Map

Council Actions:

1. By motion approve Resolution No.1121-2011 - Approving the Purchase of Land and Easement Adjacent to 475 Hilltop Drive.
2. By motion approve Resolution No.1122-2011 – Amending 2011-2012 FY Capital Budget- Amendment 1

City Manager Recommendation: Approve Resolutions No.1121-2011 & No. 1122-2011.

Background:

The City property at 475 Hilltop Drive is presently utilized by the water, sewer and street departments. The site is very compact and has virtually no room for

expansion of any activities. Given that the site is surrounded by developed uses it is unlikely there is feasible adjacent land for expansion of the site. The purpose of the proposed land acquisition and easement is to relocate the existing rear access, thus creating a larger open work and storage area which could also serve as room for expansion in the future.

To accommodate the driveway relocation it is proposed to acquire a small triangle of land, about 3,800 square feet, from the adjacent lot through a lot line adjustment and an easement over a smaller triangle of land, about 300 square feet, owned by the same adjacent property owner. (Reference map attached)

Financial Impact: Funding for acquisition and subsequent improvements is proposed to be shared proportionately by the Water Fund (35%), Sewer Fund (53%) and Street – Gas Tax Fund 20 (12%).

The actual cost of the land and easement is \$7,000. Other associated costs include an appraisal \$800, survey \$2,300, title costs, establishment of a new fence line, relocation of the gate, construction of the new driveway, grading and site work. Total costs including purchase are estimated not to exceed \$20,000.

**CITY OF RIO DELL
RESOLUTION NO.1121-2011
APPROVING THE PURCHASE OF LAND AND EASEMENT
ADJACENT TO 475 HILLTOP DRIVE**

WHEREAS, The City of Rio Dell operates a water, sewer and street facility at 475 Hilltop Drive; and

WHEREAS, The facility utilizes virtually all of the existing space; and

WHEREAS, There is no feasible surrounding area for expansion; and

WHEREAS, The owner of an adjacent parcel is willing to sell to the City a small triangle of land and a small easement; and

WHEREAS, Purchase of these areas will enable the City to relocate an existing driveway which will provide a larger area for storage and work yard as well as a future area for expansion.

NOW, THEREFORE BE IT RESOLVED, That the City Council of the City of Rio Dell hereby approves the Land Purchase and Easement Acquisition Agreement with Mr. & Mrs. Edwards in the amount of Seven Thousand Dollars (\$7,000) and authorizes the City Manager to execute all necessary documents .

Passed and adopted by the City Council of Rio Dell this 16th day of August, 2011, by the following vote:

Ayes:
Nays:
Abstain:
Absent:

CITY OF RIO DELL

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

**RESOLUTION NO. 1122-2011
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELLS
AMENDING THE FISCAL-YEAR 2011-2012
CAPITAL BUDGET
FOR LAND PURCHASE & EASEMENT ADJACENT TO
475 HILLTOP DRIVE RIO DELLS
AMENDMENT 1**

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

WHEREAS, The City of Rio Dell has the opportunity to purchase land adjacent to the City corporation yard at 475 Hilltop Drive, Rio Dell; and

WHEREAS, The acquisition of this property would provide the Public Works Department with the necessary land for future expansion and access; and

WHEREAS, The appropriations within the adopted Capital Budget for Fy 2011-2012 did not include funding for land acquisition; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby amend the City of Rio Dell, California Fiscal Year 2011-2012 Capital Budget increasing Capital Project Department Budget expenditures in the amount of \$20,000 as follows: Sewer Fund 50 \$10,600, Water Fund 60 \$7,000, and Gas Tax Fund 20 \$2,400.

PASSED AND ADOPTED by the City of Rio Dell on this 16th day of August, by the following vote:

AYES:
NOES: None
ABSENT: None
ABSTAIN: None

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

LAND PURCHASE AND EASEMENT ACQUISITION AGREEMENT

This Land Purchase and Easement Acquisition Agreement ("Agreement") is made and entered into as of this 1st day of August, 2011, by and between the City of Rio Dell, a municipal corporation, ("City") as purchaser, and Collin B. and Katherine R. Edwards, a married couple, ("Seller"). The parties hereto agree as follows:

1. The City agrees to purchase from Seller and Seller agrees to sell to City a certain area of land described in attached Exhibit A for the sum of Five Thousand Dollars (\$5,000) subject to the approval and recording of a lot line adjustment the cost of which shall be paid by the City.
2. City agrees at its cost to install a chain link fence along the boundary line of said lot line adjustment from the corner of the existing fence to the new access driveway.
3. The City also agrees to purchase from Seller and Seller agrees to sell to City an easement for access over a certain area of land described in attached Exhibit B for the sum of Two Thousand Dollars (\$2,000) subject to recording of said easement the cost of which shall be paid by City.
4. The parties shall open an escrow at Humboldt Land Title Company in Fortuna and shall execute escrow instructions prepared by the escrow holder. City shall pay any and all costs of escrow, including title insurance.
5. City acquires the property "as is", "where is" and is relying on no representations of Seller. Seller's only obligation hereunder shall be to convey fee simple title to the land purchase free and clear of all encumbrances, upon completion of the lot line adjustment and deposit by City of all required funds into escrow; and convey an easement to City upon payment as specified above.

CITY OF RIO DELL

Ron Henrickson, City Manager

Date

SELLER

Collin B. Edwards
Collin B. Edwards

8-1-11
Date

Katherine R. Edwards
Katherine R. Edwards

8/1/11
Date

Approved as to Form

David Matinek
David Matinek, City Attorney

8-3-11
Date

EXHIBIT 'A'

LEGAL DESCRIPTION

ALL THAT REAL PROPERTY SITUATED WITHIN THE CITY OF RIO DELL, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, LYING WITHIN SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST, HUMBOLDT MERIDIAN, DESCRIBED AS FOLLOWS:

BEING PARCEL NO. 1 DESCRIBED IN THE QUITCLAIM DEED TO COLLIN B. EDWARDS AND KATHERINE R. EDWARDS AS RECORDED MARCH 19, 1991 AS DOCUMENT NO. 1991-5673-5, OFFICIAL RECORDS OF HUMBOLDT COUNTY.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL NO. 1;

THENCE EAST 208.78 FEET ALONG THE NORTH LINE OF SAID PARCEL NO. 1 TO THE SOUTHWEST CORNER OF PARCEL ONE DESCRIBED IN THE GRANT DEED TO THE CITY OF RIO DELL AS RECORDED OCTOBER 1, 1965 IN VOLUME 854, PAGE 308, OFFICIAL RECORDS OF HUMBOLDT COUNTY. SAID POINT BEING THE POINT OF BEGINNING FOR THIS DESCRIPTION.

THENCE CONTINUING ALONG SAID NORTH LINE EAST 111.75 FEET TO THE NORTHWESTERLY LINE OF THE ROAD RIGHT OF WAY EASEMENT TO THE COUNTY OF HUMBOLDT AS RECORDED AUGUST 9, 1965 IN VOLUME 847, PAGE 318, OFFICIAL RECORDS OF HUMBOLDT COUNTY;

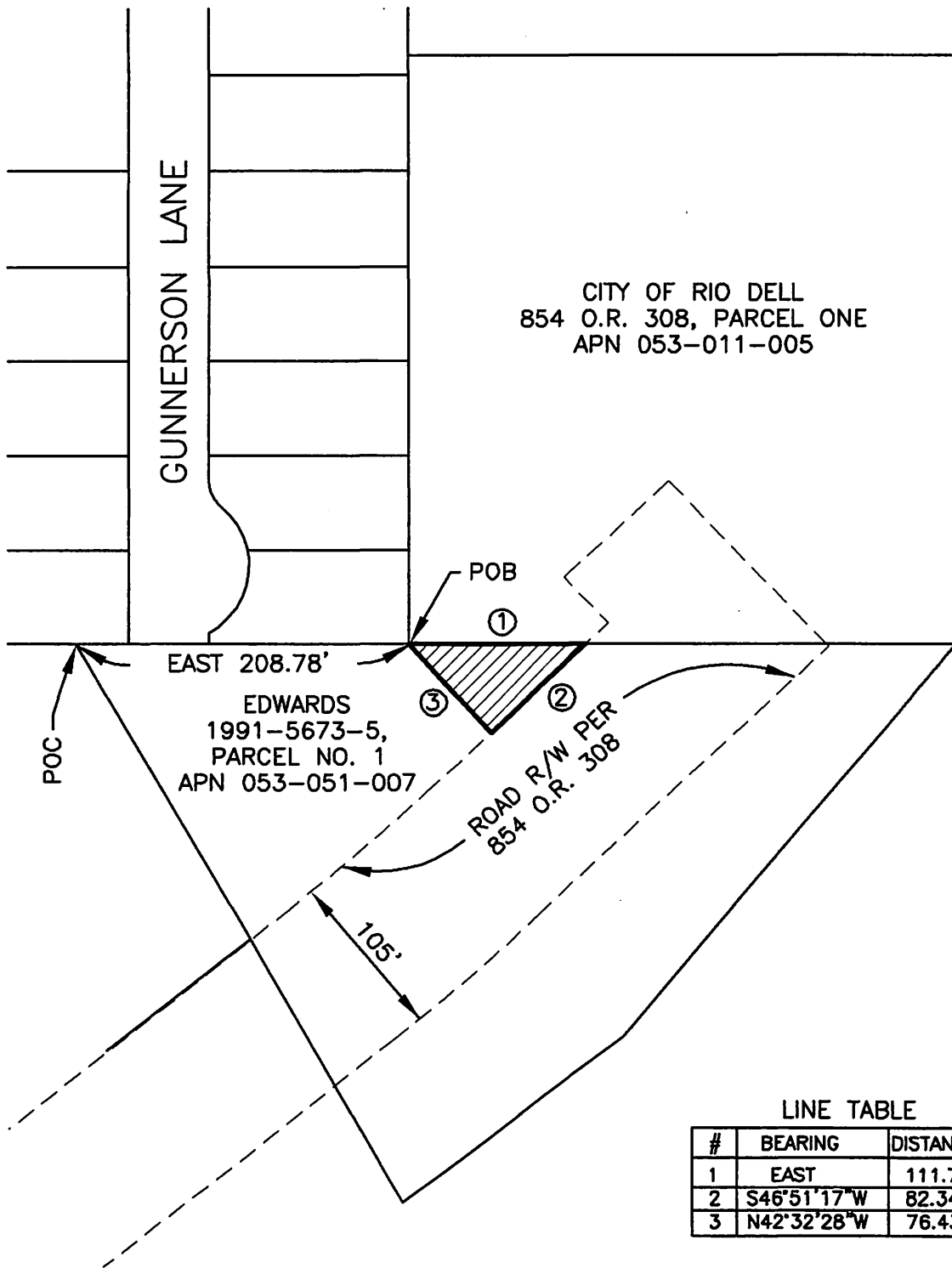
THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE SOUTH 46°51'17" WEST 82.34 FEET;

THENCE LEAVING SAID NORTHWESTERLY LINE NORTH 42°32'28" WEST 76.43 FEET TO THE POINT OF BEGINNING.

END OF DESCRIPTION

THIS LEGAL DESCRIPTION PREPARED ON JULY 28, 2011 BY:

PHILIP A. GUTIERREZ JR
L.S. 7245



LINE TABLE

#	BEARING	DISTANCE
1	EAST	111.75'
2	S46°51'17"W	82.34'
3	N42°32'28"W	76.43'



**GUTIERREZ
LAND
SURVEYING**

625 MADRONE AVENUE, EUREKA, CA 95603
PHONE: 707-444-8733

LOT LINE ADJUSTMENT
APN: 053-011-005 & 053-051-007
CITY OF RIO DELL, CALIFORNIA

JOB NO.: 11107.1
DATE: JULY 29, 2011
NAME: LIA EXHIBIT
SCALE: 1"=100'

EXHIBIT 'B'

LEGAL DESCRIPTION

ALL THAT REAL PROPERTY SITUATED WITHIN THE CITY OF RIO DELL, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, LYING WITHIN SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST, HUMBOLDT MERIDIAN, DESCRIBED AS FOLLOWS:

AN EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES ON, OVER AND ACROSS A PORTION OF PARCEL NO. 1 AS DESCRIBED IN THE QUITCLAIM DEED TO COLLIN B. EDWARDS AND KATHERINE R. EDWARDS RECORDED MARCH 19, 1991 AS DOCUMENT NO. 1991-5673-5, OFFICIAL RECORDS OF HUMBOLDT COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL NO. 1;

THENCE EAST 208.78 FEET ALONG THE NORTH LINE OF SAID PARCEL NO. 1 TO THE SOUTHWEST CORNER OF PARCEL ONE DESCRIBED IN THE GRANT DEED TO THE CITY OF RIO DELL AS RECORDED OCTOBER 1, 1965 IN VOLUME 854, PAGE 308, OFFICIAL RECORDS OF HUMBOLDT COUNTY.

THENCE LEAVING SAID NORTH LINE SOUTH 42°32'28" EAST 55.20 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 42°32'28" EAST 21.23 FEET TO THE NORTHWESTERLY LINE OF THE ROAD RIGHT OF WAY EASEMENT TO THE COUNTY OF HUMBOLDT AS RECORDED AUGUST 9, 1965 IN VOLUME 847, PAGE 318, OFFICIAL RECORDS OF HUMBOLDT COUNTY;

THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE SOUTH 46°51'17" WEST 35.00 FEET;

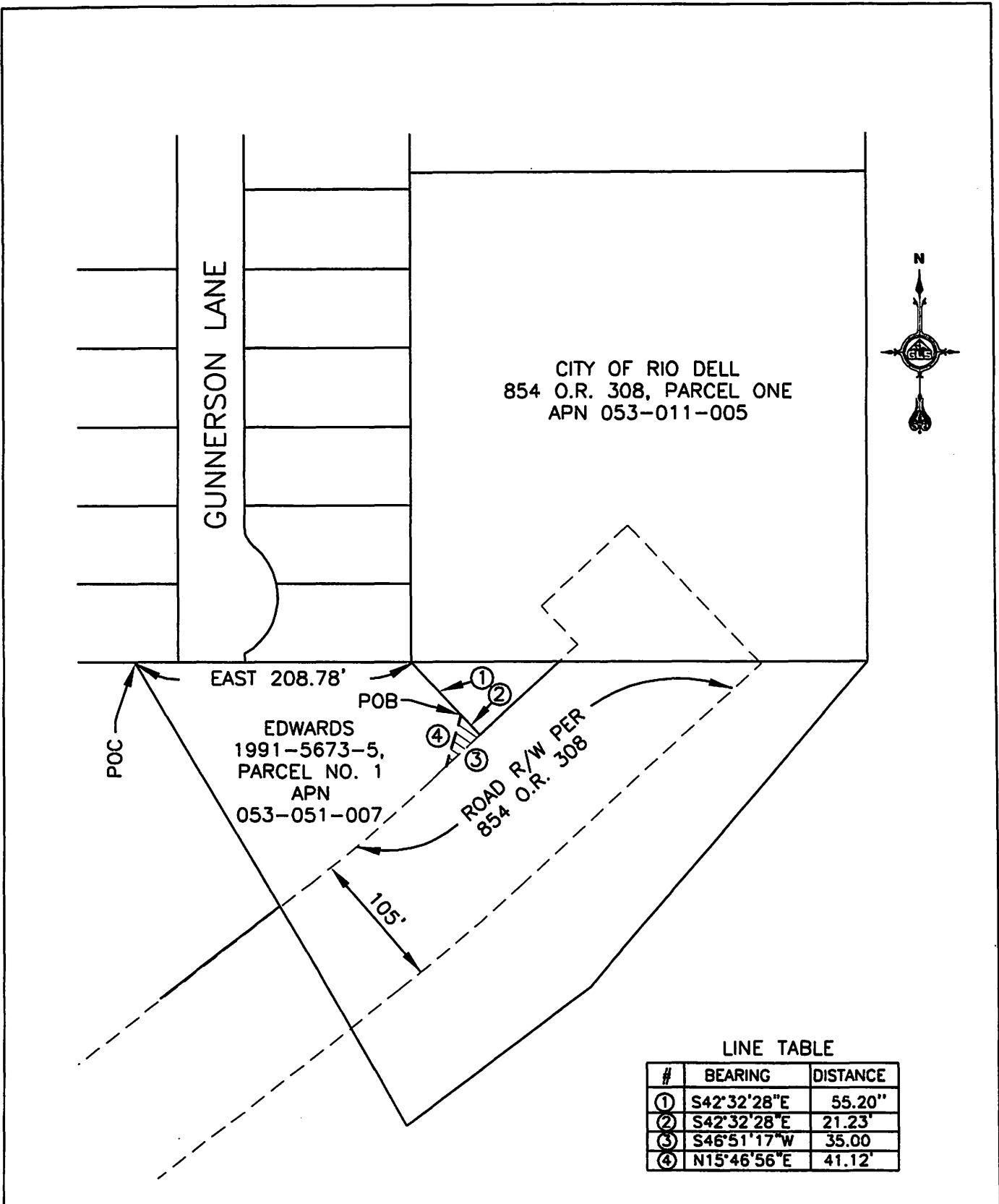
THENCE LEAVING SAID NORTHWESTERLY LINE NORTH 15°46'56" EAST 41.12 FEET TO THE POINT OF BEGINNING.

END OF DESCRIPTION

THIS LEGAL DESCRIPTION PREPARED ON JULY 28, 2011 BY:

PHILIP A. GUTIERREZ JR

L.S. 7245



LINE TABLE

#	BEARING	DISTANCE
①	S42°32'28"E	55.20"
②	S42°32'28"E	21.23'
③	S46°51'17"W	35.00'
④	N15°46'56"E	41.12'

**GUTIERREZ
LAND
SURVEYING**
 826 MADRONE AVENUE, EUREKA, CA 95503
 PHONE: 707-444-8733

EASEMENT PLAT
 APN: 053-011-005
 CITY OF RIO DELL, CALIFORNIA

JOB NO.: 11107.1
 DATE: JULY 29, 2011
 NAME: EASEMENT PLAT
 SCALE: 1"=100'



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



For Meeting of: August 16, 2011

To: City Council
From: Kevin Caldwell, Community Development Director (C)
Through: Ron Henrickson, City Manager (RH)
Date: August 8, 2011
Subject: Edwards Parcel Acquisition; Portions of APN's 053-051-006 & -007

Recommendation:

That the City:

1. Receive staff's report regarding the proposed acquisition;
2. Open the item for public comment, receive public input and deliberate;
3. Find that the location, purpose and extent of the acquisition are in conformity with the General Plan pursuant to Section 65402 of the California Government Code;
4. Find that the proposed acquisition (subdivision) is exempt from the Subdivision Map Act pursuant to Section 66428(a)(2) and the City of Rio Dell Subdivision Regulations pursuant to Section 16.05.090(3)(b) of the Rio Dell Municipal Code (RDMC);
5. Find that the proposed acquisition (subdivision) is exempt from CEQA pursuant to Section 15315 of the CEQA Guidelines.

Summary

The City is in the process of acquiring approximately 3,800 square feet of APN's 053-051-006 & -007 and an associated easement of about 300 square feet from Collin and Kathryn Edwards for the purpose of providing an additional access to the City's treatment facility. Once acquired and the access road is improved, the existing access road will be abandoned thus creating a larger open work and storage area which could also serve as room for expansion in the future.

General Plan Conformity

Section 65402(b) of the California Government Code requires public agencies to make a General Plan conformity finding prior to the acquisition of property for street, square, park or other public purposes. Below is a copy of the pertinent language of Section 65402(b):

65402(b) "... a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

The map included as Attachment 1 identifies the location and the extent of the acquisition. As indicated above the purpose of the acquisition is to abandon the existing access road, providing additional work and storage areas for the existing plant operations.

The Rio Dell General Plan contains the following related goal: "To improve public facilities and systems to maintain a safe and efficient system of public services, including emerging technologies as a component of the City's infrastructure." The acquisition of the area will provide additional work and storage areas and will not result in an adverse impact to the existing public facilities and services. There are no specific policies related to City acquisition of lands.

The area to be acquired is currently zoned and planned Suburban Low, one acre minimum parcel size. Although the Edwards parcel is assigned two Assessor Parcel Numbers (APN's), they are actually one legal parcel. Assessor parcel 053-051-007 is currently developed with the Edwards residence and is approximately .41 of an acre. The City will be acquiring approximately 150 square feet of this parcel. The other APN is approximately 2.25 acres and the City will be acquiring about 3,650 square feet of this parcel. Once acquired, staff will include the area in the next quarterly amendment package, redesignating the acquired land from Suburban Low to Public Facility.

Based on the acquisition and the nature of the anticipated use, staff believes the acquisition is consistent with an overall comprehensive view of the General Plan.

Subdivision Regulations

The proposed conveyance of a portion of a parcel is a subdivision and is subject to the Subdivision Map Act and the RDMC Subdivision Regulations. However, Section 66428(a)(2) of the Subdivision Map Act exempts conveyances to and from a governmental agency, unless a showing is made, based upon substantial evidence, that public policy necessitates a Parcel Map. In addition, Section 16.05.090(3)(b) of the Subdivision Regulations of the RDMC also exempts conveyances to and from a governmental agency, unless a showing is made, based upon substantial evidence, that public policy necessitates a Parcel Map. Staff is not aware of any evidence showing that the public would be adversely affected by the waiver of the Parcel Map.



**CITY OF RIO DELL
RESOLUTION NO. 1123 - 2011**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL APPROVING THE
EDWARDS PARCEL ACQUISITION AND CERTIFYING COMPLIANCE WITH CALIFORNIA
ENVIRONMENTAL QUALITY ACT:**

WHEREAS Collin and Kathryn Edwards own property known as 540 Edwards Drive, APN's 053-051-006 & -007; and

WHEREAS the Edwards have offered to sell to the City approximately 3,800 square feet of APN's 053-051-006 & -007 and an associated easement of about 300 square feet; and

WHEREAS the purpose of the acquisition is to abandon the existing access road, providing additional work and storage areas for the existing plant operations; and

WHEREAS Section 65402(b) of the California Government Code requires public agencies to make a General Plan conformity finding prior to the acquisition of property for street, square, park or other public purposes; and

WHEREAS based on the acquisition and the nature of the anticipated use and a review of General Plan policies, staff believes the acquisition is consistent with an overall comprehensive view of the General Plan; and

WHEREAS Section 66428(a)(2) of the Subdivision Map Act exempts conveyances to and from a governmental agency, unless a showing is made, based upon substantial evidence, that public policy necessitates a Parcel Map; and

WHEREAS Section 16.05.090(3)(b) of the Subdivision Regulations of the Rio Dell Municipal Code also exempts conveyances to and from a governmental agency, unless a showing is made, based upon substantial evidence, that public policy necessitates a Parcel Map; and

WHEREAS staff is not aware of any evidence showing that the public would be adversely affected by the waiver of the Parcel Map; and

WHEREAS, the project is therefore exempt from both the Map Act and the City's Subdivision Regulations; and

WHEREAS Section 15315 of the CEQA Guidelines categorically exempts minor subdivisions where no variances or exceptions are required, all services and access is available and the parcel has an average slope of less than 20%; and

WHEREAS the acquisition is considered a minor subdivision, no variances or exceptions are necessary, all services and access is available and the remaining Edwards parcel and the area to be acquired do have an average slope of less than 20%.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell finds and determines that:

1. Pursuant to Section 65402(b) of the California Government Code the acquisition is consistent with an overall comprehensive view of the General Plan.
2. The conveyance is exempt from the Subdivision Map Act pursuant to Section 66428(a)(2) and the Subdivision Regulations of the Rio Dell Municipal Code pursuant to Section 16.05.090(3)(b).
3. The conveyance (subdivision) is Categorically Exempt pursuant to Section 15315 of the CEQA Guidelines and finds that there is no substantial evidence that the proposed acquisition (subdivision) will have a significant effect on the environment.

PASSED AND ADOPTED after review and consideration by the City Council of Rio Dell at their meeting of August 16, 2011 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF RIO DELL

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

Notice of Exemption

Form D

To: Office of Planning and Research
P.O. Box 344, Room 212
Sacramento, CA. 95812-4044

From: (Public Agency) **City of Rio Dell**
675 Wildwood Avenue
Rio Dell, CA. 95562

County Clerk
County of Humboldt
825 Fifth Street
Eureka, CA. 95501

Project Title: **Edwards Acquisition**

Project Location - Specific

The project site is located in the City of Rio Dell on property known as 540 Edwards Avenue

Project Location – City: **Rio Dell** Project Location – County: **Humboldt**

Description of Nature, purpose and Beneficiaries of Project:

Acquisition of approximately 3,800 square feet of APN's 053-051-006 & -007 and an associated easement of about 300 square feet from Collin and Kathryn Edwards for the purpose of providing an additional access to the City's treatment facility.

Name of Public Agency Approving Project: **City of Rio Dell**

Name of Person or Agency Carrying Out Project: **City of Rio Dell**

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: **Minor Land Divisions, Section 15315**
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The acquisition is considered a minor subdivision, no variances or exceptions are necessary, all services and access is available and the remaining Edwards parcel and the area to be acquired does have an average slope of less than 20%.

Lead Agency **Kevin Caldwell**
Contact Person: **Community Development Director**

Area Code/Telephone/Extension: **(707) 764-3532**

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project Yes No

Signature: _____ Date: _____ Title: **Community Development Director**

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR: _____

Revised 2005

64
ATTACHMENT 3

**RESOLUTION NO. 1124-2011
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL ADOPTING
CITY COUNCIL PROTOCOLS 2011**

WHEREAS, the City Council of the City of Rio Dell has previously adopted rules which relate to the City Council procedures, order of business, conduct of Council meetings, and such matters properly related thereto; and

WHEREAS, City Council Protocols, last adopted in 2000 were in need of update; and

WHEREAS, the Rio Dell City Council has reviewed the attached City of Rio Dell City Council Protocols 2011 and found them to be acceptable and appropriate.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Rio Dell that the City Council Protocols 2011, attached hereto, is hereby adopted to be effective immediately and that the 2000 City Council Protocols are hereby repealed.

BE IT FURTHER RESOLVED, that in regard to decisions on points of order, the City shall be governed by the most recent addition of Roberts Rules of Order; a copy of which is maintained in the office of the City Clerk.

PASSED AND ADOPTED by the City Council of the City of Rio Dell on this 16th day of August, 2011 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Attest:

Julie Woodall, Mayor

Karen Dunham, City Clerk

CITY OF RIO DELL



CITY COUNCIL PROTOCOLS *2011*

Prepared by:
Office of the City Clerk
July, 2011
Adopted:

TABLE OF CONTENTS

- I. PURPOSE**
- 2. STATUTORY REQUIREMENTS/REGULATIONS**
 - 2.1 The Brown Act
 - 2.2 Political Reform Act
 - 2.3 Rio Dell Municipal Code (RDMC)
 - 2.4 RDMC Chapter 2.05 Relating to Council Meetings
 - 2.5 Code of Ethics
- 3. COUNCIL ORGANIZATION**
 - 3.1 Newly-Elected Councilmembers
 - 3.2 Selection of Mayor and Mayor Pro Tem
 - 3.3 Duties of Mayor and Mayor Pro Tem
 - 3.4 Seating Order
 - 3.5 Representation at Ceremonial Functions
- 4. COUNCIL ADMINISTRATION**
 - 4.1 Travel and Expense Reimbursement
 - 4.2 Mail/Council Correspondence
 - 4.3 Clerical Support
 - 4.4 Requests for Research or Information
 - 4.5 Council Notification of Significant Incidents

5. MEETING GUIDELINES & PROCEDURES

- 5.1 Attendance/Quorum
- 5.2 Meeting Dates and Location
- 5.3 Cancelled Meetings
- 5.4 Special Meetings and Emergency Meetings
- 5.5 Adjourned Meetings
- 5.6 Posting of the Agenda
- 5.7 Agenda Packet Preparation
- 5.8 Placing Items on the Agenda
- 5.9 Americans with Disabilities Act Statement

6. RULES OF CONDUCT

- 6.1 General Procedure
- 6.2 Addressing Members of the Public and Staff
- 6.3 Authority of the Chair
- 6.4 Mayor to Facilitate Council Meetings
- 6.5 Council Deliberation and Order of Speakers
- 6.6 Limit Deliberations to Item at Hand
- 6.7 Length of Council Comments
- 6.8 Council Presentations
- 6.9 Obtaining the Floor
- 6.10 Procedure for Motions

- 6.11 Ordinances
- 6.12 Voting
- 6.13 Abstention
- 6.14 Tie Votes
- 6.15 Serial Meetings
- 6.16 Non-Observance of Rule

7. DECORUM

- 7.1 Councilmembers
- 7.2 City Staff
- 7.3 Public
- 7.4 Noise in the Council Chambers

8. ORDER OF BUSINESS

- 8.1 General Order
- 8.2 Action Agenda Items
- 8.3 Consent Calendar
- 8.4 Special Presentations
- 8.5 Special Call Items/Community Affairs
- 8.6 Ordinances/Special Resolutions
- 8.7 Public Presentations
- 8.8 Council Reports/Communications
- 8.9 Closed Session
- 8.10 Adjournment

9. QUASI-JUDICIAL PROCEEDINGS

9.1 Defined

9.2 Identification on Agenda

9.3 Ex Parte Communications

10. COMMISSIONS/COMMITTEES

10.1 Ad Hoc Committees

10.2 Councilmember Appointments to Boards/Committees/Commissions

11. CONFLICT OF INTEREST/ECONOMIC DISCLOSURE REQUIREMENTS FOR PUBLIC OFFICIALS

11.1 Conflict of Interest

11.2 Statements of Economic Interest Form 700

12. PROTOCOL ADMINISTRATION

12.1 Review of City Council Protocols

12.2 Adherence to Protocols

12.3 City Attorney as Protocol Advisor

12.4 Adherence to Administrative Procedure and Process Protocols

12.5 Applicability of Protocols

1. PURPOSE

The purpose of establishing and updating the City Council Protocols is to provide guidelines for the City Council to conduct its business in an orderly, consistent, and fair manner.

The protocols set forth herein are not intended to limit the inherent power and general legal authority of the City Council. Any of the protocols herein may be waived by a majority vote of the City Council when it is deemed that there is good cause to do so based upon the particular facts and circumstances.

2. STATUTORY REQUIREMENTS/REGULATIONS

Certain state laws and other established regulations exist, which govern various responsibilities of the City Council. These protocols are not intended to duplicate, fully articulate all requirements, or repeal any existing statutes or regulations. City Councilmembers are responsible for becoming familiar with these statutes and regulations.

2.1 The Brown Act

The Ralph M. Brown Act provides that all meetings of a legislative body, whether meetings of the City Council or its appointed commissions and committees, shall be open and public and all persons shall be permitted to attend. Notices of such meetings must be made 72 hours prior to the meeting (or 24 hours in the case of a special meeting). A “meeting” takes place whenever a quorum is present and subject matter related to the City business is heard, discussed, or deliberated upon.

2.2 Political Reform Act

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. The Political Reform Act establishes regulations

regarding conflicts of interests and campaign receipts and expenditures.

2.3 Rio Dell Municipal Code (RDMC)

The Rio Dell Municipal Code (RDMC) consists of those codified ordinances of general municipal regulations and laws of the City of Rio Dell.

2.4 RDMC Chapter 2.05 Relating to Council Meetings

RDMC Chapter 2.05, "City Council Meetings," sets forth the time and place of regular meetings, and further establishes such things as the rules for the cancellation of meetings, change of location, special and emergency meetings, and continuation of meetings. (Attached as Exhibit A)

2.5 Code of Ethics

RDMC Chapter 1.10 "Code of Ethics," sets forth the code of ethics and values for Councilmembers. The proper operation of democratic government requires that decision makers be independent, impartial, and accountable to the people they serve. The City of Rio Dell has adopted this code of ethics to promote and maintain the highest standards of personal and professional conduct in the City's government. (Attached as Exhibit B)

3. **COUNCIL ORGANIZATION**

3.1 Newly-Elected Councilmembers

Newly-elected Councilmembers are generally sworn into office at the first regular meeting following receipt of the Certification of Votes from the County Elections Department following the November General Election. Immediately upon election (even before being sworn into office), newly-elected Councilmembers are subject to the provisions of the Brown Act.

3.2 Selection of Mayor and Mayor Pro Tem

Resolution No. 700 establishes the procedures for seating new members of the City Council. Section 36801 of the California Government Code and **Resolution No. 822.1** also establishes the procedures for choosing the Mayor and Mayor Pro Tem. The Mayor and Mayor Pro Tem will be elected by a majority vote of a quorum of the City Council. In years when members of the City Council are to be elected, the City Council shall consider the election of a Mayor and Mayor Pro Tem for two (2) year terms at the first regular meeting after certification of the general election results has been received.

3.3 Duties of Mayor and Mayor Pro Tem

The Mayor shall preside over all City Council meetings. If he/she is absent or unable to act, the Mayor Pro Tem shall serve until the Mayor returns or is able to act. (Calif. Gov't Code Section 36802)

In the absence of the Mayor and Mayor Pro Tem, the City Clerk shall call the Council to order, whereupon a temporary Chairperson shall be chosen by members of the Council to preside over the meeting.

3.4 Seating Order

Following the City Council election, the City Clerk shall designate the seating order for the Council dais. The Mayor Pro Tem is generally seated to the right of the Mayor.

3.5 Representation at Ceremonial Functions

The Mayor shall represent the Council at ceremonial functions. The Mayor may, at his/her own discretion, ask another Councilmember to represent the Council at the function.

Councilmembers shall be reimbursed for meal expenses and mileage to attend ceremonial functions, for which the Councilmember was invited to represent the City, pursuant to the City of Rio Dell Travel and Reimbursement Policy (Resolution No. 809-2002).

4. COUNCIL ADMINISTRATION

4.1 Travel and Expense Reimbursement

Authorization to incur expenses for travel, conferences and training shall be made only for purposes approved in the budget by the City Council pursuant to Resolution 809-2002 (Attached as Exhibit C)

4.2 Mail/Council Correspondence

Mail

All general mail is date stamped and routed to the address unopened. All letters addressed to the Mayor and/or City Council requiring a response from staff are copied to the City Manager. A copy of the responses mailed, along with the original letters will be provided to each Councilmember. Letters addressed to the Mayor and/or City Council that do not require a response, but provide information on Council agenda items or like matters are copied to the full Council. Mail pertaining to specific meetings where an individual Councilmember is the appointed representative of the Council is opened. Copies are not made for the full Council. Cards and other Councilmember mail marked "personal" will not be copied to the full Council.

Council Correspondence

All Councilmember correspondence written with City resources (letterhead, typing staff report, postage, etc.) will reflect the position of the full Council, not individual Councilmembers's positions. All Councilmember correspondence using City resources will be copied to the full Council. For example, responses to citizen letters will be copied to the full Council along with the original citizen correspondence. City Councilmembers will be provided individual stationary and envelopes for use for communications reflecting their personal positions, not the positions of the full Council. These communications will be prepared and sent at the expense of the individual Councilmembers. Councilmembers may utilize the City's outgoing mail service.

4.3 Clerical Support

The City Manager's Office will coordinate the typing of correspondence requested by individual Councilmembers for communications reflecting the position of the full Council. All correspondence typed for Councilmembers will be on City letterhead and will reflect the position of the full Council, not individual Councilmembers, and will be copied to the full Council.

4.4 Requests for Research or Information

Councilmembers may request information or research from the City Manager on a given topic directly when it is anticipated that staff can complete the request in less than an hour **per week**. Requests for new information or policy direction will be brought to the full Council at a regular meeting for consideration. All written products will be copied to the full Council.

4.5 Council Notification of Significant Incidents

In conjunction with the City's public safety department, the City Manager's Office will coordinate the notification to Council of major crime, or other related incidents. This will be accomplished concurrently through telephone and e-mail messages.

5. MEETING GUIDELINES & PROCEDURES

5.1 Attendance/Quorum

Councilmembers acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Councilmembers shall make a good faith effort to attend all such meetings. Councilmembers shall notify the City Clerk if they will be absent from a meeting. The City Clerk shall then notify the City Manager and all other Councilmembers. If a Councilmember fails to attend three (3) consecutive regular meetings of the Council without being excused, his/her position on the City Council becomes vacant and shall be filled by appointment or election as determined by a majority vote of the City Council. At the start of each City Council meeting, the Mayor shall call the roll. Any absent

Councilmember who has left a message by 5:00 p.m., or reached the Mayor or City Manager's Office directly before the start of the meeting on the day of the meeting to advise of such absence, shall be considered excused **only upon majority vote of the Council.**

5.2 Meeting Dates and Location

Consistent with RDMC Chapter 2.05, regular meetings of the City Council shall be held every 1st and 3rd Tuesdays of every month, commencing at 6:30 p.m. in the City Hall Council Chambers, 675 Wildwood Avenue, Rio Dell.

5.2a Other Locations

The Council, may from time to time, elect to meet at other locations within the City and upon such election shall give public notice of the change of location in accordance with provisions of the Government Code.

5.2b Location During Local Emergency

If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet at City Hall, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor, or if the Mayor does not so designate, by the Mayor Pro Tem or the City Manager.

5.3 Cancelled Meetings

When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that day shall default to the following Thursday. That meeting or any other scheduled Council meeting may be cancelled when deemed appropriate by the Council, providing that the Council meets regularly, however, at least once each month.

5.4 Special Meetings and Emergency Meetings

Special meetings and emergency meetings of the City Council may be called and held from time to time consistent with the procedures set forth in the Ralph M. Brown Act (Government Code Sections 54950, et seq.

5.5 Adjourned Meetings

The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the procedures set forth in the Ralph M. Brown Act (Government Code Sections 54950, et. seq.

5.6 Posting of the Agenda

All City Council agendas and notices shall be made available to the general public pursuant to the California Government Code. The locations designated as the City's official posting locations are as follows:

1. The bulletin board at the entrance of City Hall
2. The bulletin board at the Rio Dell Post Office
3. The bulletin board at Rio Dell/Scotia Chamber of Commerce
4. Any other location as may be specifically selected in addition to the three location heretofore designated. (Resolution No. 511) (the fourth posting location is currently the Downtown City Bulletin Board).

5.7 Agenda Packet Preparation

The City Manager reviews and approves all items for the Council agenda. Agenda packets are compiled, photocopied, posted to the City's web site, and distributed through the City Clerk's Office. Agenda packets shall be distributed to Councilmembers no later than the Friday prior to the Council meeting.

5.8 Placing Items on the Agenda

Matters may be placed on the agenda for consideration by request of 1) **the Mayor**; 2) the City Manager; and 3) the City Attorney. Any

reasonable request shall be honored subject to the City Manager's discretion as to the preparation of accompanying staff reports. Each Thursday morning the City Manager meets with Department Heads to go over proposed future agendas, at which time issues that need to be brought forth to the City Council are discussed with the City Manager.

Councilmembers shall have the opportunity to request an item be placed on the agenda during an open council meeting; with concurrence of the Council, the request shall be honored.

Requests from the public to place an item on the agenda are to be directed to the City Clerk and shall be handled in the following manner:

- Proclamations/Certificates – All requests for proclamations and certificates are subject to approval of the Mayor or City Manager and are typically honored only if a local representative from the requesting agency can appear to accept the proclamation or certificate.
- Presentations – Most requests for presentations by civic groups and local organizations shall be honored and placed appropriately under the "Special Presentations" segment of the agenda.
- Item for Discussion/Action by Public
Requests by members of the public to place an item for discussion or action on the agenda shall be directed to the appropriate City department for proper handling. In the event it cannot be handled in this manner, the individual requesting the action should attend a City Council meeting and address the Council under the "Public Presentation" segment of the agenda.

The Council shall not take action on the matter other than to either: 1) direct that the matter be placed on a future agenda, or 2) direct staff to research the issue and report back to Council.

5.9 Americans with Disabilities Act (ADA) Statement

Agendas for all City Council meetings will contain a statement regarding the Americans with Disabilities Act, making the City Clerk the contact for

inquiries by those needing special assistance to participate in the meeting.

6. RULES OF CONDUCT

6.1 General Procedure

It is the policy of the Council not to become involved on the entanglements over “parliamentary procedure.” Consistent with any applicable City ordinance, statute or other legal requirement, any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for herein may be determined by the Mayor, subject to appeal to the full Council.

6.2 Addressing Members of the Public and Staff

In addressing the public and members of the City’s staff, Councilmembers will generally refer to persons as Mr., Mrs. or Ms. followed by their surname and/or job title.

6.3 Authority of the Chair

Subject to the full Council, the Mayor shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.

6.4 Mayor to Facilitate Council Meetings

The Council has delegated the responsibility and expanded the role of the Mayor to include the facilitation of Council meetings. In the role as facilitator, the Mayor will assist the Council to focus on their agenda, discussions and deliberations.

6.5 Council Deliberation and Order of Speakers

The Mayor has been delegated the responsibility to control the debate and

the order of speakers.

6.5a Questions Addressed to Another Councilmember

With the concurrence of the Mayor, a Councilmember holding the floor may address a question to another Councilmember and that Councilmember may respond while the floor is still held by the Councilmember asking the question. A Councilmember may opt not to answer a question while another Councilmember has the floor.

6.6 Limit Deliberations to Item at Hand

Councilmembers will limit their comments to the subject matter, item or motion being currently considered by the Council.

6.7 Length of Council Comments

Councilmembers will govern themselves as to the length of their comments or presentation. As a courtesy, the Mayor will signal by hand to a Councilmember who has been speaking for over ten (10) minutes. The intent of the hand signal is a courtesy to let the Councilmember know they have been speaking for about ten minutes and may want to consider wrapping up their comments. This procedure is not meant to limit debate or to cut comments short, but rather to assist Councilmembers on their efforts to communicate concisely.

6.8 Council Presentations

Councilmember presentations are limited to the item or issue being deliberated. To insure that the appropriate equipment is available, councilmembers must provide the City Clerk advance notice of the intent to make a presentation. To insure a complete record of the meeting, councilmembers will provide a copy of the presentation to the City Clerk at the conclusion of the Council meeting.

6.9 Obtaining the Floor

Any member of the Council wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any councilmember who seeks the floor when appropriately entitled to do so.

6.10 Procedure for Motions

Motions may be made by any member of the Council, including the Mayor and/or presiding officer, providing that before the presiding officer offers a motion, the opportunity for making a motion should be offered to other members of the Council. Any member of the Council, other than the person offering the motion, may second a motion. The following is the general procedure for making motions:

- Before a motion can be considered or debated, it must be seconded.
- A Councilmember wishing to second a motion should do so through a verbal request to the Mayor.
- Once the motion has been properly made and seconded, the Mayor shall open the matter for discussion offering the first opportunity to the moving party, and thereafter, to any Councilmember properly recognized by the Mayor.
- **The Mayor may ask for public comment on the motion.**
- Once the matter has been fully discussed and the Mayor calls for a vote, no further discussion will be allowed, provided, however, Councilmembers may be allowed to explain their vote.

6.10a Motion Amendments

When a motion is on the floor and an amendment is offered, the amendment should be acted upon prior to action on the main motion.

6.10b Motion of Intention

A Motion of Intention process is generally limited to matters legally required to be supported by findings. In proceedings identified as quasi-judicial on the agenda, when the City

Council takes an action that is substantially different from the staff recommendation, the Council may utilize the Motion of Intention. A Motion of Intention provides staff direction as to the City Council's action through a formal motion. Based on this motion, staff revises the necessary findings, resolutions and/or implementing documentation for the City Council's action at the next scheduled meeting.

6.11 Ordinances

Motions offering ordinances are deemed to include waiver of full reading of the ordinance and the reading of the ordinance by title only unless otherwise specifically stated.

6.12 Voting

Any councilmember present at a meeting when a question comes up for a vote should vote for or against the measure unless he/she is disqualified from voting and abstains because of such disqualification. If the vote is a voice vote, the Mayor shall declare the result. The Council may also vote by roll call, ballot or voting machine. Regardless of the manner of voting, the results reflection of all "ayes" and "noes" must be clearly set forth for the record.

6.13 Abstention

If a Councilmember abstains because of a legal conflict, he/she is not counted as present for quorum purposes and is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting." When a Councilmember abstains or excuses themselves from a portion of a Council meeting because of a legal conflict of interest, the Councilmember must briefly state on the record the nature of the conflict. Inclusion of this information on the public record is required by law. If a Councilmember abstains because of a conflict other than legal, he/she is counted as present for quorum purposes and is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting."

6.14 Tie Votes

A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is not action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

6.15 Motions for Reconsideration

Motions for reconsideration of a matter may be made at the same meeting or at the next succeeding meeting following a Council action. A proposed motion for reconsideration at the next meeting must comply with Brown Act noticing requirements. Motions for reconsideration may only be made by a Councilmember that voted with the majority of the City Council on the action proposed to be reconsidered by the Council. In the case of a tie vote, the prevailing side or majority of the Council will be deemed to be those Councilmembers who voted in the negative. Any member of the Council may second a motion for reconsideration.

6.16 Serial Meetings

Serial meetings are meetings that at any one time involve only a portion of legislative body, but eventually involve a quorum. Serial meetings yield a process that deprives the public the opportunity for a meaningful contribution to the decision-making process. Serial meetings may be a chain, in which member "A" contacts member "B", "B" then contacts "C", "C" contacts "D" and so on, until a quorum is involved. An elected official has the right to confer with a colleague about public business however, if and when a "collective concurrence as to action to be taken" is reached, the Brown Act is violated. Councilmembers are encouraged to consider the possibility of serial meetings when engaging in discussion with their colleagues on a matter within the subject jurisdiction of the City.

6.17 Non-Observance of Rule

Rules adopted to expedite and facilitate the transaction of the business of the Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by the Council.

7. DECORUM

7.1 Councilmembers

RDMC Chapter 1.05 “Code of Ethics” establishes the code of ethics and values to be followed by City Councilmembers and others. Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Councilmembers shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the City Council at all times. Councilmembers in the minority on an issue shall respect the decision and authority of the majority.

7.2 City Staff

Members of the City staff are expected to observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business professional manner toward Councilmembers and members of the public.

7.3 Public

Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council.

7.4 Noise in the Council Chambers

Noise emanating from the audience within the Council Chambers which disrupts City Council meetings, shall not be permitted.

8. ORDER OF BUSINESS

8.1 General Order

The business of the Council at its meetings will generally be conducted in accordance with the following order of business unless otherwise specified. A closed session may be held at any time during a meeting consistent with applicable law.

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL
- E. CONSENT CALENDAR
- F. SPECIAL PRESENTATIONS
- G. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS
- H. ORDINANCES/SPECIAL RESOLUTIONS
- I. PUBLIC PRESENTATIONS
- J. REPORTS/STAFF COMMUNICATIONS
- K. COUNCIL REPORTS/COMMUNICATIONS
- L. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION
- M. PUBLIC COMMENT REGARDING CLOSED SESSION
- N. RECESS INTO CLOSED SESSION
- O. RECONVENE TO OPEN SESSION
- P. ORAL ANNOUNCEMENTS
- Q. ADJOURNMENT

8.2 Action Agenda Items

In accordance with the Ralph M. Brown Act, the Council may not take action on any item that did not appear on the posted Council agenda 72 hours prior to the Council meeting unless an exception is made as permitted under Government Code Section 54954.2 (**Agenda Postings; Action on Other Matters**).

8.3 Consent Calendar

Agenda items removed from the consent calendar by Councilmembers or

staff will be considered individually under “ Special Call Items/Community Affairs” section of the agenda and be considered first. Members of the public may comment on consent items prior to the Council’s consideration of the consent calendar. A Councilmember may vote “no” on any consent item without comment or discussion. Any abstentions, comments, questions or discussion on an item will require the pulling of the item from the consent calendar.

8.4 Special Presentations

All Special Presentations will be calendared and coordinated through the City Manager and the Mayor and **may** be limited **by the Mayor** to a time period not to exceed 15 minutes at each Council meeting.

8.5 Special Call Items/Community Affairs

This section of the agenda is for items requiring discussion and/or action. The Mayor will call for a staff report from the City Manager; he/she may defer to the appropriate department head to present the staff report and answer questions of the Council.

8.6 Ordinances/Special Resolutions

Ordinances involve a command or prohibition and have the force of law in the City for which an ordinance is adopted. An ordinance generally prescribes some permanent rule of conduct or government that remains in force until the ordinance is repealed. With the exception of urgency ordinances, no ordinance may be passed within five (5) days of its introduction. Two (2) readings are therefore required; one to introduce; and a second to adopt the ordinance. Ordinances may only be passed at a Regular meeting or at an Adjourned (i.e. Continued) Regular meeting; except for urgency ordinances. Ordinances may not be passed at a Special meeting. Unless otherwise stated, an ordinance shall take effect thirty (30) days following the date of adoption.

A resolution expresses City Council policy or directs certain types of administrative action and may be changed by a subsequent resolution. Resolutions are effective on the date of adoption.

8.7 Public Presentations

This time is for persons who wish to address the Council on any matter not on the agenda and over which the Council has jurisdiction. Speakers are to come to the podium and state their name for the record. Items requiring Council action, at the discretion of the Council, 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. Comments are limited to 5 minutes per speaker.

8.8 Council Reports/Communications

The Council Reports/Communications section of the agenda provides Council the opportunity to briefly comment on Council business, City operations, City projects and other items coming before the Council. It also allows Councilmembers serving on Council subcommittees to present a verbal report to the full Council on the activities of the respective boards, commissions or committees upon which they serve. No action may be taken.

8.9 Closed Session

Closed sessions are regulated pursuant to the Brown Act. All written materials and verbal information regarding closed session items shall remain confidential. No member of the Council, employee of the City, or anyone else present shall disclose to any person the content or substance of any discussion that takes place in a closed session, unless authorized by a majority of Council. The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be a courtesy, respect, and tolerance for all viewpoints and for the right of councilmembers to disagree.

Under the Brown Act, California Government Code Section 54957.1(a): The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention of every member present thereon. (See Exhibit "D" for guidance)

8.10 Adjournment

The Council establishes 10:00 p.m. as the hour of adjournment and will not continue beyond 10:00 p.m. without a majority vote of the Council. To assist on making the determination to continue an item under consideration, the Council should find that discussion, deliberation and action on the item could be concluded by 11:00 p.m. The Council will not hear any new agenda items past 10:00 p.m. without a majority vote of the Council. A determination should be made by Council that any new item(s) can be discussed, deliberated and action taken before 11:00 p.m. If agenda items remain after the 10:00 p.m. adjournment, a special continued may be scheduled or the items deferred until the next regular meeting.

9. **QUASI-JUDICIAL PROCEEDINGS**

9.1 Defined

Quasi-judicial proceedings are those proceedings in which the City Council is required to make findings based on an evidentiary record as to the entitlement. In quasi-judicial proceedings, the City Council sits as the judge and jury, and is required to make findings based on the evidence and records presented. Examples of quasi-judicial proceedings that may be heard by the City Council include conditional use permits, variances and subdivision map approvals.

9.2 Identification on Agenda

To facilitate the identification of quasi-judicial matters, quasi-judicial proceedings will be identified as such on the Council agenda under the heading of "Quasi-Judicial Proceedings."

9.3 Ex Parte Communications

An ex parte communication is a communication made with a councilmember outside the Council chambers with any person except the City Attorney concerning a quasi-judicial proceeding to be heard by the City Council. When a Councilmember has an ex parte communication concerning a subject that is the basis of a quasi-judicial proceeding before the Council, the Councilmember must state for the public record the nature of that communication. Councilmembers must indicate with whom the ex parte communication was made and provide a brief statement as to the substance of the communication. A Councilmember may make an oral presentation of the nature of the communication or provide a written statement to be read into the public record.

10. COMMISSIONS/COMMITTEES

10.1 Ad Hoc Committees

Ad Hoc Committees are formed on an as-needed basis with a clearly defined purpose and term. Ad Hoc Committees will consist of two (2) councilmembers recommended by the Mayor and concurred with motion by the full Council.

10.2 Councilmember Appointments to Boards/Committees/Commissions

Pursuant to RDMC Chapter 2.55, the City Council shall establish and by a majority vote appoint individuals for the prescribed terms to serve on such commissions, committees, boards, agencies and task forces as are required by law and by City operational need. The operational identities of such organizations are defined by law, ordinance or resolution. At the completion of an appointee's prescribed term of on such an organization, any interested party may apply to the City Clerk for Council consideration for appointment or reappointment to these support organizations which include, but are not limited to the Planning Commission, Parks and Recreation Commission, Traffic Committee and The Community Development Block Grant Advisory Committee (CDBG-AC).

10.2a City Representation in Other Organizations

Councilmembers are requested to serve on various commissions for outside agencies. Following an election year at which new Councilmembers are elected, the newly seated Council shall review the list of current assignments and make recommendations for appointments. Any Councilmember desiring to serve on a certain commission or board should inform the Mayor. Councilmembers resigning from his/her position on a certain commission should inform the Mayor via the City Clerk's Office in writing. Appointments are made by the Mayor subject to approval by majority vote of the Council.

11. **CONFLICT OF INTEREST/ECONOMIC DISCLOSURE REQUIREMENTS FOR PUBLIC OFFICIALS**

11.1 Conflict of Interest

The Political Reform Act (Government Code, Title 9, Sections 81000-91015) controls conflict of interest through disclosure and prohibition of participation in decisions, which are actual conflicts of interest. Specifically, it requires City Councilmembers and other public officials to annually disclose all financial interests that may be affected by decisions made in their official capacity; this includes interests such as investments, real property, and income. Councilmembers must also disqualify themselves from making or participating in making or influencing any governmental decision that will have a foreseeable material financial effect on any economic interest of the Councilmember or certain family members.

11.2 Statement of Economic Interest

A financial disclosure form (Statement of Economic Interest Form 700) must be filed with the City Clerk no later than April 1st of each year for financial interests pertaining to the preceding calendar year. Newly-elected councilmembers must file a statement within 30 days of officially assuming office. Planning Commissioners and certain city officials are also subject to this disclosure requirement.

12. PROTOCOL ADMINISTRATION

12.1 Review of City Council Protocols

The protocols will be reviewed and amended from time to time by the City Council in order to remain current with federal, state, and local law.

12.2 Adherence to Protocols

During City Council discussions, deliberations and proceedings, the Mayor has been delegated the primary responsibility to insure that the City Council, staff and members of the public adhere to the Council's adopted Protocols.

12.3 City Attorney as Protocol Advisor

The City Attorney assists the Mayor as a resource to confer with and an advisor for interpreting the City Council's adopted protocols.

12.4 Adherence to Administrative Procedure and Process Protocols

The City Council has delegated the City Manager responsibility to discuss, on behalf of the full Council, any perceived or inappropriate administrative action with a Councilmember. The City Manager will discuss with the councilmember the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the City Manager will report the concern to the full Council.

12.5 Applicability of Protocols

The City of Rio Dell City Council Protocols shall also apply to the City Council when sitting as other entities or agencies representatives or any other body. The role of the Mayor and Mayor Prop Tem shall be interchangeable with the Chair and Vice Chair, or President and Vice President when sitting as another entity.

Chapter 2.05**COUNCIL MEETINGS**

Sections:

- 2.05.010 Time of meetings.
- 2.05.020 Place of meetings.
- 2.05.030 Change of location.
- 2.05.040 Emergencies.
- 2.05.050 Special and emergency meetings.
- 2.05.060 Cancellation of meetings.
- 2.05.070 Holidays.
- 2.05.080 Closed sessions.
- 2.05.090 Continuation of meetings.
- 2.05.100 Urgency.
- 2.05.110 Recess.

2.05.010 Time of meetings.

The City Council shall regularly meet on the first and third Tuesdays of each and every month at the hour of 6:30 p.m. [Ord. 237 § 1, 2000.]

2.05.020 Place of meetings.

The place of the regular meetings of the City Council of the City of Rio Dell shall be in the City Council Chambers at Rio Dell City Hall located at 675 Wildwood Avenue in Rio Dell, California. [Ord. 237 § 2, 2000.]

2.05.030 Change of location.

The Council may, from time to time, elect to meet at other locations within the City and upon such election give public notice of the change of location in accordance with the Government Code. [Ord. 237 § 3, 2000.]

2.05.040 Emergencies.

If by reason of fire, flood or other emergency it is unsafe to meet at City Hall, the meetings may be held for the duration of the emergency at such other place and time as may be designated by the Mayor, Mayor Pro Tem or City Manager. [Ord. 237 § 4, 2000.]

2.05.050 Special and emergency meetings.

Special and emergency meetings may be called and held, from time to time, consistent to the procedures set forth in the Ralph M. Brown Act and Government Code Section 54950 et seq. [Ord. 237 § 5, 2000.]

2.05.060 Cancellation of meetings.

Any meeting of the City Council may be canceled or rescheduled in advance of the meeting by a majority vote of the members present. [Ord. 237 § 6, 2000.]

2.05.070 Holidays.

In the event that the first or third Tuesday of any month falls on a legal holiday or election day, the meeting shall be held on the following Thursday, at the same place and at the same hour. [Ord. 237 § 7, 2000.]

2.05.080 Closed sessions.

Consistent with Government Code Section 54957 et seq., the Council may hold closed sessions during any regular or special meeting, or at any time, to consider and hear any matter that is authorized by State law to be heard in closed session. [Ord. 237 § 8, 2000.]

2.05.090 Continuation of meetings.

If at any such regular meeting an agenda item (other than a closed session item) before the City Council remains unfinished as of 10:00 p.m., the unfinished portion of the agenda shall be continued to 6:30 p.m. on the Thursday following the regularly scheduled Council meeting. Closed session items shall observe a curfew of 11:00 p.m. [Ord. 237 § 9, 2000.]

2.05.100 Urgency.

Notwithstanding any provisions of RDMC 2.05.090 to the contrary, the City Council may by an affirmative vote of a majority of the members present continue the regular meeting beyond the specified time limits when it is found that the agenda item or items are of particular urgency. [Ord. 237 § 10, 2000.]

2.05.110 Recess.

At any such regular or special meeting the City Council may recess and adjourn from time to time for the purpose of transacting the same or additional business. [Ord. 237 § 11, 2000.]

Chapter 2.10**CITY COUNCIL**

Sections:

- 2.10.010 Structure of government.
- 2.10.020 Function.
- 2.10.030 Meetings.
- 2.10.040 Presiding Officer.
- 2.10.050 Public comment.
- 2.10.060 Preservation of order.
- 2.10.070 Ordinances and resolutions.
- 2.10.080 Limitations of authority.
- 2.10.090 Organization of departments.
- 2.10.100 Appointments and hiring.
- 2.10.110 Removal or dismissal.

2.10.010 Structure of government.

Government operations of the City of Rio Dell as set forth hereafter are by the City Council, City Attorney, City Manager, City Clerk, Chief of Police, City Engineer, subordinate officers, full-time employees, part-time employees, temporary employees, volunteers, commissions, committees, boards, agencies, task forces and citizens appointed to represent the city in outside organizations. [Ord. 213A § 2.02, 1992.]

2.10.020 Function.

Legislative and policy functions of the government of the City of Rio Dell are vested in its Council of five persons. [Ord. 213A §§ 2.01.001, 2.03.001, 1992.]

2.10.030 Meetings.

The Council shall meet in the Rio Dell City Hall Council Chambers at 675 Wildwood Avenue, Rio Dell, CA 95562 at dates and times defined by law and resolution. Special Council meetings may be called in accordance with California law. [Ord. 213A § 2.03.002, 1992.]

2.10.040 Presiding Officer.

No Councilpersons shall forfeit any rights of Council membership by serving as Presiding Officer. Questions of order shall be determined by law, ordinance or the Presiding Officer, subject however to member appeal to the Council for which a majority vote of the Council shall prevail. On issues not addressed by law, ordinance, resolu-

tion or precedence, the Presiding Officer shall obtain guidance from the City Attorney and/or use the current edition of the parliamentary guide Robert's Rules of Order universally accepted as a definitive source. The Presiding Officer shall vote last on all issues. [Ord. 213A § 2.03.003, 1992.]

2.10.050 Public comment.

During public presentations (public comment), any person may address the Council on any matter that is under Council control and is not to be considered elsewhere on the agenda. The citizen must obtain recognition of the Presiding Officer and state their name, address and their remarks in an audible voice. Speakers shall confine their remarks to a single subject and avoid the use of any indecorous language. All remarks shall be addressed to the Council as a body, never to individual Councilmembers. Speakers shall not be permitted to repeat information provided by other speakers. Whenever a group of persons wish to address the Council on the same subject matter, the use of a group spokesperson is encouraged to facilitate communication. The Presiding Officer may limit the presentation to a group spokesperson, in the Presiding Officer's discretion. [Ord. 213A § 2.03.004, 1992.]

2.10.060 Preservation of order.

The Mayor shall preserve strict order and decorum at all meetings of the Council and announce its decisions on all subjects. No Councilperson or member of the audience shall by conversation or otherwise, delay or interrupt the peace or order of a Council meeting. The Chief of Police shall be Ex Officio Sergeant-at-Arms of the Council and shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining law and order in the chamber. In the absence of the Chief of Police, any peace officer present may be designated as Sergeant-at-Arms by the Presiding Officer. Upon instruction of the Presiding Officer, it shall be the duty of the Sergeant-at-Arms to eject unruly persons from the Council Chamber. [Ord. 213A § 2.03.005, 1992.]

2.10.070 Ordinances and resolutions.

Legislative action shall be taken by the Council only on an ordinance or resolution prepared in final format by the City Manager and City Attorney and

approved by the Council at duly posted Council meeting(s). Each ordinance shall be preceded by a brief title. All ordinances, resolutions or matters requiring Council action must be introduced and sponsored by a Councilmember or introduced by the City Attorney or City Manager acting on their own initiative. Proposed ordinances may be amended between the time of their introduction and their first reading. [Ord. 213A § 2.03.006, 1992.]

2.10.080 Limitations of authority.

(1) No Councilperson shall individually give orders or instruction to any City employee. The City Manager takes orders and instructions only from the total Council sitting in a duly convened meeting or from a court of jurisdiction. No Councilperson shall individually give orders or suggestions for action to the City Manager.

(2) No member of the City Council of the City of Rio Dell shall execute any deed, easement, license, profit, condition, conveyance, covenant, restriction, restraint, servitude, contract, assignment, lien, encumbrance, deed of trust, mortgage or other security interest, lease, title insurance policy, subordination agreement, patent, reservation, encroachment, release, power of appointment, power of attorney, partition, future interest, dedication, permit, declaration or any other document, memorandum, or instrument, relating to real property, without the specific authority of the City Council acting at a regularly or specially scheduled meeting upon proper motion and a majority vote of a present quorum. [Ord. 213A § 2.03.007, 1992; Ord. 171 § 1, 1982.]

2.10.090 Organization of departments.

The Council shall determine the organization of all departments of City staff after consideration of recommendations of the City Manager, operating efficiencies, and levels of service to the public as provided in the annual operating budget. [Ord. 213A § 2.03.008, 1992.]

2.10.100 Appointments and hiring.

The Council shall by a majority vote make the following appointments to serve at the pleasure of the Council in compliance with existing law, ordinance, resolution, service contracts/memorandum

of understanding and/or City personnel rules as appropriate:

- (1) City Manager;
 - (2) City Attorney;
 - (3) Commission, committee, board, agency and task force appointments;
 - (4) City representatives to other organizations.
- [Ord. 213A § 2.60.001, 1992.]

2.10.110 Removal or dismissal.

Removal or dismissal of any commissioner, committee member, board member, agency member, task force member or City representative shall be by a majority vote of the Council convened in a regular scheduled meeting with the matter previously posted on the agenda. Such removal or dismissal shall comply with all provisions of law, ordinance or resolution. [Ord. 213A § 2.75.001, 1992.]

Chapter 1.05
ELECTIONS

Sections:

1.05.010 Date of elections.

1.05.010 Date of elections.

The general municipal elections of the City of Rio Dell shall be consolidated with the day of the statewide general election. The first election held pursuant to this chapter shall be concurrent with the statewide general election held in November of 1984. [Ord. 175, 1983.]

Chapter 1.10
CODE OF ETHICS

Sections:

- 1.10.010 Definitions.
- 1.10.020 Prohibited conduct.
- 1.10.030 Filing a complaint.
- 1.10.040 Penalties for noncompliance.
- 1.10.050 Removal of a Council Member, Commissioner or Committee Member.
- 1.10.060 Severability.
- 1.10.070 Financial disclosure.

1.10.010 Definitions.

The following words and phrases as used in this chapter, unless the context clearly indicates otherwise, shall have the following meanings:

“Business” means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.

“City official” means any individual elected, appointed, hired, or otherwise selected to an office, position, committee, board, task force, or similar multimember body with the City, or any subdivision thereof, whether such individual is paid or unpaid.

“Compensation” means payment in any form for real or personal property or services of any kind.

“Gift” means a voluntary transfer of real or personal property of any kind or the voluntary rendition of services of any kind without consideration of equal or greater value, but not including any reasonable hosting, including travel expenses, entertainment, meals, or refreshments furnished in connection with appearances, ceremonies, and occasions reasonably relating to official City business, where otherwise permitted by law.

“Immediate family” shall have the meaning of mother, father, sister, brother, child, spouse, or grandparent.

“Person” means any individual or corporation, business, or other entity, however constituted, organized, or designated. [Ord. 261 § 1.010.010, 2009.]

1.10.020 Prohibited conduct.

The following shall constitute violations of this code of ethics:

(1) **General Prohibition Against Conflicts of Interest.** In order to avoid becoming involved or implicated in a conflict of interest or impropriety, or an appearance of conflict of interest or impropriety, no current City official should be involved in any activity that might be seen as conflicting with the conduct of official City business or as adverse to the interests of the City. Even the appearance of the following prohibited conduct alone may be sufficient to constitute a violation of this code of ethics.

(2) **Beneficial Interests in Contracts Prohibited.** No City official shall participate in his or her capacity as a City official in the making of a contract in which he or she has a financial interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City. Except, that this prohibition shall not apply where the City official has only a remote interest in the contract, and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, and thereafter the City Council authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer(s) having the remote interest. For purposes of this section, a "remote interest" means:

(a) That of a nonsalaried officer of a non-profit corporation;

(b) That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;

(c) That of a landlord or tenant of a contracting party;

(d) That of a holder of less than one percent of the shares of a corporation, limited liability company, or other entity which is a contracting party.

(3) **Beneficial Influence in Contract Selection Prohibited.** No City official shall influence the City's selection of, or its conduct of business with, a corporation, person, or firm having or proposing to do business with the City if the City official has a financial interest in or with the corporation, person, or firm, unless such interest is a remote inter-

est and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, as defined in RDMC 1.10.010.

(4) **Representation of Private Person at City Proceedings Prohibited.** No City official shall appear on behalf of a private person, other than himself or herself, except as a witness under subpoena before any regulatory governmental agency or court of law in an action or proceeding to which the City or a City official in an official capacity is a party, or accept a retainer or compensation that is contingent upon a specific action by the City.

(5) **Certain Private Employment Prohibited.** No City official shall engage in or accept private employment, or render services for, any private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.

(6) **Beneficial Interest in Legislation Prohibited.** No City official, in appearing before the City Council or when giving an official opinion before the City Council, shall have a financial interest in any legislation coming before the City Council and participate in discussion with or give an official opinion to the City Council, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted on the record of the Council, or similar records of the City, prior to consideration of the legislation by the City Council.

(7) **Disclosure of Confidential Information Prohibited.** No City official shall disclose or use any confidential, privileged, or proprietary information gained by reason of his or her official position for a purpose which is for other than a City purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

(8) **Improper Use of Position Prohibited.** No City official shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use his or her position to secure special privileges or exceptions for himself, herself, or for gain, or profits of any other persons.

(9) **Improper Use of City Personnel Prohibited.** No City official shall employ or use any person

under his or her official control or direction for the personal benefit, gain, or profit of the City official or another.

(10) **Improper Use of City Property Prohibited.** No City official shall use City-owned vehicles, equipment, materials, money, or property for personal or private convenience or profit. Use is restricted to the conduct of official business, and for such purposes and under such conditions as are approved by the City Council.

(11) **Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited.** No City official may, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward, or gratuity for a matter connected with or related to the City official's services with the City of Rio Dell, except this prohibition shall not apply to:

(a) Attendance of a City official at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business or where official attendance by the City official as a City representative is appropriate;

(b) An award publicly presented in recognition of public service; or

(c) Any gift valued at \$50.00 or less, which cannot reasonably be presumed to influence the vote, action, or judgment of the City official or be considered as part of a reward for action or inaction.

(12) **Impermissible Conduct After Leaving City Service.**

(a) **Disclosure of Privileged, Confidential, or Proprietary Information Prohibited.** No former City official shall disclose or use any privileged, confidential, or proprietary information gained because of his or her City employment or office.

(b) **Participation in City Matters Prohibited.** No former City official shall, during the period of one year after leaving City office or employment:

(i) Assist any person in matters involving the City if, while in the course of duty with the City, the former City official was officially involved in the matter, or personally and substantially participated in the matter, or acted on the matter.

(ii) Represent any person as an advocate in any matter in which the former City official was involved while a City official; or participate as or with a bidder, vendor, or consultant in any competi-

itive selection process for a City contract in which he or she assisted the City in determining the project, or work to be done, or the process to be used.

(c) **Duty to Inform.** Whenever a City official wishes to contract with a former City official for expert or consultant services within one year of the latter's leaving City service or office, authorization from the City Council shall be required.

(d) **Exceptions.** The prohibitions of subsections (12)(b)(i) and (12)(b)(ii) of this section shall not apply to a former City official acting on behalf of a governmental agency, unless such assistance or representation is adverse to the interest of the City. [Ord. 261 § 1.010.020, 2009.]

1.10.030 Filing a complaint.

All complaints shall be filed in accordance with the City of Rio Dell Whistleblowing Policy, established by Resolution 1028-2009. [Ord. 261 § 1.010.030, 2009.]

1.10.040 Penalties for noncompliance.

The City Council, and their designee as appropriate, may impose upon any person found, by a preponderance of the evidence, to have violated any provision of this code of ethics any combination of the following penalties:

(1) A cease and desist order as to violations of this code of ethics;

(2) An order to disclose any reports or other documents or information requested by the City Council or their designee;

(3) Discipline, up to and including termination or removal from any position, whether paid or unpaid, pursuant to all City policies or laws as applicable;

(4) Exclusion from bidding on City contracts for a period of up to five years; and/or

(5) Termination or invalidation of contract(s) entered into in violation of the code of ethics, only if such contract(s) provide for termination in the event of a code of ethics violation. [Ord. 261 § 1.010.040, 2009.]

1.10.050 Removal of a Council Member, Commissioner, or Committee Member.

(1) In addition to any other penalties that may be imposed under this chapter and notwithstanding

any other provisions of City ordinance, the City Council may, for cause and by a majority vote of the City Council, remove from office any person who is currently a member of a City board, commission, committee, task force, or other multi-member body. Prior to implementation of such removal, the City Council shall provide notice to the person subject to removal and hold a public hearing. The findings and conclusions and disposition of the City Council shall be based upon evidence in the record. The provisions of this section shall supplement any other procedures required by the City or other applicable state or federal law for removal of such persons.

(2) In addition to any other penalties set forth in this chapter, any current or former City-elected official against whom a complaint has been made and whom the City Council determines to be found by a preponderance of the evidence to have violated the code of ethics may be subject to any one or more of the following actions by a majority vote of the City Council:

(a) Admonition. An admonition shall be a verbal statement approved by the City Council and made to the individual by the Mayor, or his or her designee, or if the complaint is against the Mayor, the Deputy Mayor, or his or her designee.

(b) Reprimand. A reprimand shall be administered to the individual by a resolution of reprimand by the City Council. The resolution shall be prepared by the City Council and shall be signed by the Mayor or, if the complaint is against the Mayor, the Mayor Pro Tem.

(c) Censure. A resolution of censure shall be a resolution read personally to the individual in public. The resolution shall be prepared by the City Council and shall be signed by the Mayor or, if the complaint is against the Mayor, the Mayor Pro Tem.

(d) Other Penalties. Budget reduction or restriction, loss of seniority, loss of a committee assignment, or loss of appointment as a representative of the City on any board, commission, committee, task force, or other multimember bodies which require an appointment or confirmation of an appointment by the City Council. [Ord. 261 § 1.010.050, 2009.]

1.10.060 Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this policy. [Ord. 261 § 1.010.060, 2009.]

1.10.070 Financial disclosure.

All persons presently required to file reports under the California Fair Political Practices Commission shall, upon assuming any City office or position, file with the City Clerk true and correct copies of all reports required by law. [Ord. 261 § 1.010.070, 2009.]

EXHIBIT C

RESOLUTION NO. 809-2002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL REPEALING RESOLUTION NO. 772 REGARDING TRAVEL POLICY AND REIMBURSEMENT

PURPOSE

The purpose of this policy for travel allowance and conference expense is to identify those monies reimbursable to City officials who in the course of conducting City business have incurred personal expense.

PART I – AUTHORIZATION TO INCUR EXPENSE

Authorization to incur expense and expenditures for travel, conferences and training expenses shall be made only for purposes approved in the budget by the City Council and not in excess of the individual appropriations set forth in the budget for the department concerned. However, a department head may substitute one training course or conference for another, provided the costs to effect such substitution is within the best interests of the City. Request for permission for substitution should be in the form of a memorandum directed from the department head to the City Manager.

The text of this correspondence should outline specifically the reason for substitution of one training course or conference for another. The City Manager, upon receipt of this memorandum will review its content, indicate approval or disapproval, and then reply to the department head concerned. Unanticipated travel, conference, or training expense may be approved by the City Manager when surplus funds are available from within the department's budget and when deemed in the best interests of the City to so authorize.

PART II – EXAMINATION OF THE BUDGET TO ASCERTAIN APPROPRIATION

It shall be the duty of the Department Head and City Manager to examine the budget to ascertain whether or not necessary funds have been appropriated, and an unobligated balance is available for the proposed travel, conference, or training.

PART III – PROCEDURE

The City of Rio Dell Travel and Training Expense Form (Exhibit A) should be submitted at least 10 days in advance of any conference date. In those cases where no expenses are to be incurred on a proposed trip, the completion of the form will not be required. The Travel and Training Expense Form is divided into three separate parts:

- (a) Authorization to incur expenses – The City official who is to incur City expenses shall prepare Part I which outlines the nature of the conference, duration and method of travel.
- (b) Reimbursement for actual expenses – Within 10 days of the final meeting at any conference, the subject official must complete Part II to provide an accounting for expenditures made. If a prepayment check has been drawn, any adjustment between said check and actual expense should be made at that time.
- (c) Request for prepayment and encumbrance – Part III is a detail estimate of the travel and training cost. It provides for the advance payment of the registration fees, lodging, travel, and per diem. The City Manager is authorized to issue a check in advance for the amount requested to cover the expense for a particular conference.

PART IV – DEFINITION AND APPLICABLE POLICY FOR EACH

Lodging Expenses: Those expenditures incurred for lodging of subject official. The actual cost for a single room at a moderately priced designated hotel, to be paid for directly by the City. Lodging expenses will be adjusted during the account process in the case where a spouse accompanies a subject official and the difference between a single and double accommodation cannot be charged to the City. Lodging expenses shall include all City business related telephone calls and one three minute per night of lodging telephone call to the employee's immediate family.

Registration Fees: Those expenditures applicable to the registration fee or cost of materials are customarily prepaid by the City.

Travel Expense: Those expenditures incurred for transportation via common carrier (such as train, plane, and bus) are customarily paid in advance by the City. City vehicles shall be used whenever practical. Alternatively, economical transportation should be used; however, the matter of convenience and saving in time will also be taken into account.

To drive a privately owned vehicle on City business the employee must possess a valid California driver's license and carry at least the minimum required auto liability insurance prescribed by State law. A written statement from the employee that they meet these requirements must be on file with the City Manager in order to use their vehicle on City business and to be reimbursed for expenses.

Whenever private automobile transportation is used, the registered owner of the vehicle will be reimbursed at the most recent IRS per mile allowance by actual odometer accounting. Any needed service, or repair on the trip will be the employee's responsibility, as the costs are included in the City's per mile reimbursement. Car pooling for the purpose of economy is encouraged. All accidents must be reported by

the employee to the Department Head and the City Manager within 24 hours of the incident, without regard to the accident being minor.

Round trip tickets should be purchased when it is advantageous to do so. Unused transportation tickets shall be returned with the expense report in order that the City may obtain reimbursement from the common carrier.

When authorization is granted for travel by air to individuals whose travel expenses are financed through City funds, "coach class" tickets should be purchased in all cases possible. However, "First Class" travel by air may be granted, only upon approval by the City Manager, on the basis of special circumstances, including the reasons therefore, directed from the department head to the City Manager and provided in all cases that budgeted funds are available.

Per Diem Rates: Employees traveling to out-of-area meetings and activities shall be eligible for the most recent standard IRS meal allowance. Per Diem is payable on the basis of 24-hour periods away from the City of Rio Dell and may include one (1) day of travel in each direction enroute to and from the employee's destination.

Incidental Advance: Extended out-of-area activities shall be eligible for advance payment based on estimated expenses. If an employee receives an advance payment, the employee must submit receipts for all expenditures and return any unused portion of the advancement to the City. Employees shall be eligible for an advance of up to \$30.00 per day. This amount for incidental advance shall not exceed \$250 for any single meeting or conference.

PART V - CONFERENCE NOT REQUIRING ADVANCE PAYMENT

Conferences that do not require lodging, or for which expenses are to be reimbursed, will be accounted for on Parts I and II of the Travel and Training Expense form. All supporting documents shall be attached, including receipts, meeting notices, etc.

PART VI - CORRECTIVE ACTION FOR DISCREPANCIES

Violation of this policy consisting of disregard to the regulations as set forth and evidence of irresponsibility in the necessary detailed accounting for reimbursement may result in the form being returned to the originating department for clarification and/or personal accounting.

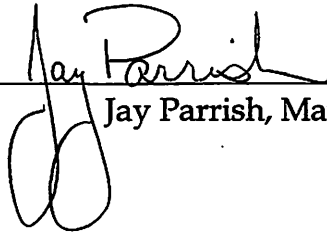
PASSED AND ADOPTED this 25th day of April 2002, by the following vote:

AYES: Mayor Parrish, Council members Ghilarducci, Leonard, Plum and Woodall

NOES: None

ABSENT: None

ABSTAIN:



Jay Parrish, Mayor

ATTEST:



Jim Stretch, City Clerk

EXHIBIT D

CLOSED SESSION AGENDA DESCRIPTIONS

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as specified below:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would

jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as specified below:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54946.9 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is

final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

(c) The documentation referred to in paragraph (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.


(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

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



For Meeting of: August 16, 2011

To: City Council
From: Kevin Caldwell, Community Development Director 
Through: Ron Henrickson, City Manager
Date: August 10, 2011
Subject: Industrial Commercial Text Amendment

Recommendation:

That the City Council:

1. Receive, review and consider the staff report and recommendation regarding the Industrial Commercial (IC) zoning text amendment;
2. Open the public hearing, receive public testimony;
3. Introduce Ordinance No, 276-2011 amending Section 17.20.110(1)(e) of the Rio Dell Municipal Code (RDMC) and Resolution No. 1125-2011 amending Table 1-2 of the General Plan to eliminate industrial and commercial uses which are complementary to US Highway 101 frontage in the Industrial Commercial zone.
4. Continue consideration of the proposed ordinance and resolution to your meeting of September 6, 2001 for second reading and adoption.

Summary

At the direction of the City Manager, staff initiated a text amendment affecting the allowed uses in the Industrial Commercial zoning designation. The proposed amendments would eliminate **industrial and commercial uses which are complementary to US Highway 101 frontage**. Staff believes the existing language is too broad and could be interpreted to allow almost any use type. Please refer to Attachment 3 for the IC zone allowed uses. Table 1-2 of the General Plan (Attachment 5) would also need to be amended to eliminate the use type. Therefore a minor General Plan Amendment (GPA) is required as well.

At their meeting of August 27, 2011 the Planning Commission considered the proposed amendments, including allowing industrial and commercial uses which are complementary to US Highway 101 frontage with a Conditional Use Permit. After public testimony, the Planning Commission voted 3 – 1 to eliminate industrial and commercial uses which are complementary to US Highway 101 frontage from the Industrial Commercial zone and Table 1-2 of the General Plan.

Plan and Zone Amendment Required Findings:

1. The proposed amendments are deemed to be in the public interest.

The proposed amendments would eliminate industrial and commercial uses which are complementary to US Highway 101 frontage. The action can be found in the public interest because:

- The current language is very broad and could potentially principally permit a number of use types that may not be compatible with the intent of the Industrial Commercial designation.
- Eliminating the use type will ensure that future use types would be compatible with the intent of the Industrial Commercial designation.

2. The proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

The proposed minor text amendments are consistent and compatible with the General Plan. Table 1-2 of the General Plan is also recommended to be amended to eliminate industrial and commercial uses which are complementary to US Highway 101 frontage in the Industrial Commercial zone. This is required to ensure consistency with the Zoning Regulation and the General Plan.

One of the primary purposes of any general plan is to encourage and facilitate planned orderly development. The General Plan contains the following goals which are related to commercial and industrial development:

- To grow sustainably, provide economic opportunities and local jobs.
- To promote a variety of commercial uses and allow light manufacturing in appropriate commercial areas.

In addition, Section 2.2.2 of the General Plan contains Economic Activity policies to encourage economic and commercial uses in the City. Below is a copy of the policies:

P2.2.2-1 Encourage the creation and retention of employment opportunities that provide sustainable wages and benefits for Rio Dell residents by promoting a thriving local retail, personal services, and commercial sector.

P2.2.2-2 Encourage the use of public/private partnerships as a means of redeveloping and revitalizing selected areas and analyze the use of such techniques as business improvement districts, redevelopment areas and assessment districts.

P2.2.2.-4 Promote economic development in Rio Dell through preparation and implementation of an Economic Development Strategy.

Staff believes the proposed minor amendments will not impact or be contrary to the General Plan's economic policies. Based on the above information, staff believes the proposed amendments are consistent and compatible with the rest of the General Plan and its implementation policies and programs.

3. The potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

There is no evidence to suggest that the proposed minor text amendments will be detrimental to the public health, safety or welfare.

4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

State law requires that any amendment of a general plan comply with the California Environmental Quality Act (CEQA). The primary purpose of CEQA is to inform the decision makers and the public of potential environmental effects of a proposed project. As part of the General Plan update the City prepared a Program Environmental Impact Report (PEIR) to evaluate the potential impacts associated with the General Plan. The proposed minor amendments are consistent with an overall comprehensive view of the General Plan.

Based on the nature of the text amendments, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project, amending the Industrial Commercial designations to eliminate industrial and commercial uses complementary to US Highway 101 frontage, may have a significant effect on the environment, the project is not subject to CEQA.

Alternatives

1. The City Council may choose to not make any changes to the existing regulations of the Industrial Commercial or IC zone.
2. Provide further direction to staff pertaining to the proposed ordinance and resolution and continue consideration to a subsequent meeting.
3. Introduce the proposed ordinance and resolution with modification.

Attachments

- Attachment 1: Proposed Draft Ordinance No. 276-2011
- Attachment 2: Proposed Draft Resolution No. 1125-2011
- Attachment 3: Existing Industrial Commercial (IC) Zoning Regulations.
- Attachment 4: Allowed Uses in Industrial Commercial (IC) zone.
- Attachment 5: Table 1-2 of the General Plan, Land Use Designations and Uses.
- Attachment 6: Planning Commission Resolution No. PC 041-2011 **eliminating** industrial and commercial uses which are complementary to US Highway 101 frontage.

ORDINANCE NO. 276 - 2011

Amending Section 17.20.110(1)(e) Zoning Map of the Rio Dell Municipal Code

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

WHEREAS the Industrial Commercial zone and plan designation currently principally permits industrial and commercial uses which are complementary to US Highway 101 frontage; and

WHEREAS the current language is vague and broad and could be interpreted to allow a variety uses which may not be compatible with the intent of the Industrial Commercial designation; and

WHEREAS eliminating the use type will ensure that future use types would be compatible with the intent of the Industrial Commercial designation; and

WHEREAS the City has reviewed and processed the proposed minor text amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and process the proposed minor text amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed minor text amendments are deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed text amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed text amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed text amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

WHEREAS pursuant to the requirements of state and local law, On July 27, 2011 the Planning Commission conducted a duly noticed public hearing to consider the proposed text amendments, at which time all interested persons were given an opportunity to be heard; and

WHEREAS the Planning Commission following said public hearing recommends that the City Council approve and adopt the recommended amendments; and

WHEREAS the City Council approves the recommended amendments.

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

Section 1. Zoning Text Amendment

Section 17.20.110(1)(e) of the Rio Dell Municipal Code is hereby deleted.

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 August 16, 2011 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 6th day of September, 2011 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

RESOLUTION NO. 1125 - 2011

**RESOLUTION OF THE RIO DELL CITY COUNCIL AMENDING TABLE 1 – 2 OF THE
GENERAL PLAN ELIMINATING INDUSTRIAL AND COMMERCIAL USES WHICH ARE
COMPLEMENTARY TO US HIGHWAY 101 FRONTAGE :**

WHEREAS the Industrial Commercial zone and plan designation currently principally permits industrial and commercial uses which are complementary to US Highway 101 frontage; and

WHEREAS the current language is vague and broad and could be interpreted to allow a variety uses which may not be compatible with the intent of the Industrial Commercial designation; and

WHEREAS eliminating the use type will ensure that future use types would be compatible with the intent of the Industrial Commercial designation; and

WHEREAS the City has reviewed and processed the proposed minor text amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and process the proposed minor text amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed minor text amendments are deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed text amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed text amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed text amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

WHEREAS pursuant to the requirements of state and local law, On July 27, 2011 the Planning Commission conducted a duly noticed public hearing to consider the proposed text amendments, at which time all interested persons were given an opportunity to be heard; and

WHEREAS the Planning Commission following said public hearing recommends that the City Council approve and adopt the recommended amendments; and

WHEREAS the City Council approves the recommended amendments.

NOW, THEREFORE, BE IT RESOLVED that the Rio Dell City Council amends Table 1 – 2 of the General Plan to eliminate industrial and commercial uses which are complementary to US Highway 101 frontage in the Industrial Commercial land use designation.

PASSED AND ADOPTED by the Rio Dell City Council at their meeting of September 6, 2011 by the following vote:

The motion was made by Council member _____ and seconded by Council member _____.

AYES:

NOES:

ABSENT:

ABSTAIN: :

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

17.20.110 Industrial Commercial or IC zone.

The purpose of the industrial commercial zone is to provide for industrial and commercial uses.

(1) Principal Permitted Uses.

- (a) Industrial uses as described in the industrial land use designation and compatible commercial uses described in the community commercial land use designation;
- (b) Public facility needs such as a wastewater treatment plant;
- (c) Motor vehicle repair, maintenance and fueling;
- (d) Telecommunications facilities and manufacturing; and
- (e) *Industrial and commercial uses complementary to US Highway 101 frontage.*

(2) Uses Permitted with a Use Permit.

- (a) Lodging; and
- (b) Child care.

(3) Other Regulations. See Table 17.20.110 for development standards for the IC zone.

Table 17.20.110 Development Standards for the Industrial Commercial or IC Zone.

Site Development Standard	Zone Requirement	Measurement
Minimum Lot Area	20,000	Square feet
Maximum Ground Coverage	Not Applicable	
Floor Area Ratio (FAR)	1.5 on 20% and 0.35 on 80%	Proportion of lot area.
Minimum Lot Width	Not Applicable	
Minimum Open Space	10%	Percent
Minimum Yard		
Front	10	Feet
Rear:	0 unless abutting residential, in which case 10 feet.	Feet
Side:	0 unless abutting residential, in which case 10 feet.	Feet
Maximum Building Height	Four (4) Stories or 65 feet	Feet

Allowed Use in Industrial Commercial Zones

17.20.110 Industrial Commercial or IC zone.

The purpose of the industrial commercial zone is to provide for industrial and commercial uses.

(1) Principal Permitted Uses.

- (a) Industrial uses as described in the **industrial land use designation** and compatible commercial uses described in the **community commercial land use designation**;
- (b) Public facility needs such as a wastewater treatment plant;
- (c) Motor vehicle repair, maintenance and fueling;
- (d) Telecommunications facilities and manufacturing; and
- (e) Industrial and commercial uses complementary to US Highway 101 frontage.

(2) Uses Permitted with a Use Permit.

- (a) Lodging; and
- (b) Child care.

17.20.100 Industrial or I zone.

The purpose of the industrial zone is to provide for large-scale industrial uses.

(1) Principal Permitted Uses.

- (a) Wood products manufacturing;
- (b) Power generation;
- (c) Other industrial uses including stores and services such as carpentry and cabinet making, clothing manufacture, handicraft manufacture, lumber yards, metal working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops and printing and lithographing;
- (d) Research and development;
- (e) Research and light industrial;
- (f) Telecommunications;
- (g) Manufacturing; and
- (h) Administrative, business and professional offices.

(2) Uses Permitted with a Use Permit.

- (a) Ancillary and complementary (with a use permit); and
- (b) Kennels and animal boarding and veterinary.

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.

17.20.050 Neighborhood center or NC zone.

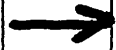
The neighborhood center or NC zone is intended to provide for small-scale shopping centers located within neighborhoods which will provide convenient sales and service facilities to residential areas, without detracting from the residential desirability of such areas. The following regulations shall apply in all neighborhood center or NC zones:

(2) Uses Permitted with a Use Permit.

- (a) Boarding and rooming houses, and bed and breakfast inns in a mixed use building;
- (b) Professional and business offices, health services, and commercial instruction when part of a mixed use building;
- (c) Small animal hospitals completely enclosed within a building;
- (d) Civic and cultural uses including City offices and day care centers.

117
ATTACHMENT 5

Designation	Map Label	Permitted Uses	Minimum Lot Size	Open Space	Density/FAR*	Building Height
		Research and development Research and light industrial Telecommunications Manufacturing Administrative, business and professional offices Ancillary and complementary (with a use permit) Kennels and Animal Boarding and veterinary				
Industrial Commercial	IC	Industrial Uses as described in Industrial Land Use Designation and compatible commercial uses described in Community Commercial Land-Use Designation Public Facility needs Motor vehicle repair, maintenance and fueling Telecommunications facilities and manufacturing Industrial and Commercial uses complementary to US Highway 101 Limited lodging facilities Limited childcare facilities.	20,000 square feet	10%	1.5 on 20% and 0.35 on 80%	4 stories or 65 feet
Natural Resources	NR	Resource Protection Public Recreation where compatible with resource management and protection. Management for fish and wildlife habitat Wetland/Watershed Restoration Timber Production (with TPZ overlay zone) Aggregate Resources Production (with a CUP)	None required	10%	None required	None required



RESOLUTION NO. PC 041 - 2011

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING APPROVAL OF THE INDUSTRIAL COMMERCIAL TEXT AMENDMENT:**

WHEREAS the Industrial Commercial zone and plan designation currently principally permits industrial and commercial uses which are complementary to US Highway 101 frontage; and

WHEREAS the current language is vague and broad and could be interpreted to allow a variety uses which may not be compatible with the intent of the Industrial Commercial designation; and

WHEREAS eliminating the use type will ensure that future use types would be compatible with the intent of the Industrial Commercial designation; and

WHEREAS the City has reviewed and processed the proposed minor text amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and process the proposed minor text amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed minor text amendments are deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed text amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed text amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed text amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council eliminate industrial and commercial uses which are complementary to US Highway 101 frontage as principally permitted uses in the Industrial Commercial zone.

PASSED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of July 27, 2011 by the following vote:

The motion was made by COMMISSIONER **Sweaney** and seconded by COMMISSIONER **Chapman**.

AYES:	Commissioners: Gonzales, Sweaney, Chapman
NOES:	Commissioners: Millington
ABSENT:	Commissioners: Johnson
ABSTAIN:	Commissioners:

Dave Gonzales, Chair

ATTEST:

Karen Dunham, City Clerk

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



For Meeting of: August 16, 2011

To: City Council
From: Kevin Caldwell, Community Development Director (P)
Through: Ron Henrickson, City Manager
Date: August 11, 2011
Subject: Lot Line Adjustment Ordinance

Recommendation:

That the City Council:

1. Receive, review and consider the staff report and recommendation regarding the Lot Line Adjustment Ordinance;
2. Open the public hearing, receive public testimony;
3. Introduce Ordinance No. 277 - 2011 repealing the existing lot line adjustment regulations, Chapter 16.35 of the Rio Dell Municipal Code and establishing a new lot line adjustment ordinance and the associated amendments to the Subdivision Ordinance.
4. Continue consideration of the proposed ordinance to your meeting of September 6, 2001 for second reading and adoption.

Background and Discussion

The existing lot line adjustment regulations were adopted in 1968 and modified in 1982. In 2009 the City requested that the City Engineer (Winzler & Kelly) and City Planner (Planwest Partners) review the existing lot line adjustment regulations, Chapter 16.35 of the Rio Dell Municipal Code (RDMC), to ensure they are consistent with the Subdivision Map Act, Sections 66410 through 66499.58 of the California Government Code (CGC). In February 2010, Winzler and Kelly made a number of recommendations to Planwest and the City regarding revisions to the lot line

adjustment ordinance. Due to staffing levels and other priorities, the revision of the lot line adjustment ordinance was put on hold.

The Planning Commission held a duly noticed public hearing on July 27, 2011 to consider, review and take public testimony regarding the proposed changes. After consideration, the Planning Commission voted unanimously to recommend approval of the changes to your Council.

Staff Report

As one might expect the existing City lot line adjustment regulations are clearly outdated and inconsistent with existing State law. The existing City regulations are poorly written, confusing and burdensome. The existing regulations refer to parcel map requirements and the imposition of conditions of approval (i.e. frontage improvements, on-site improvements and dedications) that are not currently allowed by the Subdivision Map Act. The Map Act is very clear that the local agency (City) shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general plan, zoning and building ordinances, to require the payment of property taxes and to facilitate the relocation of existing utilities, infrastructure or easements. The lot line adjustment shall be reflected by deed and no Record of Survey shall be required, unless required by Section 8762 of the Business and Professions Code. Typically, a Record of Survey is not required when:

- ❖ The new boundary line(s) are already adequately monumented of record.
- ❖ The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.
- ❖ The new boundary line(s) can be accurately described and located from existing monuments of record.
- ❖ The new boundary is based upon physical features (i.e. roads, creeks, etc.) which themselves monument the line.

Staff is recommending that the approved lot line adjustments be reflected and documented through the use of a Notice of Lot Line Adjustments and Certificate of Subdivision Compliance. This document provides notice to all parties involved and future owners of the parcels that the parcels were in fact created by a lot line adjustment.

Although the City's current practice is to schedule lot line adjustments for the Planning Commission, the current regulations identify the City Engineer as the public hearing officer.

In addition, Senate Bill 497, adopted in 2001, dramatically changed the regulations associated with lot line adjustments. The new lot line adjustment law reflected in SB 497 limits the number of parcels involved to four or fewer adjoining parcels, and makes approval of the lot line adjustment contingent upon conformity with the General Plan. In addition, SB 497 requires that the adjusted parcels be physically contiguous ("adjoining") rather than adjacent.

In addition to the recommended revised lot line adjustment ordinance, there are a number of regulations associated with lot line adjustments within the Subdivision Ordinance that need to be amended.

Staff recommends that Sections 16.05.070 of the Subdivision Ordinance, "Definitions", be amended to reflect the current definition of a lot line adjustment as identified in the Subdivision Map Act. The City's current definition of a lot line adjustment is as follows:

Lot Line Adjustment. A minor shift or rotation of an existing lot line or other adjustments where a greater number of parcels than originally existed is not created, as approved by the City Engineer or authorized representative.

Accordingly, staff recommends that the definition of lot line adjustment be as follows:

Lot Line Adjustment. Pursuant to Section 66412(d) of the Subdivision Map Act, a lot line adjustment is between four or fewer existing parcels where the land taken from one parcel is added to the adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.

The definition of "Subdivision" also needs to be amended. The current definition of a "subdivision" does not include lot line adjustments. However, as discussed above, the existing language is not consistent with the Subdivision Map Act. Subdivision (d) of the definition of "Subdivision" is as follows:

"Subdivision" does not include:

(d) A lot line adjustment between two or more adjacent parcels, where land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not created, provided that the lot line adjustment is approved by the City Engineer.

Once again, staff recommends that the language be amended to be consistent with the Subdivision Map Act. Therefore, staff recommends the following definition:

"Subdivision" does not include:

(d) A lot line adjustment between four or fewer existing parcels where the land taken from one parcel is added to the adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.

Section 16.05.090(4) of the current Subdivision Regulations requires a Tentative Map and Parcel Map for lot line adjustments, unless waived by the City Engineer. Below is a copy of Section 16.05.090(4) of the RDMC:

(4) Lot Line Adjustments. A tentative map and parcel map shall be required for all lot line adjustments between two or more adjacent parcels. The parcel map

requirement may be waived by the City Engineer as provided in RDMC 16.15.240.

It's clear that lot line adjustments between four or fewer existing parcels where land taken from one parcel is added to the adjoining parcel, and where a greater number of parcels than originally existed are not thereby created ***is exempt for the Subdivision Map Act***. Lot line adjustments between five or more parcels are not exempt from the Map Act and are basically considered a subdivision or re-subdivision. There are circumstances where the Map Act only requires a Parcel Map, even though five or more parcels may be created. These circumstances are identified below:

- ❖ 5 Acres or Less – The land before the division is less than five acres, and each parcel created abuts a maintained public street or highway, and there is no requirements of dedications or improvements.
- ❖ 20 Acres or More – The parcels created are at least 20 acres and have approved access to a maintained public street or highway.
- ❖ Zoned Industrial or Commercial – Land zoned for industrial or commercial development with approved access to a public street or highway and local agency approval as to the street alignments and widths.
- ❖ 40 Acres or More – The parcels created are not less than 40 acres or not less than a quarter of a quarter section.

Accordingly, staff recommends that Section 16.05.090(4) of the RDMC be amended as follows:

(4) Lot Line Adjustments. A tentative map, parcel map or final map shall be required for all lot line adjustments between five or more adjacent parcels. The parcel map requirement may be waived by the City Engineer as provided in RDMC 16.15.240. The final map requirement may be waived by the City Engineer as provided in Section 66426 of the Subdivision Map Act.

Currently Section 16.15.240(3) of the RDMC allows the City Engineer to waive the parcel map requirements for lot line adjustments between two or more parcels. Below is a copy of the current provisions of Section 16.15.240(3):

The City Engineer may waive the parcel map for the following:

(3) A lot line adjustment between two or more parcels where the boundaries of said parcels are monumented in conformance with RDMC 16.10.150(6) and where no dedications are required for such adjustment.

Therefore, staff recommends that the language be amended to reflect five or more parcels. Below is a copy of the recommended amendment:

The City Engineer may waive the parcel map for the following:

(3) A lot line adjustment between five or more parcels where the boundaries of said parcels are monumented in conformance with RDMC 16.10.150(6) and where no dedications are required for such adjustment.

Staff is recommending that the existing lot line adjustment regulations found in Chapter 16.35 of the RDMC be repealed and replaced with the recommended regulations identified in Attachment 2. Staff also recommends amending: (1) the definitions of "Lot Line Adjustment" and "Subdivision" as defined in Sections 16.05.070 of the Subdivision Ordinance; and (2) Sections 16.05.090(4) and 16.15.240(3) of the Subdivision Ordinance.

California Environmental Quality Act (CEQA).

Amendments to the Subdivision Ordinance are subject to the California Environmental Quality Act (CEQA). The primary purpose of CEQA is to inform the decision makers and the public of potential environmental effects of a proposed project.

The vast majority of lot line adjustments processed within the City are Categorically Exempt pursuant to Section 15305(a) of the Guidelines for Implementation of the California Environmental Quality Act. Section 15305 of the CEQA Guidelines exempts certain minor alterations in land use limitations from the requirements of CEQA. Section 15305(a) exempts "*minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to: (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.*"

The proposed lot line adjustment amendments are actually more restrictive than the existing lot line adjustment regulations. Nothing in the proposed amendments would exempt any future lot line adjustments within the City.

Based on the nature of the amendments, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project, amendments to the City's lot line adjustment regulations in this case, may have a significant effect on the environment, the project is not subject to CEQA.

Financial Impact

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

Alternatives

The City Council may choose not to approve the proposed amendments to the City Council. Because the existing ordinance is not consistent with State law, staff does not recommend this alternative.

Attachments

Attachment 1: Planning Commission Resolution No. 042 - 2011 recommending approval to the City Council.

Attachment 2: Ordinance No. 277 - 2011 repealing Chapter 16.35 of the Rio Dell Municipal Code and amending the subdivision ordinance to be consistent with the proposed lot line adjustment ordinance.

Attachment 3: Pre-Adoption Summary for Posting.

Attachment 4: Post-Adoption Summary for Posting.

RESOLUTION NO. PC 042 - 2011

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING REPEALING THE EXISTING LOT LINE ADJUSTMENT REGULATIONS
AND APPROVING THE PROPOSED LOT LINE ADJUSTMENT ORDINANCE AND
AMENDING THE SUBDIVISION ORDINANCE TO BE CONSISTENT WITH THE PROPOSED
LOT LINE ADJUSTMENT ORDINANCE :**

WHEREAS the existing lot line adjustment regulations were adopted in 1968 and modified in 1982; and

WHEREAS Senate Bill 497, adopted in 2001, dramatically changed the regulations associated with lot line adjustments; and

WHEREAS the new lot line adjustment law reflected in SB 497 limits the number of parcels involved to four or fewer adjoining parcels, and makes approval of the lot line adjustment contingent upon conformity with the General Plan.

WHEREAS SB 497 requires that the adjusted parcels be physically contiguous ("adjoining") rather than adjacent; and

WHEREAS the existing lot line adjustment regulations are clearly outdated and inconsistent with existing State law; and

WHEREAS the existing regulations refer to parcel map requirements and the imposition of conditions of approval (i.e. frontage improvements, on-site improvements and dedications) that are not currently allowed by the Subdivision Map Act; and

WHEREAS the Planning Commission recommends that the existing lot line adjustment regulations found in Chapter 16.35 of the RDMC be repealed and replaced with the recommended regulations; and

WHEREAS the Planning Commission recommends amending: (1) the definitions of "Lot Line Adjustment" and "Subdivision" as defined in Sections 16.05.070 of the Subdivision Ordinance; and (2) Sections 16.05.090(4) and 16.15.240(3) of the Subdivision Ordinance; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council repeal the existing lot line adjustment regulations, Chapter 16.35 of the Rio Dell Municipal Code and approve and adopt the proposed lot line adjustment ordinance and the associated amendments to the Subdivision Ordinance.

PASSED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of July 27, 2011 by the following vote:

The motion was made by COMMISSIONER Millington and seconded by COMMISSIONER Sweaney.

AYES:	Commissioners: Gonzales, Sweaney, Chapman, Millington
NOES:	Commissioners:
ABSENT:	Commissioners: Johnson
ABSTAIN:	Commissioners:

Dave Gonzales, Chair

ATTEST:

Karen Dunham, City Clerk

ORDINANCE NO. 277 - 2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL REPEALING AND REPLACING CHAPTER 16.35 (LOT LINE ADJUSTMENT REGULATIONS) OF THE RIO DELL MUNICIPAL CODE AND AMENDING THE SUBDIVISION ORDINANCE TO BE CONSISTENT WITH THE PROPOSED LOT LINE ADJUSTMENT ORDINANCE:

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

WHEREAS the existing lot line adjustment regulations were adopted in 1968 and modified in 1982; and

WHEREAS Senate Bill 497, adopted in 2001, dramatically changed the regulations associated with lot line adjustments; and

WHEREAS the new lot line adjustment law reflected in SB 497 limits the number of parcels involved to four or fewer adjoining parcels, and makes approval of the lot line adjustment contingent upon conformity with the General Plan.

WHEREAS SB 497 requires that the adjusted parcels be physically contiguous ("adjoining") rather than adjacent; and

WHEREAS the existing lot line adjustment regulations are clearly outdated and inconsistent with existing State law; and

WHEREAS the existing regulations refer to parcel map requirements and the imposition of conditions of approval (i.e. frontage improvements, on-site improvements and dedications) that are not currently allowed by the Subdivision Map Act; and

WHEREAS the Planning Commission recommends that the existing lot line adjustment regulations found in Chapter 16.35 of the RDMC be repealed and replaced with the recommended regulations; and

WHEREAS the Planning Commission recommends amending: (1) the definitions of "Lot Line Adjustment" and "Subdivision" as defined in Sections 16.05.070 of the Subdivision Ordinance; and (2) Sections 16.05.090(4) and 16.15.240(3) of the Subdivision Ordinance; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

WHEREAS pursuant to the requirements of state and local law, the Planning Commission conducted a duly noticed public hearing on July 27, 2011 to consider the proposed zone boundary adjustment, at which time all interested person were given an opportunity to be heard; and

WHEREAS the Planning Commission following said public hearing recommends that the City Council approve and adopt the recommended zoning and land use map amendments; and

WHEREAS the City Council approves the recommended amendments repealing the existing lot line adjustment regulations, Chapter 16.35 of the Rio Dell Municipal Code and approve and adopt the proposed lot line adjustment ordinance and the associated amendments to the Subdivision Ordinance; and

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

Section 1. Existing Lot Line Adjustment Regulations

Chapter 16.35 of the Rio Dell Municipal Code is hereby repealed.

Section 2. Proposed Lot Line Adjustment Regulations

Chapter 16.35 of the Rio Dell Municipal Code is hereby added to read as follows:

**Chapter 16.35
LOT LINE ADJUSTMENTS**

Sections:

- 16.35.010 Generally.**
- 16.35.020 Application Procedure.**
- 16.35.030 Approval Criteria.**
- 16.35.040 Planning Commission Hearing.**
- 16.35.050 Conditions of Tentative Approval.**
- 16.35.060 Appeal Process.**
- 16.35.070 Expiration and Extension.**
- 16.35.080 Minor Deviations.**

16.35.010 Generally.

Pursuant to Section 66412(d) of the Subdivision Map Act, a lot line adjustment is between four or fewer existing parcels where the land taken from one parcel is added to the adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.

If there is more than one ownership involved, and your Lot Line Adjustment is approved, along with a Notice of Lot Line Adjustment and Certificate of Subdivision Compliance, you must record a deed or deeds for the area(s) to establish ownership or record for each of the resulting parcels. Depending on the situation you may also be required to prepare and file a Record of Survey.

Serious title consequences may result if any of the parcels to be adjusted are subject to prior record liens (i.e. Deeds of Trust, Mortgages, Money Judgments, etc.) and title is subsequently acquired by the lien holder through foreclosure. Those consequences can be avoided by obtaining and recording reconveyances or releases of said liens. Your title company can assist you with these matters.

16.35.020 Application Procedure.

All Lot Line Adjustment applications shall be submitted to the Planning Department on application forms supplied by the Department.

The following materials shall be submitted along with the completed and signed application:

- (1) Two copies of the present owner of records' vesting deeds, and a Title Report current within six months for each lot.

(2) Six copies of a Lot Line Adjustment plot plan accurately drawn to scale on one sheet of paper at least 8 1/2" x 11" in size that shows the following information for each lot to be adjusted:

(a) All exterior and interior lines shall be shown on the map and dimensioned based on information of record.

(b) Proposed new lines and lines to be eliminated shall be so identified in written notation or by legend. Lines to be eliminated shall be dashed or otherwise drawn so as to be clearly distinguishable from and subordinate to remaining and new lines.

(c) Areas (in square footage or acreage) of the initial and resulting parcels shall be identified.

(d) All existing structures, their uses, and other constructed improvements, located within 50 feet of the proposed new boundaries shall be accurately located and shown with dimensions from the property lines.

(e) The names and widths of abutting rights-of-way and their locations.

(f) The locations, purpose and width of all proposed and existing easements, streets and appurtenant utilities located within 100 feet of the proposed new boundaries.

(g) The approximate location of all watercourses, wet areas, drainage channels and existing drainage structures located within 100 feet of the proposed new boundaries.

(h) Slopes over 20% and the direction of surface water runoff.

(i) Location of wells and septic tanks and primary and reserve septic leach areas within 100 feet of proposed new boundaries.

(j) North arrow and scale.

(k) Vicinity map if the location cannot be determined from the plot plan.

(l) Assessed owner's names, addresses, phone numbers and parcel numbers.

(3) A written statement from the applicant explaining the reason(s) for the proposed lot line adjustment. The purpose of this statement is to assist the applicant in ensuring that the lot line adjustment will accomplish his/her goal. The statement will have no effect on the review or approval of the lot line adjustment.

(4) A deposit as required by the City's adopted fee schedule. Pursuant to the City's Resolution establishing fees and charges, applicants are responsible for all actual costs in processing the application.

(5) The Planning Department may distribute the application to the City Engineer, any affected public agencies and districts for review and comment. Agencies receiving project applications must submit any response to the Planning Department within 15 days of referral date established by the Planning Department.

16.35.030 Approval Criteria.

A lot line adjustment shall be approved or conditionally approved when there is compliance with all of the following approval criteria:

- (1) The application is found to be complete; and
- (2) Either (a) the parcels to be adjusted are found to be in compliance with the Subdivision Map Act and local subdivision regulations, or (b) a Conditional Certificate of Subdivision Compliance for the parcel or parcels has been issued for recordation prior to or concurrent with the lot line adjustment; and
- (3) The proposed lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformities with the General Plan, Zoning and Building ordinances. Providing compliance with this subsection, the approval shall not be conditioned on correction or preexisting non-conformities with the General Plan, Zoning and Building ordinances.

16.35.040 Planning Commission Hearing.

The Planning Department shall schedule the proposed lot line adjustment for review and approval at a public hearing before the Planning Commission. Notice shall be provided as required by State law.

16.35.050 Conditions of Tentative Approval.

Tentative approval of lot line adjustments may only be conditioned upon the following:

- (1) Conditions to conform to the General Plan, Zoning and Building ordinances consistent with the provisions of Section 16.35.030.
- (2) Conditions to facilitate the relocation of existing affected utilities, infrastructures or easements.
- (3) A Notice of Lot Line Adjustment shall be recorded for the resulting parcels. The following information must be submitted to the Planning Department for review prior to recordation:
 - (a) A copy of the deeds to be recorded for the adjusted parcels; provided however, that when the parcels being adjusted are held in common ownership, no new deeds shall be required for the preparation of the Notice of Lot Line Adjustment.
 - (b) A Lot Book Guarantee or Preliminary Title Report current within 6 months or other evidence satisfactory to the Planning Department regarding ownership of parcels.
 - (c) Completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" forms (these are available from the Planning Department).
- (4) When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) must be submitted for review and approval to the Planning Department.

(5) Pursuant to Section 8762 of the Business and Professions Code a Record of Survey monumenting the corners of the new property line(s) may be required. The City Engineer shall not require the Record of Survey if in his opinion any one of the following findings can be made:

- (a) The new boundary line(s) are already adequately monumented of record.
- (b) The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.
- (c) The new boundary line(s) can be accurately described and located from existing monuments of record.
- (d) The new boundary is based upon physical features (i.e. roads, creeks, etc.) which themselves monument the line.

(6) The applicants shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the lot line adjustment have been paid in full if payable, or secured if not payable to the satisfaction of the County Tax Collector's Office, and all special assessments on the parcels must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to submitting the required conditions of approval.

16.35.060 Appeals

Any person aggrieved by an action of the Planning Commission may take an appeal to the City Council within ten (10) days of said action. The notice of appeal filed with the Planning Department shall be accompanied by a fee set by resolution of the City Council sufficient to cover the cost of processing the application for appeal. Upon receipt of the notice of appeal, the Planning Department shall forthwith transmit to the City Council all the papers constituting the record upon which the action appealed from was taken.

16.35.070 Expiration and Extensions.

The instruments of record as approved by the Planning Department shall be recorded and the lot line adjustment shall be completed within thirty-six (36) months of approval of the lot line adjustment.

Prior to expiration, the applicant or property owner may request extension of the filing deadline by submitting a written extension request and a filing fee as set by resolution of the City Council.

The Planning Director may grant a maximum of three years extension of the filing deadline if the Planning Director finds that the conditions under which the tentative approval was issued have not significantly changed.

16.35.080 Minor Deviations.

This section provides for situations where it is necessary to deviate from a plan in a minor way which is consistent with the purpose and intent of the lot line adjustment. The intent of this section is to provide for flexibility in the approval of lot line adjustments by permitting minor deviations to be administratively granted by the Director. It is not the intent of this section to permit deviations from approved lot line adjustments which violate the intent and purpose of the

approval or any of its conditions. The Director may authorize a minor deviation from the approved lot line adjustment.

(1) Definition of Minor Deviation: A minor deviation from an approved lot line adjustment includes an increase or decrease of less than 10 percent of the gross area being adjusted.

(2) Decision is Final. The Director's decision shall be final and not appealable; provided, however, that the denial by the Director of a request for a minor deviation shall not prevent the applicant from applying for a new or modified lot line adjustment.

Section 3. Section 16.05.070, *Definitions*, of the Rio Dell Municipal Code is hereby amended to read as follows:

Lot Line Adjustment. Pursuant to Section 66412(d) of the Subdivision Map Act, a lot line adjustment is between four or fewer existing parcels where the land taken from one parcel is added to the adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.

Subdivision (d) of the definition of "Subdivision" is hereby amended to read as follows:

"Subdivision" does not include:

(d) A lot line adjustment between four or fewer existing parcels where the land taken from one parcel is added to the adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.

Section 4. Section 16.05.090(4) of the Rio Dell Municipal Code is hereby amended to read as follows:

(4) Lot Line Adjustments. A tentative map, parcel map or final map shall be required for all lot line adjustments between five or more adjacent parcels. The parcel map requirement may be waived by the City Engineer as provided in RDMC 16.15.240. The final map requirement may be waived by the City

Section 5. Section 16.15.240(3) of the Rio Dell Municipal Code is hereby amended to read as follows:

The City Engineer may waive the parcel map for the following:

(3) A lot line adjustment between five or more parcels where the boundaries of said parcels are monumented in conformance with RDMC 16.10.150(6) and where no dedications are required for such adjustment.

Section 6. 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 7. 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 8. 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 August 16, 2011 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 6th day of September 2011 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

SUMMARY FOR POSTING PRIOR TO ADOPTION OF ORDINANCE

(The summary shall be published or posted 10 calendar days before the adoption of the ordinance)

Summary

On **August 16, 2011** at a regularly scheduled City Council meeting, the Rio Dell City Council will duly introduce, consider for approval and adoption of an Ordinance amending the City's Lot Line Adjustment regulations and associated Subdivision regulations.

On **September 6, 2011** at a regularly scheduled City Council meeting, the Rio Dell City Council is scheduled to adopt Ordinance 277 - 2011 amending the City's Lot Line Adjustment regulations and associated Subdivision regulations.

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk.

SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 10 calendar days after the adoption of the ordinance)

Summary

On **September 6, 2011** at a regularly scheduled City Council meeting, the Rio Dell City Council adopted Ordinance 277 - 2011 amending the City's Lot Line Adjustment regulations and associated Subdivision regulations.

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk.