

A G E N D A
RIO DELL CITY COUNCIL
REGULAR MEETING - 6:30 P.M.
TUESDAY, JANUARY 19, 2010
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. ORAL ANNOUNCEMENTS
- 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) 2010/0119.01 - Approve Minutes of the December 15, 2009 Regular Meeting (**Action**) 1
- 2) 2010/0119.02 - Approve Minutes of the January 5, 2010 Regular Meeting (**Action**) 10
- 3) 2010/0119.03 - Approve Resolution No. 1070-2010 Approving the Destruction of Certain Police Records, Documents, and Papers Pursuant to Sections 34090 and 34090.6 of the California Government Code (**Action**) 18
- 4) 2010/0119.04 - Approve Budget Amendment of \$2,865.64 for Equipment Purchase and Close-Out of LLEBG Fund (**Action**) 24

G. SPECIAL PRESENTATIONS

- 1) 2010/0119.05 - Annual Police Report – Chief Hill

H. ORDINANCES/SPECIAL RESOLUTIONS

I. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2010/0119.06 - Approve Agreement between The City of Rio Dell and Winzler & Kelly for Proposed Mozzetti Irrigation Site Groundwater Anti-Degradation Analysis **(Action)** 25
- 3) 2010/0119.07 - Make a determination whether use of public funds for exercise program for General Employees promotes a valid and substantial public purpose **(Action)** 30

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.

K. REPORTS/STAFF COMMUNICATIONS

- 1) Interim City Manager
- 2) Acting Public Works Director
- 3) Chief of Police
- 4) Finance Director

L. COUNCIL REPORTS/COMMUNICATIONS

M. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

N. PUBLIC COMMENT REGARDING CLOSED SESSION

O. RECESS INTO CLOSED SESSION

P. RECONVENE INTO OPEN SESSION

Q. ORAL ANNOUNCEMENTS

R. ADJOURNMENT

*The next Regular meeting will be on February 2, 2010
at 6:30 PM in the City Council Chambers*

**RIO DELL CITY COUNCIL
REGULAR MEETING
DECEMBER 15, 2009
MINUTES**

The Regular Meeting of the Rio Dell City Council was called to order at 6:30 P.M. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Barsanti, Dunker, Marks and Thompson

Others Present: Interim City Manager Stretch, Chief of Police Hill, Finance Director Beauchaine, Acting Director of Public Works Jensen, City Clerk Dunham, and Contract Planner George Williamson

PUBLIC HEARINGS

Mayor Woodall opened the public hearing at 6:33 P.M. and asked for a report from staff.

Finance Director Beauchaine stated a public hearing regarding the design phase of the proposed project was held on December 4, 2009 and no public comment was received. She again explained that there is available funding through the 2009-2010 Community Development Block Grant (CDBG) Planning and Technical Assistance (PTA) General Program Allocation where applicants can request up to \$70,000 for project specific planning activities, and up to \$35,000 for non-profit specific activities. She stated the applications are awarded on a first-come first-served basis.

She explained the City has selected to submit an application for the development of a Master Drainage Plan to analyze and prioritize the City's drainage needs which is the first step in addressing the City's drainage needs and will also allow the City to implement planned development drainage fees for all new development to assist in funding for needed drainage improvements.

There being no public comment, the public hearing closed at 6:35 P.M.

Approve Resolution No. 1067-2009 Approving the 2009/2010 PTA Application for a Master Drainage Plan, the Execution of a Grant Agreement and any amendments thereto from the General Planning and Technical Assistance (PTA) Allocation of the State CDBG Program
Motion was made by Marks/Thompson to approve Resolution No. 1067-2009 *Approving the 2009/2010 PTA Application for a Master Drainage Plan, the Execution of a Grant Agreement and any amendments thereto from the General Planning and Technical Assistance (PTA) Allocation of the State CDBG Program.* Motion carried 5-0.

CONSENT CALENDAR

Interim City Manager Stretch asked that check number 27961 issued to "Results Fit Camp" in the amount of \$1,400 be removed from the Consent Calendar pending further discussion and presentation of a staff report at the January 5, 2010 regular meeting.

Motion was made by Thompson/Marks to approve the consent calendar including the minutes of the November 3, 2009 Regular Meeting; and the check register including the General Check Register for check numbers 27913-27973 (excluding check number 27961) totaling \$67,330.41 (less \$1,400) and the Payroll Check Register for check numbers 15005-15030 totaling \$29,139.07. Motion carried 5-0; Mayor Woodall and Councilmember Barsanti abstained from vote on the November 3, 2009 minutes.

ORDINANCES/SPECIAL RESOLUTIONS

Public Hearing/Approve Resolution No. 1066-2009 Upholding the Planning Commission decision denying the Minor Subdivision Application for Anthony Micheli without prejudice
Mayor Woodall opened the public hearing at 6:36 P.M. and asked for a report from staff.

Planning Consultant George Williamson explained this appeal hearing is the result of action taken by the Planning Commission at its November 18, 2009 meeting to deny without prejudice, a Minor Subdivision application submitted by Anthony Micheli for a two lot subdivision of the recently annexed parcel of 31.64 acres on Blue Slide Road. He stated the parcel zoned Suburban Low (SL), provides a minimum lot size of one acre and allows a planned density of one dwelling unit per acre. Even with constraints due to steep slopes to the south and by a floodplain to the north, the site could still be capable of accommodating 20 new homes clustered with the developable acreage. He noted the two lot Minor Subdivision would be significantly below the planned density and inconsistent with the intent of the SL land use and zoning designation due to the proposed parcels being much larger than planned density, thus resulting in potential financial burden to the City due to the limitation of property tax revenue and the lack of infrastructure improvements. He said another concern was the possibility of segmented development of the area where the two lot split would occur now followed by subsequent divisions denying the City the ability to consider the impacts and benefits of planned residential development and also limiting the City's ability to extend and improve services to this area consistent with other neighborhoods.

Planner Williamson stated that what he was advocating is that the applicant consider a phased subdivision whereas the parcel map is recorded in phases which allows the City to look at the potential development opportunities and resolve the maintenance issue of Blue Slide Road as well as other infrastructure improvements; and at the same time allowing deferment of a portion of the cost of improvements by the applicant.

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Planner Williamson said that although the decision was not made lightly, he was recommending that the City Council uphold the Planning Commission action of November 18, 2009 denying, without prejudice, the proposed minor subdivision.

Discussion continued regarding adequate water supply; public access from Blue Slide; improvements to Blue Slide Road; potential flooding; drainage; increased traffic on Blue Slide; and future development possibilities.

Anthony Micheli addressed the Council and stated that he was opposed to a phased development primarily because of the cost of engineering and because a future developer may want to do something different with the property than what is proposed on the recorded parcel map. He suggested the City impose Conditions of Approval to say that if and when further development is proposed, the developer must provide upgrades to the infrastructure as agreed upon by the City. He said he would be willing to give the City an area needed to improve the roadway to a desired width at this time; however, in the future they would have to come back and purchase the property.

Wally Wright, Surveyor for the applicant stated that it seemed to him that the City acquired a piece of road with the annexation of Blue Slide Road and therefore is the responsible party with regard to maintenance and improvement. He agreed with Mr. Micheli that the City could approve the minor subdivision with conditions that any further development would be subject to improvements as agreed by the City and when those conditions are recorded, they would go with the property and would come up on any future title report. He said as far as the upper parcel, it is not the most desirable land to develop because of the steep slopes. In regard to clustering of homes, he said he didn't see the need for that type of development in Humboldt County. He commented that the City Council seemed concerned about future improvements to Blue Slide Road and commented that the improvements would be done to the satisfaction of the City at the time of a major subdivision. He said as a point of contention, 99% of the vehicles leaving that area would drive toward Rio Dell; not Ferndale so felt there would be little or no impact to traffic on Blue Slide Road. He said it would be a step in the right direction for the City to approve the minor subdivision as proposed.

There being no further public comment, the public hearing closed at 7:05 P.M. and discussion was opened to council comments.

Councilmember Dunker stated that he lived on Tolman Place which is a private street where the property owners own to the middle of the street and are responsible for the maintenance of the road, and asked if this was the same as the situation with Blue Slide Road. He commented that there seemed to be a lot of unknown factors and that the City Council would need to make a decision based on how their decision is going to affect the taxpayers of Rio Dell. He said he needed clarification on what the repercussions could be and said it was his understanding that normally submittal of a development plan showing what is going to happen would be the normal process and the Council is being asked to make a decision without a definite plan. He said that

this was brought before the Council a a recommendation to uphold the Planning commission's decision to deny the minor subdivision without prejudice and asked for clarification that if they did that, would the project go back to the drawing board; George noted that the applicant would have that option. Dunker said it seemed logical to go back to the drawing board and take a careful look at the proposed subdivision before making a decision.

George responded to Councilmember Dunker's concerns and explained the map as it was filed, does show the northerly and southerly parcels as a single new parcel line running down the center of Blue slide road alignment as it exists through the property and therefore, would be exactly the same as Tolman Place if the map were approved. He said he strongly recommended the City accept no responsibility for the alignment of the roadway especially if utilities are in place as it would not be an ideal situation. In regard to affect on taxpayers, he said in his opinion, if the City were to take on responsibility of maintenance of the road, it could be a significant burden on the taxpayers.

He noted the applicant would incur additional costs for environmental documents and major subdivision map but could phase those improvements out. He pointed out that an approved subdivision map would be more valuable to a potential developer.

Councilmember Marks stated that she had attended the November 18, 2009 Planning Commission meeting and spoke to Mr. Micheli about his proposed subdivision and felt it was a good meeting; the Planner went step by step and explained all available options and in the end the Commission voted to deny the minor subdivision application without prejudice based on the information received.

Councilmember Thompson referred to the Painter St. development and suggested a joint study session be held to allow further research and analysis of the that area as well as the surrounding area to see what the City wants for future development and improvements.

Councilmember Barsanti commented that if conditions can be put on a minor subdivision, can a Traffic Impact Report be required; George commented that it would not be required for a minor subdivision and would not recommend one for a major subdivision in that area since a traffic analysis was already done during the annexation process. He indicated a geotechnical analysis would however be required.

Councilmember Barsanti noted there has always been a traffic problem on Belleview Ave. and said he didn't feel two additional homes would have an impact on traffic but was concerned that an additional thirty homes would have a significant impact on traffic and would create a safety issue.

George said he would like to make the distinction that it sounds like the Council would like to have a safety assessment analysis and said they could easily do that if needed. He further stated

that he appreciated every new home that is built in Rio Dell and did not want to discourage development but wanted to make sure that whatever decision is made, it is in the best interest of the City.

Mayor Woodall commented that it may solve the problem if the City were to simply place conditions of approval on the project as suggested by Mr. Micheli.

George stated he would have a difficult time crafting conditions of approval in an equitable fashion; Mr. Micheli stated the conditions could simply say that any future development must comply with the same requirements as any other major subdivision.

Councilmember Thompson said one option would be to continue the matter to allow for further research on such things as the potential drainage impact to Belleview Ave.; Interim City Manager Stretch clarified that it is not the burden of the City to produce a drainage plan or any other development plan but rather the burden of the developer to produce such documents.

Mr. Micheli stated that he had experienced no flooding problems with the exception of excess water when the neighbor waters and spills over to his property.

Motion was made by Dunker/Marks to approve Resolution No. 1066-2009 *Making the Required Findings for Certifying Compliance with the California Environmental Quality Act and Upholding the Planning Commission Decision Denying the Minor subdivision Application without Prejudice.* Motion carried 4-1.

Approve Resolution No. 1068-2009 Approving Fiscal Year-end 2008-2009 Budget Amendment
Finance Director Beauchaine explained each year the Finance Department completes a year-end budget entry reconciling all budget line items for each of the City's funds. She said the year-end budget adjustments had been completed for Fiscal year end 2008-2009 and per the City's policy, is requesting authorization to amend the City's Operations Budget in the net amount of \$208,631, with final Citywide expenditures totaling \$2,617,925. She then proceeded with a power point presentation to provide clarity on the budget adjustments.

Interim City Manager Stretch noted that the adjustments were made effective June 30, 2009 and asked if the \$1,092,569.08 represented the Reserve Fund Balance forward; Finance Director Beauchaine noted that it did. He also asked how healthy the General Fund was as compared to previous years; Finance Director Beauchaine stated the General Fund was extremely healthy and that the City had a very stable platform regarding reserve balances.

Motion was made by Marks/Dunker to approve Resolution No. 1068-2009 *Approving the City of Rio Dell 2008-2009 Fiscal Year End Budget Amendment.* Motion carried 5-0.

SPECIAL CALL ITEMS

Select date for Special Meeting of the City Council to receive update and give policy direction as to the selection of Wastewater Disposal and Treatment Facility Plan

Interim City Manager Stretch stated that staff is requesting the City Council set a date for a special meeting for the purpose of providing the City Council an update by staff and the City Engineer on options relative to wastewater disposal and treatment location options, in order to make the necessary policy decisions to move the project forward in an orderly and timely fashion.

January 12, 2010 at 5:00 P.M. was the date selected for the Special Meeting.

Make determination as to whether the expenditure of City funds for an Employee Christmas party has a direct and primary public purpose; or is not allowed by law

Interim City Manager Stretch stated that after preparation and submittal of his staff report, both employee groups came forward and submitted letters stating that they understood the issues with regard to a city sponsored Christmas party and offered to fund the party with Association funds thus relieving the City Council from making a determination as to whether expenditure of funds had a direct and primary public purpose. As a result, he stated this matter is no longer an issue.

Direct City Manager to explore funding options to conduct Initial Feasibility Analysis for a City owned Water Bottling Enterprise/Franchise (Presentation by Councilmember Thompson)

Councilmember Thompson stated that over the past year he had gathered and reviewed approximately 63 documents from the County regarding the City's water system which revealed that the City owns easement rights and water that is under the control of the City at various areas in the City including the Monument Springs and said he would like to further explore funding possibilities for a City owner water bottling enterprise/franchise for the purpose of generating revenue for the City. He noted that George Williamson offered to make a presentation at the next regular meeting on the Food Collaborative Business Plan as part of the \$30,000 Headwaters Grant the City received and asked if a water bottling business would be an allowable use of the funds; George explained the objective of the food collaborative plan is to look at commodities and get them into marketable condition to be sold stating there were no legal limitations to prohibit it.

Councilmember Thompson further stated that in putting together some calculations, in his opinion, \$16,000,000 could potentially be generated in net profits with a successful water bottling enterprise.

Councilmember Marks commented that the recommended action is to direct the City Manager to explore whether grant funds or other funds are available to conduct an initial feasibility analysis for a city owned water bottling enterprise/franchise and expressed concern as to whether the City Manager and staff had the time available to devote to the request at this time. Interim City

Manager Stretch commented that he believed he would be able to make time but if it were to become a burden, he would inform the Council.

Councilmember Dunker stated that irregardless of the issues that would need to be considered with regard to a city owned bottling enterprise, he felt it is not the appropriate time due to the limited time left for the Interim City Manager and the various projects he has been tasked with including recruitment of a new City Manager.

Mayor Woodall said her only thought was that the Council should set priorities for projects before making a decision to devote time to this project.

Councilmember Marks asked Councilmember Thompson if he would be willing to put the idea on hold for the time being; he indicated that he would be willing but said it seemed that when things are put off, they tend to fall between the cracks and are forgotten.

Bud Leonard, 300 Woodland Dr. commented that as a tax payer, he objected to the City competing with private business and said he was very familiar with "surface water" and said that water from fire hydrants was probably better. He felt it would be a waste of tax payers money to pursue this idea and felt the Interim City Manager had more important things to do.

Consensus of the Council was that the idea be discussed during the "Goal Setting" City Council study session.

PUBLIC PRESENTATIONS

None

REPORTS/STAFF COMMUNICATIONS

Interim City Manager Stretch reported on recent meeting and activities and announced that the City received notification that the City's application for funding under the General Allocation of the State CDBG Grant Program for paving of Rigby Ave. was not approved because the application did not score high enough in points. He said the Finance Director spoke with representatives of the State and they said they would get a copy of the score sheet to the city so that we could do better next round. He said it was a disappointment but not a shock since it was a competitive grant. He also reported that he had a meeting with Councilmembers Dunker and Thompson on November 30th to discuss the placement of the motto "In God We Trust" in Council Chambers and said that although a beautiful burl slab was donated by the Dunham's it was not really the right shape for display of the "In God We Trust" motto along with the City Seal. That discussion gravitated to the question of whether the City actually had an official City Seal which he noted staff will need to research. He said he planned to come back to the Council with a recommendation to adopt an official city seal or motto for use on City stationary as well.

He then reported on the status of the City Manager recruitment process stating that an ad was placed in Jobs Available, Times Standard and League of California Cities website and said the application deadline was set for January 17th. He also reported the actuarial for the enrollment in PERS was moving forward and that he received some documents from them with a cost figure of \$1,400 for them to prepare the analysis. He said HCD thanked the City for submittal of the Draft Housing Element Update along with comments which would need to be addressed; and reported on the meeting held with the Parks & Recreation Commission on possible allocation of the remaining \$110,000 in Park Bond money stating at the end of the meeting the group felt the money could be used most effectively on new playground equipment at Fireman's Park rather than just on restrooms at the Park.

Acting Director of Public Works Jensen reported on recent activities in the public works department stating that construction began on the Solids and Disinfection Management Project today; they completed installation of the gates and security system at the Wastewater Treatment Plant; working on completion of the small punch list associated with the Safe Routes to School Project; and was busy with annual water reports to the State.

Chief of Police Hill reported on recent activities in the police department and began with a status report on Code Enforcement/Nuisance Abatement activity; said he opened the recruitment process for the COPS funded position with the deadline for application scheduled for December 31st followed by testing on January 9th; and reported that he had one officer out with an injury so he would be working some night shifts.

Finance Director Beauchaine reported on recent activities in the finance department and said she attended an Accufund User Group conference and received information on the release of some new modules which she may potentially be purchasing; was wrapping up the last of the outstanding audit items with expectations to have the auditors here on January 19th to submit their audit report; had a Brownfield's kick-off meeting to discuss various aspects of the project; attended the Parks and Recreation meeting with the City Manager and concurred with his report; had prepared the application for the FY 2009-2010 CDBG PTA Grant for a Master Drainage Plan; and announced that she received notification of approval of the Bridge financing for the Wastewater Project.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Dunker commented that during his attendance at the last Regional Water Board meeting, he was able to take pictures of their microphone system and said he would be glad to share those pictures with Council and staff if the decision was made to pursue a new public address system.

Councilmember Thompson reviewed the action taken at the last Redwood Coast Energy Commission meeting (RCEA) and said of the 14 meetings scheduled over the past year, he

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missed 4 of those. He also said that in researching city records it appears that the City Council does not have a mission statement nor does the City have an official city seal.

Mayor Woodall announced she would be attending a Humboldt Transit Authority (HTA) and HCAOG meeting this week.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:59 P.M. to the January 5, 2010 Regular Meeting.

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL
REGULAR MEETING
JANUARY 5, 2010
MINUTES**

The Regular Meeting of the Rio Dell City Council was called to order at 6:30 P.M. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Barsanti, Dunker, and Thompson

Absent: Councilmember Marks (excused)

Others Present: Interim City Manager Stretch, Chief of Police Hill, Finance Director Beauchaine, City Clerk Dunham, City Attorney Martinek, and Contract Planner George Williamson

Absent: Acting Public Works Director Jensen (excused)

Mayor Woodall announced the Council would be adjourning to closed session at this time rather than at the end of the meeting and announced the item to be discussed in closed session was as follows:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the California Government Code: 1 case.

Mayor Woodall asked for public comment regarding closed session. There being no public comment, the Council adjourned to closed session at 6:35 P.M.

The regular meeting reconvened at 6:50 P.M. City Attorney Martinek announced there was no reportable action taken in closed session and asked to be excused from the remainder of the meeting.

CONSENT CALENDAR

Interim City Manager Stretch called attention to the agenda format and noted there were five additional items placed on the consent calendar in addition to the routine items and stated it seemed appropriate since they were non-controversial matters.

Motion was made by Dunker/Thompson to approve the consent calendar including the minutes of the November 17, 2009 Regular Meeting; the minutes of the December 1, 2009 Regular Meeting; the minutes of the December 4, 2009 CDBG Public Hearing; minutes of the December 8, 2009 Study Session; the check register including the General Check Register for check numbers 27974-28023 totaling \$173,444.67 and the Payroll Check Register for check numbers

15031-15053 totaling \$26,532.00; approval of amendment to Interim City Manager Agreement; authorization for the City Manager to execute a contract with RCAA to complete Labor Monitoring Services on the Solids and Disinfection Management Project; approval of Progress Payment Request No. 1 for K.G. Walters Construction Co., in the amount of \$68,400 for work related to the Solids and Disinfection Management Project; approval of Budget Amendment for Water Fund Debt Service (\$58,000); and approval of Resolution No. 1069-2009 Amending the City of Rio Dell Cell Phone Policy Resolution No. 1030-2009. Motion carried 4-0; Mayor Woodall abstained from vote on the November 17, 2009 minutes and Councilmember Barsanti abstained from vote on all of the minutes.

SPECIAL PRESENTATIONS

Food Collaborative Business Plan (Planwest Partners)

George Williamson, Contract City Planner stated as the Council with recall, the City was successful last year in securing a Headwaters Grant in the amount of \$30,000 for the preparation of a business plan for an Eel River Food Collaborative with the focus to develop a place where people such as local growers can come together and process and ship their products in sufficient amounts to become viable to large suppliers. He said Rio Dell is well suited and well positioned to take advantage of this concept.

Planner Williamson proceeded with a power point presentation which outlined the following key topics:

- Introduction – Food Collaborative Business Plan
- Overview: Description and Purpose
- Why Rio Dell – Eel River Valley Farms
- Why Rio Dell – Surrounding Agricultural Capacity
- Bullet List of 8 Scope of Work Tasks
- Business Plan Outline
- Steering Committee and other Stakeholders to be Consulted
- Potential Products and Services
- Potential Sites
- Case Studies and Research
- Completion Timeline

Potential sites for a potential distribution center were identified as the Sawmill annexation Site; Wildwood and Hwy 101; Davis St. and Hwy 101; Town Center and Hwy 101; and Mill A in Scotia.

In identifying potential products and services, it was pointed out by Alice Millington (378 Wildwood Ave.) that there was also a huge market for herbs.

John Lane, 1249 Riverside Dr., asked if there would be a sales office in Rio Dell; George stated there could be if research determined that people would shop at that site.

John Lane also asked if large quantity sales were envisioned such as a grocery store; George explained the goal was not to compete with grocery stores but to process products for distribution to stores.

Councilmember Dunker asked if an outlet mall would be a viable option; George said he hadn't thought of that but that the Davis St. site could adequately accommodate an outlet mall.

Mayor Woodall asked for the definition of a kitchen incubator; George explained it would be where you could actually rent commercial kitchen space to process your product and noted that any food products offered for sale must be cooked in a commercial kitchen.

Councilmember Barsanti questioned with limited space available in Rio Dell what the benefit would be if the products were shipped out and sold elsewhere; George explained there were ways to maintain "point of sale" locally, there would be the benefit of employment taxes, and property tax values if a structure were to be built..

Planner Williamson stated he would bring back to the Council a Business Plan with facts on how it could benefit the city.

SPECIAL CALL ITEMS

Make determination as to whether the expenditure of City funds for an Employee Fitness Program has a direct and primary public purpose

Interim City Manager Stretch stated this is a rather unusual item to have on the agenda since generally day to day city expenditures are so clearly within its mission and purpose that a question as to whether they meet the public purpose test as set forth in the State Constitution never comes up. Since the issue as to whether the expenditure of city funds for an employee fitness program came to his attention, the City Council has the obligation to address the situation and make a decision.

Interim City Manager Stretch went on to explain the current fitness program stating that two groups of employees benefit from the "Results Fit Camp" program; the police officers, and employees of the general work force. He said the programs are not part of either employee organization's MOU's and therefore have not been bargained for. The question is whether one or both expenditures are allowable by State of California Constitution concerning "gifting of public funds" and does it constitute a direct and substantial benefit or purpose. He noted there seems to be an easier nexus between the police officers however if the Council can determine that an exercise program for all employees has a positive effect on the well being and moral of the employees that determination can be made.

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Mayor Woodall asked Chief Hill for his opinion on the issue; he commented that he could see both sides and explained that in past contract negotiations with the police association, a gym membership at Scotia Gym was approved but rarely used. He brought the Results Fit Camp Program forward and provided literature to the former city manager regarding the benefits for fitness for police officers. He said basically he was in support of anything that will promote a healthier life style for employees.

Councilmember Dunker stated one option might be to approve the program on a reimbursement basis; Chief Hill said he felt that most employees wouldn't have the funds up front and said that motivation for attendance was not a problem.

Mayor Woodall questioned whether the police department had physical fitness requirements for police officers; Chief Hill said they must show they have general capabilities of performing normal duties but don't have physical agility testing such as with the police academy. He noted a medical examination is required prior to hiring.

Finance Director Beauchaine stated that she and the City Clerk had attended a SCORE meeting and that one of the member cities had noted they had implemented a similar program for its employees and the response of the insurance pool was that it was a very positive decision as that city would be less likely to have workers' comp claims which in turn keeps rates from increasing. She said she also spoke to the City's medical insurance agent who confirmed that an employee fitness plan was a step in the right direction in helping to keep rates down.

Chief Hill also commented that many other agencies have fitness rooms with exercise equipment for employees in lieu of a fitness plan.

Interim City Manager Stretch stated that another way agencies address this situation is to negotiate on behalf of the employees for group corporate rates on gym membership.

Councilmember Barsanti stated the decision falls on the discretion of the City Council and said that law enforcement can be very physical and felt it would be viable for the City to implement a fitness program for police officers.

Councilmember Thompson said he agreed there was benefit with having a fitness program but would like to see guidelines and said in order for the program to really work it must be done continually.

Chief Hill said since inception of the program, there has been a measurable improvement in overall physical fitness as well as improved moral and attitude among employees who participated.

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Interim City Manager Stretch reminded the Council that the recommended action tonight is to make a determination as to whether the expenditure of public funds for an exercise program for City of Rio Dell Police Officers and/or City of Rio Dell general workforce has a direct and primary public purpose and not to define the terms and conditions of the program.

Motion was made by Dunker/Barsanti determining that the expenditure of public funds for an exercise program (Fit Camp) for City of Rio Dell Police Officers has a direct and primary public purpose.

Mayor Woodall asked for clarification as to whether the program would continue as it is or that it would come back to the Council for approval of guidelines, and if the benefit was taxable; Finance Director Beauchaine said the benefit may or may not be taxable depending on the situation stating that if the police department were to mandate certain standards for fitness then it would not be taxable; otherwise it would be considered a taxable benefit.

Councilmember Dunker suggested the matter come back to the Council in the event participation drops.

Mayor Woodall said she felt that employees have a personal obligation to keep fit irregardless if the city does or does not sponsor a program.

Motion then carried 3-1; Mayor Woodall casting the negative vote.

Motion was made by Dunker/Barsanti making the determination that the expenditure of public funds for an exercise program (Fit Camp) for the general City of Rio Dell workforce has a direct and primary purpose. The motion died due to a 2-2 vote. It was agreed that the matter would be brought back to the City Council for further consideration at a later date.

Motion was made by Dunker/Thompson to approve the Release of Liability and Participation Agreement form for the City funded exercise and fitness program. Motion carried 3-1.

Motion was made by Thompson/Dunker to approve a check in the amount of \$600.00 to Results Fit Camp for the attendance of three police officers for the current eight week program. Motion carried 3-1.

Approve Amendment to City Council Protocols to cover City Council Member Absence

Interim City Manager Stretch stated there is contained in the City Council Protocols a procedure to handle the absence of the Mayor and Mayor Pro Tem, but are silent as to the absence of a member of the Council. He said there is a relevant section in the California Government Code that provides that a Council member's office becomes vacant after 60 days of unexcused absences, but does not define what constitutes an excused or unexcused absence. He said the Council Protocols should therefore be amended to provide guidance on the subject.

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Interim City Manager Stretch then provided a brief overview of the policy proposed stating that a member of the Council is to notify the Mayor of an absence and the reason for the absence before the date of the council meeting. When roll call is taken, the Mayor shares with the Council the reason for the absence, the Council then determines whether the absence is excused or unexcused which is noted in the minutes.

Discussion continued regarding what constitutes an excusable absence; Interim City Manager Stretch said the code was really silent on what is an allowable absence but said the language could be changed to clarify if that was the wish of the Council.

Councilmember Thompson stated he thought work related matters or vacation should be considered as excusable absences but in regard to absences because of conflicting meetings on other commissions or boards, felt the City Council meetings should be first priority. He said the rules should be the same for everyone and that specific guidelines should be implements to ensure fairness to all.

Motion was made by Barsanti/Dunker to approve an amendment to the Rio Dell City Protocols (Council Meetings) by adding a new paragraph 8 to Section I, entitled "City Council Member Absence" as presented. Motion carried 3-1.

Approve Changes as to the Processing and Approval of City Warrants

Interim City Manager Stretch stated the current practice for approval of warrants is somewhat cumbersome and in reviewing the relevant sections of the Government Code that covers the legal process for paying and reporting City warrants learned that the City's current practice is different that the code. The code provides that the City Treasurer pays City warrants that are signed by legally designated at least on a monthly basis, submits an accounting report of all disbursements to the City Clerk which she keeps on file for review by the City Council and public.

Motion was made by Dunker/Thompson to direct the City Treasurer to submit at least monthly to the City Clerk a written report and accounting of all receipts, disbursements, and fund balances for the prior month and that the City Clerk make such Treasurer's report available to any Council member or member of the public at his/her office in City Hall, and report on the Council's consent agenda a summary of the prior month expenditures by fund.

Mayor Woodall referred to the check for Results Fit Camp that was pulled for review from the prior check register and commented that the Council would not have been able to stop that disbursement. Interim City Manager Stretch concurred with that statement and noted that any future disbursements could however be stopped.

Motion then carried 4-0.

Set Date for Goal Setting Study Session

Interim City Manager Stretch stated the Council had expressed interest in having a special study session for the purpose of discussing and developing long range goals for the City and asked the Council to select a date.

The Council agreed to schedule the Study Session for February 9, 2010 at 5:00 P.M. to discuss the long range goals for the City.

PUBLIC PRESENTATIONS

Sharon Wolfe, 3 Painter St. addressed the Council and said she appreciated the Fit camp issue being brought forward for determination as to whether the expenditure had a direct and primary public purpose and said she felt there was a significant difference between police officers and the general employees. Also, with agencies being forced to cut back the City look at ways to cut expenses and suggested copying of council packets be double-sided, and said she didn't feel it is appropriate for taxpayers to pay for employee birthday cakes.

John Lane, 1249 Riverside Dr., said that he disagreed with the thought that birthday cakes are not important and that it was "nit-picky" to worry about this small gesture.

Marylynn Wolfe, 3 Painter St. expressed disapproval of the Fit Camp Program for general employees and commented that general employees are normally not expected to sprint and jump over walls.

REPORTS/STAFF COMMUNICATIONS

Interim City Manager Stretch reported on recent meeting and activities and announced that the recruitment for City Manager was well underway with interest being received on a daily basis; said representatives from the Regional Water Board had visited on December 30th to discuss non-compliance of the Cease and Desist order and plans for Wastewater Treatment facility improvements; and said he would be meeting with the engineers and the Fire Commissioners regarding the Park Bond funding stating he would be coming back to the Council for a decision on allocation of the remaining funds.

Chief of Police Hill reported on recent activities in the police department and said they were successful in working with the Drug Task force on the issuance of a search warrant on December 31st and arrest of six persons on several drug related charges; said he closed the recruitment period for the police officer position stating an officer had resigned and would try to also fill that position among those applicants; said he would have the annual police report on the next agenda; and provided a report on code enforcement activities.

Finance Director Beauchaine reported on recent activities in the finance department and said the timeline for completion of the audit was pushed back to possibly February; was working on

completion of the budget documents; working on changes to the financial statements to make them more user friendly for Council members; and said she was evaluating the Building Permit

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and Project Management modules now available for Accufund to determine if they would be beneficial to the city before purchasing.

Interim City Manager Stretch reported on behalf of the public works department and stated that Randy Jensen had been serving as Acting Public Works Director for over a year now and had expressed to him his desire to go back to his normal duties of Water Superintendent. As a result of that request, he said he would be looking at other agencies and possibly updating the job description for Public Works Director to include the title of Civil Engineer.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:35 P.M. to the January 12, 2010 Special Meeting.

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk



STAFF REPORT

To: Honorable Mayor and Members of the City Council
FROM: Graham Hill, Chief of Police
THROUGH: Jim Stretch, Interim City Manager
DATE: January 13, 2010
SUBJECT: Retention and destruction of certain police records.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Adopt Resolution 1070-2010, to replace in its entirety, City of Rio Dell Resolution 787. This resolution will approve the destruction of certain Police Department records, documents, and papers pursuant to Sections 34090 and 34090.6 of the Government Code of California, and identifies those records that may not be destroyed.

BACKGROUND AND DISCUSSION:

The Police Department has been maintaining a records retention/destruction schedule pursuant to Resolution 787, which was passed in June of 2001. The resolution being proposed has updated language that more specifically identifies the types of records subject to the department's schedule, including records that can be destroyed as well as those records that may not be destroyed. This language is recommended by the California Law Enforcement Association of Records Supervisors, was recommended at a POST Records Supervisors school attended by Police Department staff in 2009, and has also been reviewed by the City Attorney.

RESOLUTION NO. 1070-2010

RESOLUTION OF THE CITY OF RIO DELL APPROVING
THE DESTRUCTION OF CERTAIN POLICE DEPARTMENT
RECORDS, DOCUMENTS, AND PAPERS PURSUANT TO
SECTIONS 34090 AND 34090.6 OF THE
GOVERNMENT CODE OF THE STATE OF CALIFORNIA, AND IDENTIFY THOSE
RECORDS THAT MAY NOT BE DESTROYED.

WHEREAS the Chief of the Rio Dell Police Department has submitted a request for authority to destroy obsolete records and;

WHEREAS said request is in ordinance with the procedures of requirements of sections 34090 and 34090.6 of the California Government Code; and

WHEREAS the Chief has stipulated the useful retention period for the Police Department records;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIO DELL

- A. The following records may be destroyed as soon as the need for the information no longer exists, or the time period during which they are to be retained has expired, which ever is later.
1. Humboldt County Jail Records
 2. Teletypes
 3. Miscellaneous Work Sheets and Logs
 4. Mailed and Automated Rap Sheets
 5. Search and Seizure Orders (not attached to a crime report)
 6. Monthly Statistical Reports
 7. Latent Print and Finger Print Cards
 8. Dealer Records of Sale
 9. Press Release Files
 10. Department Memos and Correspondence
- B. Recordings of telephone and radio communications over three-hundred-sixty-five (365) days old may be destroyed, provided such recordings are not evidence in any claim filed or pending litigation, in which case such recordings shall be preserved for one-hundred (100) days after the conclusion of the litigation (G.C. 34090.6)
- C. The following records shall be maintained for two years, then may be destroyed:
1. 647(f) P.C. (Public Intoxication)

2. Sudden Death/Found Bodies (non-criminal)
3. Criminal Records of Deceased Homicide Victims
4. Miscellaneous Documentation Only Reports
5. 849(b) P.C. (Any arrest that resulted in a detention only)
6. Vehicle Abatement Records (where no formal action was taken)
7. Abandoned Vehicle Reports
8. Auto Repossession files and notices
9. Lost/Found Property Reports (for which items have been lawfully disposed of)
10. All alpha index cards and photos in Records which pertain only to the above mentioned reports
11. All film and photos from the Evidence Section which pertain only to the above mentioned reports
12. Animal Control monthly and daily reports
13. Adjudicated Parking Citations
14. Parking Enforcement Daily Logs
15. Traffic Citation Control Sheets
16. Vehicle Maintenance Records
17. Traffic Citations (not related to Felony Traffic Accidents)
18. Subpoena Return Log for Officers
19. Auction Receipts and Records (non-weapon)
20. Records of expired licenses and permits
21. Minutes of Staff Meetings
22. Employee Work Schedules
23. Background Investigations on candidates not hired by the Rio Dell Police Department

D. The following records shall be maintained for three years, then may be destroyed:

1. Accident Reports with Property Damage Only
2. 861.8 P.C., any person found factually innocent under this section shall have the sealed record destroyed three years after the finding.
3. Miscellaneous Complaint Reports when the victim refuses to prosecute
4. Field Interrogation Cards
5. Department Training Files for employees who have been terminated
6. Miscellaneous files in any office that have not had any activity in three years
7. Expired Concealed Weapons Permits
8. Served and Recalled Warrant Notices, Warrant Cover Sheets, and Warrant Abstracts
9. CLEWS monthly printouts
10. Pawn Slips
11. Employee Payroll and Overtime Slips

12. Miscellaneous Budget Records

- E. The following reports shall be maintained for five years, then may be destroyed:
1. All misdemeanor and infraction crime reports and citations providing:
 - a. There is no outstanding warrant
 - b. There is no outstanding property in the State Automated Property System, or National Crime Information Center System
 - c. There is no death connected
 - d. There is not an on-duty City of Rio Dell employee involved
 2. Injury Accidents
 3. Attempted Suicide/Overdose Reports (not resulting in death)
 4. 5150 W&I Reports (mental treatment and evaluation reports)
 5. Cleared Missing Persons Reports
 6. Cleared Runaway Juvenile Reports
 7. Expired Restraining Orders
 8. Courtesy Reports for other agencies
 9. Sealed Juvenile Records
 10. Rio Dell Municipal Code Violations
 11. Coroner's Reports (non-criminal)
 12. All alpha index cards and photos in Records which pertain only to the above mentioned reports
 13. All film, photos, and taped statements from the Evidence Section which pertain only to the above mentioned reports
 14. Stored/Impound Vehicle Reports
 15. CORI Release Logs for Rap Sheets
 16. Chief's Correspondence
 17. Department Personnel Files for employee's who have terminated for more than five years
- F. The following reports shall be maintained for seven years, then may be destroyed, provided they are not presently involved in either civil or criminal litigation:
1. All Fatal Accidents
 2. Felony Crime Reports, providing:
 - a. There is no outstanding warrant
 - b. There is no outstanding property in the State Automated Property System, or the National Crime Information Center System
 - c. There is no death connection
 - d. There is no on-duty City of Rio Dell employee involved

3. Crime Reports with arrests for non-felony 23152 CVC
 4. Suicide Reports (resulting in death)
 5. All alpha index cards and photos in Records which pertain only to the above mentioned reports
 6. All film, photos, and taped statements from the Evidence Section which pertain only to the above mentioned reports
 7. Subpoena (D.T. and Deposition) for record files
- G. The following reports shall be maintained for ten years, then may be destroyed:
1. Misdemeanor Arrest Reports not presently involved in civil or criminal litigation
 2. Documentation of auction or destruction of weapons
- H. The following reports shall be maintained indefinitely:
1. Missing Persons Reports that have not been cleared
 2. All Homicide Reports
 3. Sex Offense Reports
 4. All 290 P.C. Registrant Files
 5. All 11590 H&S Registrant Files
 6. All 457.1 P.C. Registrant Files
 7. Gun Registration Files
 8. Felony Arrest Reports
 9. Misdemeanor or Felony Crime or Accident Reports that involve an on-duty City of Rio Dell employee
 10. Child Abuse, Molest, Endangerment or Neglect Reports
 11. Kidnap, Treason, and all Federal Crimes without Statute of Limitations
 12. Falsification of Public Records Reports
- I. 11357(b), (c), (d), or (e) H&S Arrest Reports or 11360(b) H&S Arrest Reports which occurred after January 1, 1976 shall not be kept beyond two years from the date of conviction, or from the date of arrest if there is no conviction. Related documents, photos and alpha index cards (or alpha entries pursuant to above) shall be destroyed.
- J. Any documents relating to citizen complaints or investigation in response to citizen complaints relating to members of the Rio Dell Police Department and Internal Affairs Investigation files shall be retained for a period of at least five years, providing such documents are not evidence in any claim filed or any pending litigation (or potential litigation, in which case such documents shall be preserved for five years after the conclusion of the litigation). Any citizen complaint files deemed "frivolous" in nature may be destroyed in three years.

I hereby certify that the foregoing is a true copy of the resolution adopted by the City Council of the City of Rio Dell in a meeting thereof held on January 19, 2010 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk



STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Graham Hill, chief of Police

DATE: January 8, 2010

THROUGH: Jim Stretch, Interim city Manager

SUBJECT: Amendment for equipment purchase and to close-out remaining funds from a Local Law Enforcement Block Grant restricted to equipment purchase.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve budget amendment of \$2,865.64 to facilitate the closing out of a LLEBG Block Grant fund that remains from a grant awarded to the City of Rio Dell several years ago. These funds will be used, per the requirements of the grant to purchase police equipment.

BACKGROUND AND DISCUSSION:

The City of Rio Dell received grant funds through Local Law Enforcement Block Grant (LLEBG) several years ago. The grant funds were spent for various pieces of police equipment over the last several years. I was advised by the Finance Director of a remaining fund balance that needed to be spent; however these funds were not included in the Police Department's budget for this budget year. I have identified a need for additional firearms, specifically two patrol rifles, and two side arms. As we go into 2010 we are hoping to incorporate Level II Reserve Police Officers into the department, as well as fill our new grant position. It is a significant advantage if all of our officers are using the same firearm in the same caliber. If this budget amendment is approved we will be purchasing two Glock Model 22 pistols in .40 caliber, and two Rock River Arms Model Car A4 rifles in .223 caliber.

BUDGET IMPACT

Fund 42 LLEBG fund balance will be reduced to zero as requested by the finance department, fulfilling our obligation to expend funds on police equipment.

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



To: Honorable Rio Dell City Council
Through: Jim Stretch, Interim City Manager
From: Randy Jensen, Acting P.W. Director and Carla Ralston, Public Works Admin.
Date: January 19, 2010
Subject: Scope of Services – Winzler and Kelly

Recommendation

It is recommended that Council approve the attached Agreement for the scope of services for Proposed Mozzetti Irrigation Site Groundwater Anti-Degradation Analysis

Budgetary Impact

The City is in the process of securing a planning loan from RCAC to fund planning activities for phase 2 of the Sewer Effluent Disposal and Facilities Planning Project. This Scope of services will be an eligible activity under the planning loan once secured. Prior to acquisition of planning funds, Sewer Capital Funds will be utilized. In the event the City planning loan is not secured, we may request to borrow General Fund Reserves.

Discussion

In response to the Regional Water Quality Control Board's (RWQCB) Cease and Desist Order regarding the City's existing summer percolation ponds as a means of wastewater disposal, the City has identified the use of Type II irrigation as a preferred alternate method for waste water disposal. In order to attain approval from the RWQCB for this method of disposal the City must develop and submit an anti-degradation analysis work plan.

The attached scope of services from Winzler and Kelly has four tasks associated that will address: the development of the work plan, rehabilitation and installation of groundwater monitoring wells, conducting the necessary anti-degradation analysis, and preparation and submittal of the finalized report to the RWQCB that will ultimately support the Report of Waste Discharge that will be used to secure the City's new National Pollutant Discharge Elimination System permit (NPDES).

Attachments:

Scope of Services from Winzler and Kelly for Proposed Mozzetti Irrigation Site Groundwater Anti-Degradation Analysis

Agreement Between
The City of Rio Dell
And
Winzler & Kelly
For
Proposed Mozzetti Irrigation Site
Groundwater Anti-Degradation Analysis

This agreement is based on a prime agreement between the City of Rio Dell and Winzler & Kelly dated October 10, 2003. All provisions of the prime agreement apply to this agreement unless noted otherwise in this agreement.

INTRODUCTION

In response to the Regional Water Quality Control Board's (RWQCB) Cease and Desist Order regarding the City's existing summer percolation ponds and in light of recent legal cases regarding the use of percolation ponds located on river gravel beds, the City of Rio Dell has identified and is pursuing the use of the proposed Mozzetti irrigation site for summertime disposal of treated effluent via Type II irrigation. The City selected Type II irrigation as the preferred wastewater disposal method in March of 2009, and has been under recent pressure by the RWQCB to make progress toward implementation.

Additional studies are required to gain RWQCB approval for Type II irrigation at the proposed Mozzetti irrigation site. One of the high priority items in moving this forward is an anti-degradation analysis of the Mozzetti site comparing site specific background groundwater quality with anticipated treated effluent quality and consideration of the potential for degradation of the beneficial uses of the groundwater resources at the site. This evaluation is required by the RWQCB and supports the needed Addendum to the City's project Environmental Impact Report (EIR). Under this agreement, Winzler & Kelly will complete the anti-degradation analysis that will support both the Report of Waste Discharge that will be completed at a future date for securing a new NPDES permit from the RWQCB and for the Addendum to the City's project EIR.

We anticipate this scope to include an iterative process with the RWQCB for finalization of the Report and irrigation system operation details. Although preliminary data indicate we will be successful in finalizing the anti-degradation analysis to allow Type II irrigation at the proposed Mozzetti irrigation site, completion of this scope does not guarantee that the RWQCB will permit the proposed Type II irrigation at the site. We will keep the City informed on progress on the anti-degradation analysis and will alert staff if there is an indication the analysis is not looking favorable to Type II irrigation.

SCOPE OF SERVICES

Task 1: Develop/Submit Anti-Degradation Analysis Workplan for RWQCB

The RWQCB currently has no written guidelines for preparation of anti-degradation analyses. Therefore, Winzler & Kelly will develop an Anti-Degradation Analysis Workplan, consistent with

prior anti-degradation analyses we have prepared for submittal to the RWQCB. The workplan will include the following:

- Description of monitoring data previously collected at the proposed Mozzetti irrigation site to date
- Description of ongoing monitoring and sampling previously approved to take place under previous contract
- Description of monitoring data previously collected at the existing wastewater treatment facility (WWTF)
- Summary of water quality constituents to be included in the anti-degradation analysis
- Description of methodology proposed to be used in anti-degradation analysis

This workplan will provide the RWQCB opportunity to comment on the scope of the anti-degradation analysis including constituents to be evaluated in the analysis.

Task 2: Rehabilitation/Installation of Groundwater Monitoring Wells

There are two groundwater monitoring wells that are experiencing problems at the Mozzetti site. Monitoring Well (MW) 3 has been damaged by cattle. The well head on MW-3 needs to be repaired with a larger volume of concrete and the riser height also needs to be lowered. The well will be resurveyed following rehabilitation to facilitate continued groundwater gradient analyses. Also, MW-1 is experiencing a lack of groundwater due to low groundwater tables and difficulties experienced during drilling of the original well. We will replace MW-1 with a new well using the direct push construction method to allow deeper (50 feet below ground surface) well installation through the gravels and cobbles. We will then survey the top of the new well casing. This task follows the recommendations in the conclusions and recommendations section of the Proposed Mozzetti Irrigation Site Soil and Groundwater Subsurface Investigation Report recently completed by Winzler & Kelly in December 2009.

Task 3: Conduct Anti-Degradation Analysis

Winzler & Kelly will compile data collected to date by Winzler & Kelly and city staff at the proposed irrigation site, compile data collected by City staff at the wastewater treatment plant, and conduct a technical analysis of this data for comparison to water quality objectives related to the beneficial uses of groundwater at the proposed irrigation site. The anti-degradation analyses will require effluent data from the existing WWTF, anticipated effluent data from the new proposed WWTF, and groundwater quality data. The City shall be responsible for collection and lab costs of all effluent data required for the groundwater impacts analysis. Winzler & Kelly will provide the City with a list of needed data following confirmation of the Workplan in Task 1 by the RWQCB. Baseline groundwater data collected under the Proposed Mozzetti Irrigation Site Soil and Groundwater Subsurface Investigation Project will be utilized in the analysis.

Task 4: Prepare Anti-Degradation Analysis and Submit Report to RWQCB

Winzler & Kelly will summarize data collected under the previous task and summarize in an Anti-Degradation Analysis Report. A Draft version of the Report will be submitted to City and RWQCB staff for review and comment. After City and RWQCB comments are received, the Report will be finalized and resubmitted for RWQCB approval. This Report is intended to serve as supporting

documentation for the EIR Addendum to be prepared for Type II irrigation at the proposed Mozzetti irrigation site, and also as supporting documentation for the Report of Waste Discharge that will need to be prepared for the City's new wastewater treatment facility and disposal site.

ITEMS NOT INCLUDED IN THIS SCOPE OF SERVICES

This Scope of Services is limited to the items outlined above. The following are not included in this Scope of Services:

- Sampling costs at the proposed Mozzetti irrigation site or at the WWTF
- Report of Waste Discharge
- EIR Addendum
- Other items not specifically included in this Scope of Services.

SCHEDULE AND BUDGET

It is anticipated that this Scope of Services can be completed according to the following schedule.

February 2010	Develop/Submit Anti-Degradation Analysis Workplan for RWQCB
February 2010	Rehabilitation/Installation of Groundwater Monitoring Wells
March 2010	Conduct Anti-Degradation Analysis
March 2010	Prepare DRAFT Anti-Degradation Analysis Report and Submit to RWQCB
April 2010	Prepare FINAL Anti-Degradation Analysis Report and Submit to RWQCB

The actual effort that will be required to complete the tasks and schedule presented in this Scope of Services are contingent upon the actions of others or what is determined during the analysis process. The initial budget allowances presented are initial allocations and the actual cost may be more or less depending on many factors over which neither Winzler & Kelly nor the City have control. Therefore, the tasks in this Scope of Services shall be completed on a time and materials as required basis. The initial total allowance for this scope of services is \$32,981.

The appropriate level of effort will be expended to accomplish the tasks necessary to move the City's wastewater compliance project forward. We will keep the City informed on the progress of the work and any changes in scope, status of the budget, and schedule.

Invoices shall be prepared each month for services provided and shall be due and payable within 30 days of the date of the invoice. Interest at the rate of 1-1/2% per month shall be charged on all outstanding balances.

It is estimated that the cost for the above scope of work will be as follows:

Task 1	Develop/Submit Anti-Degradation Analysis Workplan for RWQCB	\$2,300
Task 2	Rehabilitation/Installation of Groundwater Monitoring Wells	\$6,900
Task 3	Conduct Anti-Degradation Analysis	\$11,400
Task 4	Prepare Anti-Degradation Analysis Report and Submit to RWQCB	\$12,400
	Total	<u>\$33,000</u>

AGREED

City of Rio Dell

Winzler & Kelly

Jim Stretch, City Manager, Date

Steve Allen, Managing Principal, Date

Rio Dell Accounting Tracking Number



TO: Honorable Rio Dell City Council
FROM: Jim Stretch, Interim City Manager
DATE: January 19, 2010
SUBJECT: Use of public funds for exercise program (general employees)

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Make the determination that the expenditure of public funds for an exercise program (Fit Camp) for the general City workforce promotes a valid and substantial public purpose within the authorized mission of the City.
2. If item #1 above is determined to be an appropriate use of public funds, approve the attached Release of Liability and Participation Agreement form for the City funded exercise and fitness program.
3. If #1 above is approved, authorize payment of the 2 month employee cost for the program in the amount of \$800.00 for January and February 2010, and bi-monthly thereafter.

BACKGROUND AND DISCUSSION

As the Council will recall, this item was considered on January 5, 2010 agenda but did not pass. There was a 2-2 tie vote with the fifth Councilmember being absent. The Council asked that the item be returned for reconsideration when all members are present.

At the above noted meeting, the Council did make the determination that such expenditure was appropriate for members of the City Police Officers, primarily due to the nexus between the duties of the job and the need for a higher level of fitness.

To restate the issue as presented on 1-5-10, the City has funded through the budget process an exercise program (Fit Camp) for employees in the general workforce. The program is not part of the employee organization's Memorandum of Understanding (MOU). The question is whether the expenditure is allowable by State of California Constitution Article XVI, section 6 which concerns gifting of public funds. It reads in part as follows:

“The Legislature shall have no power... to make any gift or authorize the making of any gift, of any money or thing of value to any individual, municipal or other corporation whatever...” The term “Legislature” includes a city council in its legislative role.

In 75 Ops. Cal. Atty. Gen. 20, the Attorney General opined that “It has long been recognized that the “Gifts” prohibition of the Constitution does not apply where the expenditure... promotes a

valid and substantial public purpose within the authorized mission of the public agency appropriating the funds.” The opinion further stated “Whether a particular program serves a public purpose is primarily a legislative determination that will not be disturbed by the courts so long as it has a reasonable basis”.

Exercise programs have been touted as having a positive impact on an individual’s overall health; that it reduces stress, improves fitness and productivity and has a positive effect on one’s feeling of self worth. The issue is whether the Council can make the necessary determination that the expenditure of city funds for a private after hours exercise program promotes a valid and substantial public purpose within the mission of the City.

Though the cost of the programs is not really germane to the policy question, the cost is relatively minor in terms of the overall City budget. The cost is \$100/month/person and there are 4 members of general employee group participating.

Assuming that the Council makes a determination that the expenditures for is appropriate, a Program Release of Liability and Participation Agreement should be signed by each participant. The form has been reviewed and approved as to legal form by the City Attorney.

Attachment: Participant Release and Agreement form

Agreement and Release of Liability for General
Employees Participation in City of Rio Dell
Funded Exercise and Fitness Program funded

I _____ am voluntarily participating in the City funded Fitness Program, Fit Camp. By volunteering for this program I understand that I am agreeing to participate in an eight week program two or three days per week; I agree to sign in at the beginning of each session that I attend; and I understand that I am participating in this program on my own time and will not be paid for my participation.

I, and my heirs, in consideration of my voluntary participation in the Rio Dell Exercise and Fitness Program (Fit Camp) as described in the attached document, hereby release the City of Rio Dell, its officers, employees and agents, and any other people officially connected with this event, from any and all liability for personal injury, damage to or loss of personal property, sickness or injury from whatever source, legal entanglements, imprisonment, death, or loss of money, which might occur while participating in this event.

Specifically, I release said persons from any liability or responsibility for my physical condition and my ability to participate in this program. I am aware of the risks of participation, which include, but are not limited to, the possibility of sprained muscles and ligaments, broken bones and fatigue, which may result in loss of income from missed work. I hereby state that I am in sufficient physical condition to accept a rigorous level of physical activity. I understand that I may withdraw from the voluntary program at any time. I verify that I will be responsible for any losses, damage, and/or medical costs I incur as a result of my participation.

I further understand that the City of Rio Dell may choose to discontinue the funding for this program at any time and for any reason.

(Participant)

(Date)

CITY OF RIO DELL
POLICE DEPARTMENT
FITNESS PROGRAM DESCRIPTION
(COULD BE MODIFIED FOR GENERAL EMPLOYEE GROUP)

Fitness Program general information for participant:

The City of Rio Dell police department has a fitness program available to our employees. The program is available on a voluntary basis. The program offered is called Fit Camp and is an eight week program targeting cardio vascular exercise and some resistance exercise and has six sessions available throughout the year. It is available two times per day, Monday, Tuesday, and Thursday at the Fortuna Fireman's Pavilion. The morning session starts at 5:30 AM and lasts until about 6:30 AM, and the evening session starts at 6:30 PM and lasts to approximately 7:30 PM. There are two levels of participation offered; three classes per week, or two classes per week. The program consists of running, lifting, stretching, twisting, and other strenuous exercise. Participants are expected to participate based on their abilities.

If an employee wishes to use the program you must sign up at the beginning of a session with the Chief of Police and arrangements will be made for you to meet with the program instructors who will weigh and measure you prior to the session starting so your progress can be monitored.

If you choose to participate and you have a schedule conflict please see me before the beginning of the session so, if possible, I can make adjustments to the schedule to accommodate your participation in the program. If you choose to participate, it is required that you attend all of the classes. If you cannot make it to a class please inform me or Sergeant Wiener prior to the class. Only legitimate excuses will be tolerated such as illness, injury, or extenuating circumstances beyond your control (which will be evaluated). If you miss more than four classes you will not be eligible to attend the following session. If you do miss a class you may make arrangements with the instructors to make them up within the eight weeks that particular session is running.

There is a sign-in sheet located in the equipment office at the pavilion specifically for police Employees. You are required to sign yourself in and identify which time slot you attended. Another employee may not sign for you, and should this occur it would count as a missed class.