

A G E N D A
RIO DELL CITY COUNCIL
STUDY SESSION - 5:30 P.M.
REGULAR MEETING- 6:30 P.M.
TUESDAY, SEPTEMBER 20, 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 - 5:30 P.M.

- 1) 2011/0920.01 - Sewer Ordinance Update
- 2) 2011/0920.02 - Discussion of Gambling Provisions under RDMC Chapter 5.25 1

E. CEREMONIAL

- 1) 2011-0920.03 - Proclamation Declaring September 17-23, 2011 as Constitution Week 8

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) 2011/0920.04 - Approve Minutes of the August 31, 2011 Special Meeting (**ACTION**) 9
- 2) 2011/0920.05 - Approve Minutes of the September 6, 2011 Regular Meeting (**ACTION**) 13

- 3) 2011/0920.06 - Authorize the City Manager to Contract with Downey Brand, Attorneys to Serve as Legal Counsel regarding the Wastewater Improvement Project in an amount not to exceed \$25,000 **(ACTION)** 25

G. SPECIAL PRESENTATIONS

H. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2011/0920.07 - Approve Purchase of (3) Crimestar Laptop Licenses for Police Department **(ACTION)** 26

I. ORDINANCES/SPECIAL RESOLUTIONS

- 1) 2011/0920.08 - Approve Resolution No. 1130-2011 Providing for Continued Participation in the Humboldt County Abandoned Vehicle Abatement Program **(ACTION)** 28
- 2) 2011/0920.09 - Approve Resolution No. 1131-2011 Amending City Council Protocols for the selection of Mayor and Mayor Pro Tem and Appointments by the City Council to Boards/Committees/Commissions **(ACTION)** 31
- 3) 2011/0920.10 - Approve Resolution No. 1132-2011 Approving Citywide Street Improvement Project Capital Budget Amendment 2 **(ACTION)** 34

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

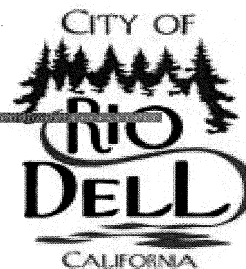
1. City Manager
2. Finance Director
3. Chief of Police
4. Community Development Director

L. COUNCIL REPORTS/COMMUNICATIONS

M. ADJOURNMENT

*The next Regular meeting will be on October 4, 2011
at 6:30 PM in the City Council Chambers*

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



TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager *RH*

DATE: September 20, 2011

SUBJECT: Discussion of Gambling, Chapter 5.25

ATTACHMENT: Chapter 5.25

Question:

Does the Council want to entertain revision of the code on gambling, Chapter 5.25 as it relates to removing dollar limits on wagers and restrictions on the type of card games?

Background:

The existing regulations were adopted in 1978 by Ordinance No. 129. It included limited dollar amounts, section 5.25.090, and limited the type of card game to draw poker, section 5.25.170.

Today these restrictions make it highly unlikely anyone would establish a card room in Rio Dell.

Council Options:

The Council has a number of options to consider:

1. Take no action. This would effectively prohibit the establishment of a card room in the City, but leave the regulation on the books.

2. Repeal the existing regulations as they pertain to card rooms and simply make the activity illegal in the City. This would clean up the Code and make card rooms illegal in the City.
3. Adopt a new ordinance that would remove dollar limits and restrictions on the type of card games. This would enhance the possibility of the establishment of card rooms in the City. Should the Council wish to pursue this option other aspects of the code should also be modified with respect to licensing and operations.

Discussion:

It is clear that the existing regulations are obsolete and it is very unlikely anyone would establish a card room in the City.

The problem that the Chief and I see if the regulations are modified and card rooms are encouraged is that the City does not have adequate public safety staff to police the operation of one or more card rooms. Consequently, it is likely that the City would incur additional costs which could be considerable over time. In our opinion the public cost simply far outweighs any benefit or potential revenue the City might receive.

Chapter 5.25**GAMBLING**

Sections:

Article I. General

5.25.010 State law and license.

Article II. Card Games

5.25.020 License, permits and definitions.

5.25.030 Applications for licenses.

5.25.040 Application for permits.

5.25.050 Police background check – Reasons for disqualification.

5.25.060 Revocation of license and/or permit and appeal.

5.25.070 Renewals of licenses and permits.

5.25.080 Transferability – Wrongful issue – Limit on permits and licenses issued.

5.25.090 Limits of wagers.

5.25.100 Permits and licenses suspended or revoked.

5.25.110 Powers of City Council – Establishment of rules – Final decision.

5.25.120 Conformity of business to law.

5.25.130 Building requirements generally.

5.25.140 Moving place of business to a new location.

5.25.150 Charitable and social organizations.

5.25.160 Intoxicated persons.

5.25.170 Draw poker – Only game allowed.

5.25.180 Minors.

5.25.190 Hours of business and penalty.

5.25.200 Unsupervised games and lotteries in games.

Article I. General**5.25.010 State law and license.**

Any person or persons wishing to apply for any license or permit authorized in this chapter must comply with not only these rules, but with Sections 330 through 337 of the California Penal Code. In each case where a license is issued, it shall be non-transferable. [Ord. 129 § 1, 1978.]

Article II. Card Games

5.25.020 License, permits and definitions.

(1) License and Fee. A license to conduct a card room must be obtained from the City Council upon the recommendation of the Chief of Police. There shall be a license issued for each card table within the City. Only the owner of the business may apply for such licenses. The fee for each table will be \$75.00 per quarter, payable in advance.

(2) Permit and Fee. Each person in charge of running, dealing, selling chips, dragging or acting as an agent of the licensee of a card game shall possess a gambling permit issued by the City Council upon the recommendation of the Chief of Police. The fee for such a permit will be \$130.00 per year, payable in advance.

(3) Definition. In order for a legal card game to take place, the table must be licensed according to the provisions of this code and the person running, dealing, selling chips, dragging or acting as an agent for the licensee must have a valid permit granted under the provisions of this code. If the licensee is running his own game, he must have a valid permit as well as a valid license.

(4) Unlawful Operation. It shall be unlawful to operate any card game in violation of any provisions of this chapter. Violation shall be a misdemeanor.

(5) Each license and permit must be posted in a conspicuous place visible to all patrons of the card room. [Ord. 129 § 2, 1978.]

5.25.030 Applications for licenses.

Each person owning a business where a card game is to take place must apply to the City Clerk, who will collect the first quarter fee of \$75.00 in advance plus a \$30.00 investigation fee, and refer such applicant to the Chief of Police for background investigation. The Chief will cause such investigation to be performed as well as have the applicant's fingerprints taken. Within 30 days, the Chief of Police shall report to the City Council a recommendation on the person's application. If such license is granted and a permit is also granted, a card game may ensue for each license and permit issued. If not, all but the \$30.00 investigation fee will be refunded by the City Clerk. [Ord. 129 § 3, 1978.]

5.25.040 Application for permits.

No person, whether acting as principal, agent, clerk, employee, servant or otherwise, shall engage in managing, conducting or carrying on the business where tables are used for playing cards, and for the use of which a fee or compensation is charged players, until such person shall have first obtained a permit.

Such applicant shall apply to the City Clerk who will collect a \$130.00 permit fee and refer the applicant to the Chief of Police for background investigation. The Chief will cause such investigation to be performed as well as have the applicant's fingerprints taken. Within 30 days, the Chief of Police shall report to the City Council a recommendation on the person's application. If such permit is granted the permittee under a valid license may conduct a card game under this section. If not, all but the \$30.00 investigation fee will be refunded by the City Clerk. [Ord. 129 § 4, 1978.]

5.25.050 Police background check – Reasons for disqualification.

After completion of a personal history form the applicant may be denied if the background check conducted by the Chief of Police reveals:

(1) That the applicant has been convicted of a felony;

(2) That the applicant has been convicted of a misdemeanor or misdemeanors, of a type which would reflect upon the applicant's moral character or honesty;

(3) That the applicant has wilfully misstated any statement in his application;

(4) That the applicant has violated any gambling laws of any city, county or state. [Ord. 129 § 5, 1978.]

5.25.060 Revocation of license and/or permit and appeal.

(1) Initiating Action. The Chief of Police may recommend that any card room permit or license issued pursuant to this chapter be revoked. Such recommendation shall be made to the City Council setting forth therein the reasons therefor, together with all supporting facts. The City Council shall thereupon act upon the recommendation.

(2) Council Hearing and Action on Recommendation. Upon the presentation of a recommendation for the revocation of a card room permit or license,

the Council may order such permit or license revoked if the Council determines that the holder of such permit or license has been guilty of violating any of the provisions of this chapter or that, because of the manner in which such business has been operated, its continued operation will be injurious to the public health, safety, welfare, or morals of the residents of the City. Any of the grounds upon which the Council shall refuse to issue a permit or license shall also constitute grounds for such revocation. Before recommending such revocation, the Chief of Police shall cause notice to be served upon the holder of the permit or license that such revocation has been recommended to the Council and that a hearing on such recommendation shall be held in the Council Chambers in the City Hall at a time mentioned in such notice, normally the next City Council meeting. At such hearing, the holder of such permit or license shall have an opportunity to be heard and present such evidence in opposition to such recommendation as he desires. [Ord. 129 § 6, 1978.]

5.25.070 Renewals of licenses and permits.

The holder of each permit and license under this chapter must reapply yearly to the City Clerk for renewal. The City Clerk before renewing said permit or license will withhold same until the Chief of Police approves the renewal. If for any reason mentioned in this chapter the Chief of Police feels that the permit or license should not be renewed, he will make such recommendation to the City Council at the next regular Council meeting and the provisions of this chapter previously mentioned will apply. The fees payable to the City Clerk will be the same except for the investigation fee. In the case of licenses, although the license is renewable yearly, the license fee is still due quarterly in advance. [Ord. 129 § 7, 1978.]

5.25.080 Transferability – Wrongful issue – Limit on permits and licenses issued.

(1) No permit or license issued pursuant to this chapter, whether original or otherwise, is transferable.

(2) Any permit or license provided for by this article issued wrongfully shall be null and void.

(3) The total permits and licenses in the City for permission to operate such businesses as provided

for by this article shall not exceed the issuance of more than one such permit and license for each 500 people in number, or major fraction thereof, as to population based upon the latest Federal census. [Ord. 129 § 8, 1978.]

5.25.090 Limits of wagers.

It shall be unlawful for any permittee, licensee or any other person operating under any permit or license issued under the provisions of this article to permit any person playing in any of the games licensed pursuant to this article to make any individual single bet or wager in excess of \$8.00, or at any time during such game to permit an ante in excess of the sum of \$1.00 per player participating in that game. [Ord. 129 § 9, 1978.]

5.25.100 Permits and licenses suspended or revoked.

It shall be unlawful for any permittee, licensee or any person operating under the provisions of this article to manage, conduct or carry on any business licensed pursuant to this article during any time such permit or license has been revoked. [Ord. 129 § 10, 1978.]

5.25.110 Powers of City Council – Establishment of rules – Final decision.

(1) The City Council reserves the right to determine at any time, by resolution, the establishment of rules and regulations under which any permittee under this article may operate any business under this article.

(2) The opinion of the City Council shall be conclusive and any granting or denial by it of any permit or license provided for by this article shall be final. [Ord. 129 § 11, 1978.]

5.25.120 Conformity of business to law.

No permit or license shall be issued by the City Council pursuant to this chapter if the proposed business to be operated is in violation of any State law or City ordinance. [Ord. 129 § 12, 1978.]

5.25.130 Building requirements generally.

(1) No permit or license shall be issued pursuant to this article if the building in which the applicant proposes to conduct such business does not meet the requirements of new buildings of a like

occupancy and all fire prevention laws, or if such business would be at such location that it might constitute a nuisance to the adjoining property owners or occupants, as determined by the Chief of Police.

(2) No permit or license will be issued by the City Council pursuant to this article for any table to be licensed which table is not at all times in full view of all patrons; if more than one room is used, archways shall be cut in the partitions in such a manner that the patrons in one room may view the games being played or conducted in any other room; nor shall such permits be issued if doors, screens or other obstructions are to be used to conceal the players at any table. Archways or doorways will be a minimum of four feet in width and six feet eight inches in height. [Ord. 129 § 13, 1978.]

5.25.140 Moving place of business to a new location.

The moving of the business to a new location without permission of the City Council will invalidate the license or permit issued. [Ord. 129 § 14, 1978.]

5.25.150 Charitable and social organizations.

This article shall not be applicable to regularly incorporated benevolent, charitable, social or fraternal organizations which are nonprofit organizations, which pay no salaries, and which give no consideration of value of any kind to the people employed in or by such organizations conducting such a business as provided for by this article, and which organizations use the entire receipts from such tables for charitable or benevolent purposes; however, such nonprofit organizations shall be subject to any and all rules and regulations as may be adopted by the City Council, should action be deemed necessary. [Ord. 129 § 15, 1978.]

5.25.160 Intoxicated persons.

(1) It shall be unlawful for any permittee, licensee or any other person operating under any permit or license issued under the provisions of this article to permit any person to play in any game licensed pursuant to this article while such person appears to be under the influence of intoxicating liquors, and it shall also be unlawful for any person

under the influence of intoxicating liquors to play in such a game.

(2) For the purposes of this section, "under the influence" has the same definition as in Section 647f of the California Penal Code. [Ord. 129 § 15[16], 1978.]

5.25.170 Draw poker – Only game allowed.

Any person engaged in or proposing to engage in the managing, conducting or carrying on the business of maintaining a place where tables are used for playing the game of draw poker pursuant to the provisions of this article shall state in his application for his permit and license therefor that the game to be conducted by such permittee and licensee is the game of draw poker. This game played high or low will be the only game licensed under this chapter. [Ord. 129 § 17, 1978.]

5.25.180 Minors.

(1) It is hereby declared to be unlawful for any permittee or licensee under the provisions of this article or for any agent or employee of such permittee or licensee to permit any persons under the age of 21 years to play the game of draw poker at any time upon the premises referred to in any such permit or license issued under this article.

(2) It shall also be unlawful to allow persons under the age of 21 to watch or loiter around any card game. [Ord. 129 § 18, 1978.]

5.25.190 Hours of business and penalty.

It is hereby declared to be unlawful for any such permittee or licensee or any of his agents or employees to permit any person to play the game of draw poker upon such premises between the hours of 1:30 a.m. and 8:00 a.m. of any day. Any such permittee or licensee or any of his agents or employees who shall violate any of the provisions of this section or any other section of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment in the County Jail of the County of Humboldt, as the committing magistrate may direct, for a period of not more than six months, or by both such fine and imprisonment, at the discretion of the court. [Ord. 129 § 19, 1978.]

5.25.200 Unsupervised games and lotteries in games.

It shall be unlawful for any person on any premises licensed under this chapter to participate in or allow to be played any unsupervised games or games in which there is a lottery. [Ord. 129 § 20 1978.]

PROCLAMATION
Declaring September 17-23, 2011 as
Constitution Week

WHEREAS, Our Constitution stands as a testament to the tenacity of Americans throughout history to maintain their liberties and freedom and to ensure those unalienable rights to every American; and

WHEREAS, Celebrating the Constitution has been a time-honored tradition for the Daughters of the American Revolution (DAR); and

WHEREAS, In 1955, the Daughters petitioned Congress to set aside September 17-23 annually, changing the previously established *Citizenship Day* on September 17th into a week long observance; and

WHEREAS, The resolution was later adopted by the U.S. Congress and signed into Public Law #915 on August 2, 1956 by President Dwight D. Eisenhower; and

WHEREAS, The aim of the celebration are to (1) emphasize citizens' responsibilities for protecting and defending the Constitution, preserving for posterity; (2) inform the people that the Constitution is the basis for America's great heritage and the foundation of our way of life, and (3) encourage the study of the historical events which led to the framing of the Constitution in September 1787; and

WHEREAS, One of the purposes of the Daughters of the American Revolution is to perpetuate the memory and spirit of the men and women who achieved American independence by the promotion of celebration of all patriotic anniversaries.

NOW, THEREFORE the City Council of the City of Rio Dell recognizes September 17-23, 2011 as Constitution Week and encourages patriotic citizenship in the City of Rio Dell.

September 20, 2011

Julie Woodall, Mayor

**RIO DELL CITY COUNCIL
SPECIAL MEETING
AUGUST 31, 2011
MINUTES**

A Special Meeting of the Rio Dell City Council was called to order at 3:00 P.M. by Mayor Woodall.

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

Absent: Mayor Pro Tem Marks

Others Present: City Manager Henrickson, Wastewater Superintendent Chicora, Community Development Director Caldwell, and City Clerk Dunham

SPECIAL MEETING MATTERS

Bear River Wind Power Project with Shell Wind Energy Representatives

City Manager Henrickson welcomed representatives from Shell Wind Energy and PG&E and said the purpose of the meeting is to receive a presentation on the Bear River Wind Project. Representatives from Shell Wind Energy, Inc. included:

- Kevin Simmons – Business Development Team Leader
- Tom Lee – Construction Manager
- Craig Scheffler – Business Development
- Cate Powers – Shell Communications
- Pana Ratana – Bear River Project Lead

Also present was Alison Talbott from PG&E along with one of her colleagues, and John Miller from Humboldt County Planning, present to answer permitting questions.

Mr. Ratana proceeded with a power point presentation which outlined Shell's role in wind energy; the wind project development process; status of the Bear River Wind Farm Project; transmission, transportation; project benefits to the community; and Shell's social performance in the community.

He said as an energy company, their objective is to look at energy demands and find ways to create new renewable energy. Shell Wind Energy has invested more than \$2.1 billion in alternative energy over the past 5 years and owns interest in 8 operating wind farms in the United States; 2 of which are in California, as well as 3 in Europe.

He explained the development process for a typical wind project includes analyzing the site and its composition, studying the logistics of getting the components and materials to the site, reviewing permitting requirements of the project, doing environmental studies, engaging with the

community, accessing transportation, then selling the power. Once these things are done, design and construction begins. He said the estimated start date for construction is expected to be in 2014. He said they also look at potential FAA flight interference, wetlands, noise, potential health effects and visual impacts.

As part of the environmental analysis, scoping is conducted and involves the solicitation of input from the public and various agencies to determine the scope, focus, and contents of the environmental documents and helps the lead agencies make informed decisions.

It was explained that alternative routes for transportation of the wind turbine components by assessing the project site through Ferndale and/or Rio Dell were being explored with the goal to find a preferred route which minimizes the overall impact to the community, the existing infrastructure, and the environment.

Mr. Ratana made it clear that they would not be taking out any houses or historic structures.

In identifying project benefits to the community, it was estimated there would potentially be 120 construction jobs created, 8-10 jobs during operations, and 100-125 indirect jobs. Economic benefits included infrastructure upgrades, an excess of \$10 million in property tax payments over 20 years, an excess of \$3 million in state use tax on wind farm components, and an excess of \$175,000 in sales tax on goods and services.

Jennifer Mackey, Monument Road property owner asked what the larger transmission lines would look like; it was explained that there would be a different configuration for the conductors and there would be more electrical load although the lines would not be larger.

Susan Hagemann, Monument Road property owner expressed concern about the transportation of turbine components up Monument Road; it was explained that Monument Road was not being considered for transportation of the turbine components but rather for use as a secondary route for workers and delivery of some materials. She also asked about repairs to Monument Road; she was told road maintenance will be performed as needed and that the project would probably necessitate some minor repairs to Monument Road at the end of the project to bring it back to its original condition.

Mike Meyers, asked what percentage of time the turbines will be in operation; and what mitigation measures would be taken in regard to protecting the Marbled Murrelet. The turbines will be in operation most of the time but varies with the wind. In regard to the Marbled Murrelet and other bird species, they are working with the Department of Fish and Game and the US Forestry and Wildlife Services and have conducted migration studies to determine flight directions and altitudes of nocturnal targets during peak periods of migration and may actually be shutting down turbines during peak migration periods.

Garrison Russo, Humboldt Bay Energy, LLC, asked if the turbine manufacturer has been selected and introduced a new solar turbine offered by his company.

David Chang, Monument Road property owner, asked how the County roads, already in poor shape, would be evaluated with regard to required road improvements; he was told the condition of the road will not be any worse, and in fact will probably be in better condition by the end of construction.

Susan Hagemann then asked if there are plans to widen Monument Road; she was told there are no plans at this time however during the first or second quarter of next year they should have the study complete and have a better idea of required road improvements.

Larry ____ asked what percentage of the energy generated from the Bear River Wind Energy Project will be used for Rio Dell and if there are any plans for future expansion; he was told that the project site offers a lot of room for possible expansion but they was uncertain about any future expansion.

Clif Clendenen, 2nd District Supervisor asked how this project fits in with the new 160 MW Humboldt Bay Generating Station and if they have an expectation for demand; it was explained the California Independent System Operator Corporation (ISO) operates the grid and allocates the space on transmission lines and matches supply with demand; Shell Wind Energy has no authority on how the energy is dispatched.

David Chang, asked if there is a standard clearance for vegetation and structures; he was told that typically there is a 40-60 foot easement and safety clearance is set from that.

Councilmember Wilson asked if they are still assessing transporter routes; the answer was yes but that they do not expect to use Monument Road for transporting the turbines. One route being considered is to transport the wind turbines from Humboldt Bay south on Highway 101 to Rio Dell, turning on Belleview to Blue Slide Road then to Ferndale.

Councilmember Thompson asked for clarification on the construction start date stating that originally construction was scheduled for 2012 and now moved to 2014; he was told construction was estimated to begin in 2013 with completion of the project in 2014.

Councilmember Leonard questioned the maximum output capacity; he was told that maximum capacity is hard to determine at this point but the maximum output is 50 MW in this phase of the project and if it were expanded they would have to go through the permitting process again.

Councilmember Leonard then asked if Shell Wind Power will be connected to the grid; the answer was yes. He also asked what the estimated time for payoff of the project is; he was told 10 years or less for payoff of the project.

In closing, Mayor Woodall thanked Shell representatives for their presentation and information on the proposed project.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Thompson reported he had received a request from Bill Bertain regarding the placement of a resolution on the next agenda in support of restoring rail service and opposing efforts to railbank the Northcoast Railroad Authority's right of way, and asked for a consensus of the Council. Consensus was that the resolution be placed on the next regular meeting agenda for consideration.

Councilmember Leonard said he was approached by a local businessman requesting approval by the City for him to add a card table at his current business location for the purpose of offering "Texas Holdem" card games. Staff researched the business license ordinance and found there are no provisions for "Texas Holdem" in the current ordinance.

City Manager Henrickson suggested the matter be discussed at a workshop on September 20th; council concurred.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 4:13 P.M. to the September 6, 2011 regular meeting.

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL
STUDY SESSION
REGULAR MEETING
SEPTEMBER 6, 2011
MINUTES**

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

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

Others Present: Study Session: City Manager Henrickson, Community Development Director Caldwell, Water Superintendent Jensen and City Clerk Dunham. Regular Meeting: City Manager Henrickson, Finance Director Beauchaine, Water Superintendent Jensen and City Clerk Dunham

STUDY SESSION – 5:00 p.m.

Davis Street Extension/River Access

City Manager Henrickson stated the City Council held a study session on August 16, 2011 and discussed the possibility of improving access to the river bar. Several options were discussed but no action was taken pending further investigation by staff. He said the first thing to consider is what is the Council's objective in regard to vehicle access versus pedestrian access; parking provisions whether it be for cars only or RV's and motorhomes as well; access for residents or for tourists as well; and whether there should be a single access point or a looped walking trail.

He said various options exist including accessing the river from Painter Street; Davis Street; or Edwards Dr. Since the development of improved river access from Davis seems to be a reoccurring discussion, he put together several scenarios for consideration which included:

- A. Davis Street – pedestrian access only
- B. Davis Street – pedestrian access only with some on street parking
- C. Extend Davis Street to the river
- D. Pursue a public easement which was a condition of the RV Park Conditional Use Permit
- E. Pursue a public easement in addition to developing some on street parking
- F. Edwards Drive parking
- G. Looped access

He further reported that in 2004 Winzler & Kelly presented to the City, permitting requirements and potential costs for the extension of Davis St., estimating it would take approximately 3 months or more to obtain the necessary permits to allow the project to proceed at an estimated cost of \$3,000-\$5,000. Council approved up to \$5,000 for Winzler & Kelly to pursue the

SEPTEMBER 6, 2011 MINUTES
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permitting requirements and proceed with a survey when funding became available however, it was never done.

City Manager Henrickson stated that combining alternatives E and F may be the best approach.

Councilmember Wilson asked if this option would allow for parking and turnaround of RV's; he was told that it would.

Councilmember Wilson commented that tourists would find Davis St. more appealing than Edwards Dr. because of the sewer plant and percolation ponds. City Manager Henrickson reminded Council to keep in mind that the perc ponds will be eliminated with construction of the new wastewater improvement project.

Mayor Woodall pointed out that the gate at the River's Edge R.V Park which allows access to the river was locked earlier in the day even though the agreement is that it remains open during daylight hours.

Councilmember Thompson said he walked the river bar from Painter St. to Edwards Dr. and likes the idea of parking on Edwards Dr. He said he would like to see the Conditional Use Permit enforced for the River's Edge R.V. Park and see the City exercise its easement rights. He said there is also a gate at Painter St. which limits access although there are trails established for ATV's. He said once the City decides on a plan, we may be able to get some volunteers to help with trail improvements.

Councilmember Marks said she would like to direct the City Manager to proceed with Options E and F and to bring the Conditional Use Permit on the RV Park into compliance. She also commented on the possibility of historical trails near the bluffs. She said she was in favor of improving access from Davis St. and Edwards Dr. and cautioned the Council not to take on too much at once.

Councilmember Leonard said he would like to see alternative E developed and would also agree to alternative F.

Michael Chase, property owner from Edwards expressed concern regarding Edwards Dr. access stating that there are no restrooms, no drinking water, the river is full of algae and being down river from the Scotia wastewater treatment plant poses a potential health hazard to swimmers. He noted that people on ATV's ride up to 50 MPH down the river bar from Edwards Dr. to Eeloa Ave.

Karen Chase commented that there are only a few homes on Edwards Dr. making a quiet neighborhood and pedestrian traffic would be acceptable but if it were to be opened up to vehicle

traffic there would be problems with ATV's destroying the vegetation. Also potential danger to people and animals swimming in the river with the algae is a concern.

City Manager Henrickson explained the existing gate at Edwards Dr. would still be locked at night, and the only difference would be parking and a turnaround for vehicles.

Michael Chase again expressed concern about damage to the vegetation on private property; Karen Chase said it is important to protect the vegetation to avoid flooding. She said there would need to be boundaries established to avoid damage by ATV's.

Councilmember Thompson said it was his understanding that property owners owned to the middle of the river but the State of California has since taken that away.

Michael Chase stated that he pays taxes on the property to the middle of the river; Councilmember Thompson said he would like to have clarification on property boundaries.

Councilmember Leonard asked for a definition the "high and low water mark."

Community Development Director Caldwell explained the City Attorney rendered a legal opinion in 2004 which is verified through a number of case laws which basically says that anytime you have a navigable river such as the Eel River, ownership extends to the "ordinary low water mark" and that line of ownership will change from year to year because of erosion. The area of ordinary low water of the Eel River is in public ownership. The State owns in trust for the public, an easement for navigation, commerce, fishing, and recreation from the low water mark to the high water mark.

Councilmember Thompson said he would like to address the possibility of constructing public restrooms or at the very least to bring in some portable toilets. His vision would be to have a business established that would provide bicycle or boat rentals for recreational use with perhaps a few R.V. hook-ups.

Council consensus was to direct the City Manager to prepare cost estimates for alternatives E and F and report back to the Council.

Councilmember Thompson suggested looking into the possibility of getting equipment and labor donated for the improvements; City Manager Henrickson said he would not encourage it due to potential liability to the City.

Street Improvement Project Update

City Manager Henrickson passed out a *Proposed Work Plan – 2012 Project*, and said it is a useful point in time to bring the City Council and the public up to date on the proposed Street Improvement Project. Referring to the sketch, he noted the streets outlined in green represent asphalt; the streets outlines in red represent slurry seal. He said if all of the improvements are

done at one time, the estimated cost is \$2.8 million. Funding of the project through a potential ballot measure was explored and the next step is to identify the source of the bond then access the cost per unit. He said once the numbers are established, he will recommend a series of public meetings; potentially starting with a citizen committee meeting. He said to get a measure on the February ballot, the information would need to be into County Elections Department by November (88 days prior to the election). That is provided there is a February election, which is unknown at this time due to the State budget constraints.

Conversion of a Portion of First Avenue to Park Area

City Manager Henrickson stated this concerns the possibility of whether the southern portion of First Ave. should be converted to park area or not. He continued with review of the advantages and disadvantages. The advantages of the conversion would be to: 1) create a larger park area; 2) reduce vehicle noise to adjacent residential properties; 3) reduce road maintenance costs; and 4) eliminate cut through traffic. The disadvantages are 1) that conversion would no longer allow cut through traffic between Davis Street and Elko Street; and 2) the residence at 670 First Ave. would be limited to access off Davis Street only.

Mayor Woodall questioned the cost for maintenance; Water Superintendent Jensen said maintenance would require the use of the backhoe with 2 or 3 workers for 4 hours 3-4 times per year.

Councilmember Thompson said he thought that area was previously vacated by the City and referred to a 1913 map obtained by Andy Albin.

Councilmember Thompson also asked about the possibility of putting in some parking space on the west side and if the park could be enhanced with use of the redwood salvaged from the old water tank.

Consensus of the Council was that the City Manager contact adjacent property owners and develops a plan and cost estimate for conversion of the park area for consideration by the Council.

Sewer Ordinance Update

Wastewater Superintendent Chicora stated that one of the goals under the City's Sanitary Sewer Management Plan is to create a FOG (Fats, Oils and Grease) Program and include it in the Sewer Ordinance. As a result, Orrin Plocher, Geologist from Freshwater Environmental Services was hired to develop a draft FOG Program. Presented to the Council for a first review were a Draft FOG Control Policy; Draft Sewer Ordinance; and a Draft Enforcement Plan. Council was asked to review the documents, forward their questions or concerns to him before the next meeting at such time, he will bring back a revised draft for council consideration.

Mayor Woodall commented that the sewer rates and charges should be removed from the draft sewer ordinance since they are adopted by resolution.

SEPTEMBER 6, 2011 MINUTES

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Councilmember Marks referred to the FOG Policy and asked if it gives the City the authority to inspect, and if the provision for imposing fines was something levied by the State; Wastewater Superintendent Chicora said if the City is fined by the State and can prove the cause for the violation, the fine can be passed on to the person or business causing the violation.

Councilmember Marks said she thinks it is a good idea to require inspection of sewer laterals upon the sale of a home.

Councilmember Thompson questions the process for imposing fines and the appeal process and said he would like clarification on whether the Council sits as judge and jury as a General Law City, or if enforcement will be up to the courts. He also asked if the \$500 fine under Section 13.10.465 *Penalty* includes actual cost incurred by the City; Orrin Plocher responded by explaining that the City can establish fees for cost recovery of inspections however fines are not the first step of enforcement. A letter of violation is sent which gives the offender the opportunity to correct the violation; if the violation is not corrected then fines may be imposed.

Community Development Director Caldwell referred to Section 13.10.461(B) which addresses civil penalties.

Councilmember Leonard asked as a homeowner what he could be doing to be in violation of the FOG policy; Water Superintendent Jensen stated there are many residences who continually dump large amounts of grease down the drain which has effect on the operation of the sewer plant; this policy will allow the City to inspect laterals and equipment which will reduce the number of call-outs for sewer plugs.

Wastewater Superintendent Chicora said there are 7 businesses within the City that have the potential to generate fats and grease and the only one that has a grease disposal plan in place at this time is CC Market.

Councilmember Leonard expressed concern about the possible financial impact to businesses with adoption of new regulations and asked if there would be any type of financial assistance such as RREDC (Redwood Region Economic Development Commission) loans.

City Manager Henrickson said the reality is that the State will mandate that the City have an ordinance in place or the City will be fined; prudent businessmen will comply if faced with potential fines.

Mr. Plocher explained the ordinance sets up regulations to keep solvents out of the sewer system so the City is not faced with State fines and at the same time keeps the wastewater treatment plant operating efficiently.

Councilmember Leonard stressed the need for public education; Mr. Plocher agreed that public education is very important since residents need to know not to run grease and solvents down the

drain.

Wastewater Superintendent Chicora said he was working with Recycling Coordinator Ralston to possibly come up with some type of container that could be offered to residents for grease before disposal in the garbage.

City Manager Henrickson stated the draft ordinance will be back to the Council on the September 20th agenda for further review.

There being no further matters to discuss, the Mayor adjourned the study session at 6:20 p.m.

The meeting reconvened at 6:30 p.m.

CEREMONIAL

Proclamation in Honor of the 2011 North Coast Stand Down

Mayor Woodall read the proclamation in recognition of the 6th Annual North Coast Stand Down September 30th through October 2nd at the Humboldt County Fairgrounds. Kermit Thobaben, Board Member from the North Coast Stand Down Committee was present to receive the proclamation, express the Boards vision and goals for the Stand Down and answer any questions.

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.

Motion was made by Marks/Leonard to approve the consent calendar including approval of minutes of the August 16, 2011 regular meeting. Motion carried 5-0.

Councilmember Marks asked that item 0906.12 - *Resolution No. 1129-2011* be moved up and placed as the first item after Special Call Items. Council concurred.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Direct City Manager to issue Request for Proposals for City Attorney

City Manager Henrickson stated during the August 16, 2011 study session, the Council discussed the draft Request for Proposals for City Attorney. The Council concurred to bring the matter back to the Council for consideration. He noted the tentative timeline for completing the process is 2 months.

Councilmember Marks asked who will be reviewing the proposals; City Manager Henrickson said the City Council and the City Manager will review the proposals, select one or more

finalists for interviewing and choose a finalist. The City Manager will then make a recommendation to the City Council to appoint a City Attorney and award a contract.

Motion was made by Thompson/Leonard to direct the City Manager to issue the Request for Proposals for City Attorney. Motion carried 5-0.

ORDINANCES/SPECIAL RESOLUTIONS

Approve Resolution No. 1129-2011 Supporting Efforts to Revitalize our Local Economy by Restoring Rail Service from Humboldt Bay to the National Rail Network and Opposing the Efforts to Railbank the Northcoast Authority's Right of Way

City Manager Henrickson stated that Councilmember Thompson brought this item forward at the request of Bill Bertain.

Mayor Woodall asked for comments from the public regarding the proposed resolution.

John Pelletier, Chairman of the Rail Advocates Committee urged the Council to support efforts to revitalize our local economy by restoring rail service and opposing the efforts to railbank the Northcoast Railroad Authority's right of way. He said restoring the rail service will create jobs and said there are currently 3 entities ready to put up money to support efforts to restore rail service from Humboldt Bay to the national rail network. He asked that the Council approve the resolution and forward it to the Humboldt County Board of Supervisors.

Pete _____, stated he has served on a number of commissions over the years and was happy to report that the Northcoast Railroad Authority and the Northwestern Pacific Railroad have just recently restored 62 miles of rail service from Shellville to Windsor and made a lot of farmers and others very happy. Restoration of rail service from Willits to Humboldt County will provide economic growth. He said once railbanking occurs, rail service never comes back. He said basic infrastructure supports economic development and often local realtors are contacted by potential clients who are interested in relocating to this area and realtors are challenged to make it happen partly because of the lack of transportation infrastructure. He asked the Council to support the efforts of the Northcoast Railroad Authority and the Humboldt County Harbor District to restore the rail service.

Nick Angeloff, CEO of the Table Bluff Reservation stated they passed a similar resolution of support and have solicited interest in investors who have indicated that they want public support from various jurisdictions before committing funding. He said restoration of the railroad will be a huge benefit to Rio Dell and to the future of or children.

Bill Bertain stated he is affiliated with RAPIT (Humboldt Bay Rail and Port Infrastructure Taskforce) and supports restoration of rail service on the North Coast. He thanked the Council for not supporting railbanking when the City Council was approached previously and said there can be no significant port development without rail connections. In the past the railroad was

used heavily to transport logs, lumber, pulp and wood chips and the port plays an import role in shipping cargo to and from foreign countries. He said the advantage of having a healthy port is that it promotes decent paying industrial based jobs. He said he can't see any other realistic opportunity for establishing a healthy economy on the north coast.

Motion was made by Wilson/Thompson to approve Resolution No, 1129-2011 *Supporting Efforts to Revitalize our Local Economy by Restoring Rail Service From Humboldt Bay to the National Rail Network and Opposing the Efforts to Railbank the Northcoast Railroad Authority's Right of Way*. Motion carried 5-0.

Approve Resolution No. 1126-2011 Adopting a Flag Protocol Policy

City Manager Henrickson stated the City does not have an adopted flag protocol policy. The policy was discussed at the August 16, 2011 study session and consensus of the Council was that the resolution with noted revisions be brought back to the next meeting for consideration.

Councilmember Thompson pointed out a small correction to the resolution under Item 4 stating it should read "shall not require" rather than "will shall not require" as stated. City Manager Henrickson stated it should actually read "which shall not require."

Motion was made by Marks/Leonard to approve Resolution No. 1126-2011 *Adopting a Flag Protocol Policy* as amended. Motion carried 5-0.

Approve Resolution No. 1127-2011 Providing a Procedure for Appointments by the City Council for Vacant Positions on the City Council and Commissions

City Manager Henrickson stated alternative methods for appointing vacant council and commission positions were discussed at the August 16th study session. One suggestion was to eliminate voting by written ballot and another was to change the terms of Mayor and Mayor Pro Tem from 2 years to 1 year. After discussion, the 4 council members present decided that the current voting procedures were fair but that the section pertaining to tie votes pursuant to Resolution No. 822.1-2002 should be amended to say that after 3 tie votes, the item be continued to the next meeting in which the City Council votes up to 2 more times before declaring a deadlock and re-opening the application process. Also, upon discussion with the City Attorney it was determined that the positions of Mayor and Mayor Pro Tem be chosen by the Council following the declaration of the election results and installation of elected officials every 2 years pursuant to the California Government Code and California Elections Code.

Mayor Woodall questioned No. 8 of the resolution. City Manager Henrickson recommended it be revised to read "the next regular *or special meeting* agenda.

Motion was made by Thompson/Leonard to approve *Resolution No. 1127-2011 Providing a Procedure for Appointments by the City Council for Vacant Positions on the City Council and Commissions* as amended. Motion carried 5-0.

Approve Resolution No. 1128-2011 Rejecting Mercer Fraser Company's Bid for the Wastewater Treatment Plant Upgrade & Disposal Project as Non-Responsive

City Manager Henrickson stated the bids for the Wastewater Treatment Plant Upgrade and Disposal Project were opened on August 16, 2011. Five bids were received and the apparent low bidder was Mercer Fraser Co. Upon review of the bids, the engineer (HRD) found that Mercer Fraser Co. did not submit completed forms as required and recommended that the bid be found non-responsive and rejected by the city. In addition, the City requested the State Water Resources Control Board review the forms for completeness and they also determined that the forms were incomplete.

Staff's recommendation is to consider any further information or comments from Mercer Fraser and consider approval of the Resolution rejecting Mercer Fraser Company's bid as non-responsive.

Jennifer Dower, attorney representing Mercer Fraser Co. addressed the Council and stated it was correct that the City Council does have the authority to reject bids however questioned why the City would spend an additional \$132,000 to award the project to the next lowest bidder, or spend the money to re-bid the project when the deviation is immaterial. She said Mercer Fraser did not complete an EPA Form 6100-4 for each subcontractor however, the information was provided on another sheet. She urged the Council to take time to reconsider the bid award. She further stated that she had spoken to Barbara August at SWRBC and was told that they were no longer requiring EPA Forms 6100-3 and 6100-4 as they are outdated. She then asked her if it was true the City could potentially lose \$5 million in funding if the bid was awarded to Mercer Fraser; Ms. August said acceptable good faith efforts must be taken, or the Division cannot accept the award of a construction contract. Ms. Dower said she felt good faith efforts were taken by Mercer Fraser and under Federal Procurement Standards funding could be at risk if the city does not award to the lowest responsive bidder which Mercer Fraser is. She again asked the Council to pull the item from the agenda pending further review.

Councilmember Thompson commented that it clearly states in the bid summary that EPA Forms 6100-3 and 6100-4 must be included, and expressed concern about other possible discrepancies.

Jennifer Dower stated that Mercer Fraser did not have anything to fill out on Form 6100-3 but agreed that 6100-4 should have been completed.

Kelly Walsh also representing Mercer Fraser said Form 6100-3 is required to be filled out by all DBE sub-contractors however there were none.

Mayor Woodall asked staff if they felt there was any reason to postpone taking action; City Manager Henrickson stated the Council has the discretion to reject any or all bids and that his opinion is that the bid from Mercer Fraser Co. is non-responsive in that it does not comply with bid requirements under the Clean Water State Revolving Fund Program Guidelines. The City

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Attorney concurred that there is an irregularity in the bid documents. His recommendation was that the Council make the necessary findings and adopt the Resolution rejecting the bid from Mercer Fraser Co.

Motion was made by Leonard/Thompson to approve *Resolution No. 1128-2011 Rejecting Mercer Fraser Company's Bid for the Wastewater Treatment Plant Upgrade & Disposal Project as Non-Responsive*. Motion carried 5-0.

Adopt Ordinance No. 276-2011 Deleting Section 17.20.110(1)(E) of the Rio Dell Municipal Code Eliminating Industrial and Commercial Uses Which are Complimentary to US Highway 101 Frontage in the Industrial Commercial (IC) Zone

City Manager Henrickson stated staff initiated this text amendment which affects the allowed uses in the Industrial Commercial (IC) zone. The proposed amendments will eliminate *industrial and commercial uses which are complementary to US Highway 101 frontage*. He said staff believes the existing language is too broad and could be interpreted to allow almost any type of use. He said the ordinance was introduced at the August 16, 2011 regular meeting and is now scheduled for its second reading by title and adoption.

Mayor Woodall opened a public hearing at 7:22 p.m. to receive public input on the proposed ordinance.

Josh Cathey addressed the Council stating that back in November of 2009 he had applied for a business license for a motocross park to be located at the Eel River Industrial Park. The area proposed was at that time zoned Public Facility (PF) and the use was not allowed without a zoning amendment. He asked how this text amendment related to his business license application request. City Clerk Dunham was asked to comment on the status of the business license application; she said the license was denied due to inconsistency with zoning regulations; neither the Public Facility (PF) Industrial Commercial (IC) zone allow the proposed use.

There being no further public comment, the public hearing closed at 7:24 p.m.

Motion was made by Leonard/Wilson to adopt Ordinance No. 276-2011 Zoning Text Amendment for Permitted Uses in Industrial/Commercial (IC) Zone *Amending Section 17.20.110(1)(e) Zoning Map of the Rio Dell Municipal Code and Resolution No. 1125-2011 Amending Table 1-2 of the General Plan Eliminating Industrial and Commercial Uses Which are Complimentary to US Highway 101 Frontage*. Motion carried 5-0.

Adopt Ordinance No. 277-2011 Repealing and Replacing Chapter 16.35, Lot Line Adjustment Regulations, and Amending Sections 16.05.070, 16.05.090(4) and 16.15.240(3) of the Subdivision Regulations of the Rio Dell Municipal Code

City Manager Henrickson reported the existing lot line adjustment regulations were adopted in 1968 and modified in 1982. In 2009 the City Engineer (Winzler & Kelly) and City Planner (Planwest Partners) were asked to review the existing lot line adjustment regulations to ensure

consistency with the Subdivision Map Act. Winzler & Kelly made a number of recommendations to Planwest and the City regarding suggested revisions but the recommended revisions never came before the planning commission for consideration. He said the current lot line adjustment regulations convey conditions and parcel map requirements that are not currently allowed under the Subdivision Map Act.

Mayor Woodall opened a public hearing at 7:26 p.m. to receive public input on the proposed ordinance.

Nita Waters asked for a review of the specific changes; City Clerk Dunham explained SB 497 dramatically changed the regulations associated with lot line adjustments and basically this ordinance addresses those changes. She provided Ms, Waters with a copy of the staff report, ordinance and summary for further clarification.

There being no further public comment, the public hearing closed at 7:27 p.m.

Motion was made by Thompson/Marks to adopt Ordinance No. 277-2011 *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*. Motion carried 5-0.

PUBLIC PRESENTATIONS

Al Petrovich addressed the Council regarding PG&E Smart Meters and said the reason he asked that the City get a legal opinion because in reading the code he could not find where the Public Utilities Commission has sole authority stating that he read where it states that they “may” and not “shall” install smart meters.

REPORTS/STAFF COMMUNICATIONS

City Manager Henrickson reported on recent activities and said the Chief of Police was expected to return to work from sick leave the next day.

Finance Director Beauchaine reported on recent activities in the finance department and stated she received the final audit report on the Wildwood Avenue ARRA Project and the audit did not disclose any material findings.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Thompson stated the check registers and Bank of America statements were not being put in council mail boxes for review; Finance Director Beauchaine said she was unaware of that and would follow up.

SEPTEMBER 6, 2011 MINUTES
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Councilmember Leonard reported on his attendance at a recent meeting of HCAOG and said unmet transit needs was discussed and announced that HTA will be extending Saturday service to Willow Creek and Sunday service from Trinidad to Scotia. He said the funding for the added service had not yet been determined.

Councilmember Wilson reported on the status of County Redistricting stating the County posted on the Elections Board site a preliminary plan shifting Blue Lake into the 3rd District and moving Tompkins Hill area to the 1st District. He said the County Board of Supervisors will decide on the final map on September 13, 2011.

ADJOURNMENT

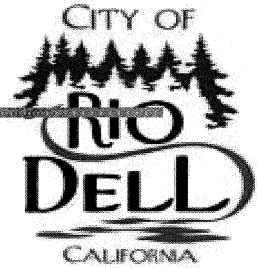
There being no further business to discuss, the meeting adjourned at 7:40 p.m. to the September 20, 2011 regular meeting.

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk

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



TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager *RHB*

DATE: September 20, 2011

SUBJECT: Authorization of Downey Brand as Legal Counsel

Item:

Council authorization to contract with Downey Brand in an amount not to exceed \$25,000 to represent the City regarding the Wastewater Project.

Background:

At the recommendation of the City Attorney the City contracted with Downey Brand regarding issues related to the initial bids for construction of the Wastewater Facility.

Issues have also arisen regarding the second bid request for the project.

Financial impact:

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

City Manager Recommendation:

Approve Downey Brand as legal counsel in an amount not to exceed \$25,000.

Council Action:

By motion authorize the City Manager to contact with Downey Brand to serve as legal counsel regarding the Wastewater Project in an amount not to exceed \$25,000.

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



To: Honorable Rio Dell City Council
From: Graham Hill, Chief of Police *GH*
Date: September 20, 2011
Subject: Computer licensing for police Department

Council Action

Approve purchase of Crimestar lap top licenses (3) and increased annual Crimestar support fee to facilitate officers being able to make data entries into the records management system while in the field.

Background

In 2005 the Police Department purchased lap top computers and implemented a new records management system called Crimestar. We were able to access Crimestar from our vehicles which streamlined documentation and kept officers in the field. Several years later Crimestar changed the licensing and it would have required additional costs. The system was evaluated at that time and I concluded that because we had adequate staffing as well as a records clerk, we could keep people in the field and not use the lap tops, ultimately resulting in lower costs.

In early 2011 we reduced our staffing levels by almost half. We have been doing a fairly good job maintaining a high level of service; however it is more important now than ever to have our officers in the field. Conservatively our department spends approximately 30 hours per work week at a computer (1.5 hours per day per officer). The implementation of lap tops would reduce that by up to 20 hours per week, keeping an officer in the field for more of their shift. We currently pay officers approximately \$43,000 annually to sit at a computer and make computer data entries. The implementation of lap tops would allow us to reduce the amount of time in the office by a value of about \$28,000 annually.

In addition officers will have immediate access to information, which was previously accomplished by calling the records clerk or an officer in the station. While it will not eliminate the need for officers to be in the station it will reduce the amount of time they spend in the station, thereby increasing the amount of time they are in the field and visible to the public.

Budgetary Impact

In order to implement lap tops in the vehicle again we would require three additional lap top licenses so there would be a license for each unit assigned to an officer. We also will incur additional annual support fees. We have lap tops and vehicle mounting equipment as well as wireless routers. We would also incur costs to have Nylex set up the lap tops and server to handle the new licenses.

• Additional licenses (3) at \$1,000.00 per license	\$3,000
• Additional Annual support fees (3) at \$300.00 per license	\$900
• Software installation/set up (Nylex)	<u>\$1,100</u>
TOTAL	\$4,900

Implementation would be funded under the current budget as funds were included for fixed asset computer hardware purchases.

Recommendation

Approve action as recommended

Attachments

None

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



To: Honorable Rio Dell City Council
From: Graham Hill, Chief of Police *GH*
Date: September 20, 2011
Subject: Continued participation in Humboldt County AVA

Council Action

The City Council adopts Resolution No. 1130-2011, providing for our continued participation in the Humboldt County Abandoned Vehicle Abatement Program.

Background

We received a letter from the Sheriff's department requesting an updated resolution regarding our participation and support of the Abandoned Vehicle Abatement Program (see attachment). The City has participated in the program since the 1990's. A resolution is required in accordance with the statute which establishes the program, every ten (10) years.

Budgetary Impact

When the program is in place we are able to draw funds that are collected through vehicle registration for the purpose of abating abandoned vehicles. Without the program we would be required to either find an alternate funding source or discontinue the abatement procedure.

Recommendation

Pass Resolution No. 1130.2011.

Attachments

1. Letter from the Humboldt County Sheriff's Office.



HUMBOLDT COUNTY SHERIFF'S OFFICE

MICHAEL T. DOWNEY, SHERIFF

MAIN STATION

CIVIL/COURTS
(707) 445-7335

826 FOURTH STREET • EUREKA CA 95501-0516
PHONE (707) 445-7251 • FAX (707) 445-7298

CUSTODY SERVICES
(707) 441-5159

To All Participating in the Abandoned Vehicle Program,

We have been notified by the DMV that if you wish to participate in the AVA program, your city will need to adopt a resolution approving the extension of the sunset of the program from April 30, 2012 to April 30, 2022. This is a requirement pursuant to CVC 9250.7(g). A copy of the new resolution must be forwarded to the Sheriff's Office **NO LATER THAN SEPTEMBER 30, 2011**. The resolutions were last adopted in November of 2001.

Margie O'Keefe

Thank you,
Margie O'Keefe
LOA Special Services
707 268-2500

RESOLUTION NO. 1130-2011
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL
PROVIDING FOR THE CONTINUED PARTICIPATION IN THE HUMBOLDT COUNTY
ABANDONED VEHICLE ABATEMENT PROGRAM

WHEREAS, Section 9250.7(g) of the California Vehicle Code authorizes the establishment of a Service Authority for Abandoned vehicle Abatement (AVA) if the Board of Supervisors of the County and majority of the cities within that county having a majority of the population adopt a resolution for the establishments of the authority; and

WHEREAS, Humboldt County established an Abandoned Vehicle Abatement Authority in 1992 in accordance with the Vehicle Code, and the City of Rio Dell has been a member of that authority, and

WHEREAS, Senate Bill 106, filed with the Secretary of State on August 13, 2001, authorizes the extension of the fee collection in increments of up to ten (10) years each; and

WHEREAS, authority to collect the service fee of \$1 per registered vehicle for the Humboldt County Abandoned Vehicle Abatement Authority will sunset on April 30th, 2012; and

WHEREAS, statute requires the majority of the cities representing the majority of the incorporated population and the Board of Supervisors approve and endorse the extension of the fee collection.

NOW THEREFORE IT IS RESOLVED AND ORDERED by the Rio Dell City Council that the City of Rio Dell desires to continue participation in the Humboldt County Abandoned vehicle Abatement Authority in accordance with the Vehicle Code; and

BE IT FURTHER RESOLVED that the City of Rio Dell approves the continued imposition of the one dollar (\$1) vehicle registration fee to support the AVA Program and that the new sunset date of said fee shall be April 30th, 2022.

PASSED AND ADOPTED by the City Council of the City of Rio Dell on this 20th day of September, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562



**STAFF REPORT
RIO DELL CITY COUNCIL
SEPTEMBER 20, 2011**

TO: Rio Dell City Council

FROM: Karen Dunham, City Clerk

THROUGH: Ron Henrickson, City Manager *RH*

DATE: September 20, 2011

SUBJECT: Amending City Council Protocols 2011 Sections 3.2 and 10.2

RECOMMENDATION

Approve Resolution 1131-2011 Amending Section 3.2 of the City Council Protocols 2011 for the selection of Mayor and Mayor Pro Tem and Section 10.2 relating to City Council appointments to boards/committees/commissions.

BACKGROUND AND DISCUSSION

At the September 6, 2011 regular meeting, the Council adopted Resolution No. 1127-2011 amending the procedure for appointments by the City Council for vacant positions on the City Council and Commissions. This resolution simply amends the City Council Protocols Sections 3.2 and 10.2 to reflect those revisions and basically identifies the correct resolution number that establishes the procedures.

RESOLUTION NO. 1131-2011
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF RIO DELL AMENDING SECTIONS 3.2 AND 10.2
OF THE CITY COUNCIL PROTOCOLS 2011 FOR THE
SELECTION OF MAYOR AND MAYOR PRO TEM AND
APPOINTMENTS TO BOARDS/COMMITTEES/COMMISSIONS

WHEREAS, the City Council of the City of Rio Dell has previously adopted procedures for establishing a system for City Council appointments to commissions, boards and committees and procedures for the selection of Mayor and Mayor Pro Tem; and

WHEREAS, the City Council reviewed such procedures and proposed certain revisions; and

WHEREAS, on September 6, 2011 the City Council adopted Resolution No. 1127-2011 providing for a procedure for appointments by the City Council for vacant positions on the City Council and commissions with the suggested revisions; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Rio Dell that Section 3.2 relating to the selection of Mayor and Mayor Pro Tem of the City Council Protocols 2011 is amended to read as follows:

Selection of Mayor and Mayor Pro Tem

Resolution No. 1127-2011 establishes the procedures for seating new members of the City Council. Section 36801 of the California Government Code also establishes the procedures for choosing the Mayor and Mayor Pro Tem. The Mayor and Mayor Pro Tem will be elected by a majority 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 or special meeting after certification of the general election results has been received.

BE IT FURTHER RESOLVED by the City Council of the City of Rio Dell that Section 10.2 relating to Councilmember Appointments to Boards/Committees/Commissions of the City Council Protocols 2011 are amended to read as follows:

Councilmember Appointments to Boards/Committees/Commissions

Resolution No. 1127-2011 establishes the procedures for appointments by the City Council for vacant positions on various commissions. RDMC Chapter 2.55 also provides direction concerning the City's boards, commissions and committees. 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 office 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).

PASSED AND ADOPTED by the City Council of the City of Rio Dell on this 20th day of September, 2011 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk

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



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
September 20, 2011**

TO: Mayor and Members of the City Council

THROUGH: Ron Henrickson, City Manager

FROM: Stephanie Beauchaine, Finance Director

DATE: September 15, 2011

SUBJECT: **Citywide Street Improvement Project Development Capital Budget
Amendment II Resolution 1132-2011**

RECOMMENDATIONS

Adopt Resolution 1132-2011 approving the Citywide Street Improvement Capital Budget Amendment II.

BACKGROUND AND DISCUSSION

The City is currently evaluating the development of a Citywide Street Improvement Project. To proceed with the analysis, the City will be engaging engineering, financial, and legal consultation which will incur costs not currently included within the Capital Budget.

Staff recommends the City pursue further analysis and establish a capital project budget in the amount of \$15,000 for the preliminary development of the project.

BUDGETARY IMPACT

Preliminary project development is proposed to be funded by Gas Tax Fund 20 Reserves. The unaudited reserve balance as of 06/30/2011 is listed as \$105,143, of which staff is proposing to allocate \$15,000 for the establishment of a capital project budget. 6500-14-020-0000-0167

**RESOLUTION NO. 1132-2011
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
AMENDING THE FISCAL-YEAR 2011-2012
CAPITAL BUDGET
CITYWIDE STREET IMPROVEMENT PROJECT DEVELOPMENT
AMENDMENT 2**

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 is evaluating the development of a Citywide Street Improvement Project; and

WHEREAS, The preliminary analysis and development of a potential Citywide improvement project would cause the City to incur costs associated with engineering, financial, and legal analysis; and

WHEREAS, The appropriations within the adopted Capital Budget for Fy 2011-2012 did not include funding for the development of a street improvement project; 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 within Gas tax Fund 20 in the amount of \$15,000. 6500-14-020-0000-0167.

PASSED AND ADOPTED by the City of Rio Dell on this 20th day of September, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk