

Public Review Copy

AGENDA

**RIO DELL CITY COUNCIL
REGULAR MEETING - 6:30 P.M.
TUESDAY, NOVEMBER 17, 2009
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 MATTERS

- 1) 2009/1117.01 - Proclamation in Recognition of the Humboldt Arts Council and the 10th Anniversary of the Morris Graves Museum of Art

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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) 2009/1117.02 - Approve Check Register (**Action**)
2) 2009/1117.03 - Approve 2009 Holiday Schedule (**Action**)

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G. SPECIAL PRESENTATIONS

H. ORDINANCES/ SPECIAL RESOLUTION

- 1) 2009/1117.04 - Introduce and conduct first reading of Ordinance No. 264-2009 Amending Zoning Ordinance No. 252-2004 Pertaining to Street Dedication and Improvement For the Maintenance and Repair of Sidewalks (Public Hearing) **(Action)** 7

I. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2009/1117.05 - Select date to conduct Study Session to discuss proposals for the remaining \$110,000 Parks Bond funding **(Action)** 19

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 Director of Public Works
- 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:

- 1) 2009/1117.06 - Public Employee Contract Negotiations: Interim City Manager pursuant to Government Code Section 54957
- 2) 2009/1117.07 - Anticipated Litigation - significant exposure to litigation pursuant to Government Code Section 54956.9(b): 1 potential case

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 December 1, 2009
at 6:30 PM in the City Council Chambers*

PROCLAMATION
In Recognition of the
HUMBOLDT ARTS COUNCIL
And the Tenth Anniversary of the
MORRIS GRAVES MUSEUM OF ART

WHEREAS, the Humboldt Arts Council was organized in 1966 and incorporated in 1971 as a 501 © (3) non profit corporation and is the largest multidisciplinary arts organization and the State Local Partner to the California Arts Council, focusing on working in partnership with artists, arts organizations, community groups, and schools to strengthen the arts' accessibility and impact as aesthetic, personal and social resources,

WHEREAS, the Humboldt Arts Council envisions that the importance of art will be evident in all aspects of life in Humboldt County, including homes, schools, businesses, and government.

WHEREAS, the Humboldt Arts Council is dedicated to providing leadership in support of the rich heritage of the arts on California's North Coast, and to bringing this legacy fully into community life,

WHEREAS, the Humboldt Arts Council raised substantial sums for the renovation of the Carnegie Library Building and on January 1, 2000 held the grand opening of the Morris Graves Museum of Art, a contemporary arts exhibition and performance facility enthusiastically welcomed by the community; and

WHEREAS, on January 12, 2000 the City of Eureka deeded title for the Carnegie Library Building to the Humboldt Arts Council and in 2003 the Council began its campaign to raise funds for an Endowment to sustain the Carnegie Library Building for the next 100 years,

WHEREAS, the Morris Graves Museum of Art welcomes thousands of visitors each month and during First Saturday Arts Alive to its seven galleries including a Courtyard Sculpture Garden, a Museum Store, classroom facilities, an Arts Resource Center and a Performance Rotunda,

WHEREAS, the Humboldt Arts Council will begin the year long Celebration of the Tenth Anniversary of the Morris Graves Museum of Art on First Saturday Arts Alive, Saturday, January 2, 2010 at 5:00 p.m. with a special Dedication Ceremony.

NOW, THEREFORE the City Council of the City of Rio Dell recognizes the Humboldt Arts Council and the tenth anniversary of the Morris Graves Museum of Art.

November 17, 2009

Melissa Marks, Mayor Pro Tem

**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA**

TO: Honorable Mayor and Members of the City Council
THROUGH: Graham Hill, Interim City Manager
FROM: Karen Dunham, City Clerk
DATE: NOV 17, 2009
SUBJECT: Approval of Check Register

RECOMMENDATION

The City Council to approve the General check register for check numbers 27816-27876 totaling \$80,208.86; and Payroll check register for check numbers 14961-14981 totaling \$22,233.94.

<u>Register</u>	<u>Check Numbers</u>	<u>Total</u>
General	27816-27876	80,208.86
Payroll	14961-14981	22,233.94

\$102,442.80

/attachments

CITY OF RIO DELL CHECK REGISTER

General Checking - US Bank of California

<u>Check</u>	<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Check / Payment</u>
0027816	11/10/2009	[2362] EMPLOYMENT DEVELOPMENT DEPARTMENT	PIT PPE 110609 SDI PPE 110609 SUI PPE 110609	868.02
0027817	11/10/2009	[2106] PAULINE W. EVANS	WATER RESIDENCY INCENTIVE	81.71
0027818	11/10/2009	[2481] ICMA	EMPLOYEE 457 DEFERRED COMP FOR PPE 110609	3,077.03
0027819	11/10/2009	[4506] RESULTS FIT CAMP	EMPLOYEE PHYSICAL FITNESS CAMP	1,200.00
0027820	11/10/2009	[2752] US BANK FEDERAL TAX DEPOSIT	FICA PPE 110609 FWT PPE 110609 M/C PPE 110609	6,869.70
0027821	11/13/2009	[0576] 101 AUTO PARTS	MONTHLY CHARGES FOR OCT 09	842.72
0027822	11/13/2009	[2203] AESTHETIC DESIGN & PHOTOGRAPHY	ANNUAL WEB HOSTING - 11/1/09 to 10/31/10	270.00
0027823	11/13/2009	[2223] APPLIED INDUSTRIAL TECH.	FLOW NEEDLE & CHECK VALVE	13.80
0027824	11/13/2009	[3975] AT&T - 5709	TELEPHONE	17.50
0027825	11/13/2009	[2590] AT&T - 1704	TELEPHONE	40.13
0027826	11/13/2009	[2589] AT&T - 3532	TELEPHONE	146.52
0027827	11/13/2009	[2586] AT&T - 5312	TELEPHONE	14.92
0027828	11/13/2009	[2588] AT&T - 5641	TELEPHONE	169.43
0027829	11/13/2009	[2585] AT&T - 56K	TELEPHONE	68.05
0027830	11/13/2009	[2591] AT&T - 8849	TELEPHONE	39.34
0027831	11/13/2009	[2587] AT&T - 5754	TELEPHONE	167.90
0027832	11/13/2009	[3604] STEPHANIE N. BEAUCHAINE	PER DIEM FOR FINANCE DIRECTOR & MAYOR FOR NOV	450.00
0027833	11/13/2009	[2247] BLUE CROSS OF CALIFORNIA	EMPLOYEE HEALTH INSURANCE	18,453.00
0027834	11/13/2009	[2285] CC MARKET (1)	6 GAL. BLEACH	36.92
0027835	11/13/2009	[2293] CITY OF FORTUNA	EMPLOYEES BIRTHDAY CAKE FOR OCT 09	1,542.00
0027836	11/13/2009	[2324] CSK AUTO, INC.	POLICE DISPATCH SERVICES/NOV 2009	19.45
0027837	11/13/2009	[2928] DAN COLLINGS TREE SERVICE	SUPPLIES REMOVE 3 MAPLES AT GARDEN TRIANGLE & 2 PINE A	2,900.00
0027838	11/13/2009	[4382] DOCUSTATION	MAINTENANCE & COPIES FOR XEROX FROM 11/7/09	648.34
0027839	11/13/2009	[2383] EUREKA OXYGEN CO.	- HAS/MAT CHARGE	14.30
0027840	11/13/2009	[2106] PAULINE W. EVANS	MILEAGE REINBURSEMENT FOR OCT 09	22.27
0027841	11/13/2009	[2407] FORBUSCO LUMBER	MONTHLY CHARGES FOR OCT 09	1,476.33
0027842	11/13/2009	[2405] FORTUNA ACE HARDWARE	REPAIRS TO WASTEWATER PLANT	37.34
0027843	11/13/2009	[2413] FORTUNA FEED & FARM	PLANTS FOR CITY HALL	38.89
0027844	11/13/2009	[2416] GALLS, INC.	EXTENDED BODY ARMOR	324.74
0027845	11/13/2009	[3978] GRAFIX SHOPPE	2 REFLECTIVE VEHICLE GRAPHIC KITS FOR UNITS 2	846.51
0027846	11/13/2009	[2501] HAJOCA CORPORATION	SPOOL HYDRANT REPAIR WASTEWATER SUPPLIES PIPE PVC RED CPLG	1,543.32
0027847	11/13/2009	[4657] HALLIDAY PRODUCTS, INC	ENTRY "HATCH" TO LIFT STATION	2,025.97

CITY OF RIO DELL CHECK REGISTER

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<u>Check</u>	<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Check / Payment</u>
0027848	11/13/2009	[4035] HSBC BUSINESS SOLUTIONS	SUPPLIES	53.53
0027849	11/13/2009	[2456] HUMBOLDT COUNTY DEPT OF HEALTH SERVICES	EMPLOYEE HAV-HBV SHOT	54.00
0027850	11/13/2009	[4112] INFORMATION TECHNOLOGY	CRIMINAL JUSTICE & NETWORK CONNECTION FEES FO	243.16
0027851	11/13/2009	[3180] JENSEN, RANDY	REIMBURSEMENT FOR USED DESK FOR PW	45.00
0027852	11/13/2009	[4381] LIEBERT CASSEDY WHITMORE	LEGAL - DFEH COMPLAINT LEGAL	2,244.00
0027853	11/13/2009	[4656] LKQ NORTHERN CALIFORNIA	MIRROR FOR SERVICE TRUCK	108.25
0027854	11/13/2009	[2570] NILSEN COMPANY	WEED SPRAY	129.90
0027855	11/13/2009	[2410] NORTH COAST CLEANING SERVICES, INC.	MONTHLY CLEANING SERVICE	376.00
0027856	11/13/2009	[2569] NORTH COAST LAB	LAB TESTING	102.00
0027857	11/13/2009	[4393] NYLEX.NET	REPAIR PROBLEMS WITH 2 LAPTOPS	270.00
0027858	11/13/2009	[4548] PAPE' MATERIAL HANDLING	12" IN BUCKET FOR BACKHOE	574.80
0027859	11/13/2009	[2616] PIERSON BUILDING CENTER	GAS CANS SUPPLIES	138.10
0027860	11/13/2009	[3343] PITNEY BOWES RESERVE ACCOUNT	POSTAGE LOG FOR OCT 09	209.00
0027861	11/13/2009	[4338] QUILL CORPORATION	OFFICE SUPPLIES	187.80
0027862	11/13/2009	[1576] CARLA RALSTON	MILEAGE REIMBURSEMENT FOR OCT09	78.10
0027863	11/13/2009	[4422] RCM ELECTRIC	FURNISH & INSTALL (4) 70 WATT SECURITY LIGHTS	1,750.00
0027864	11/13/2009	[2659] RIO DELL PETTY CASH	POSTAGE FOR OCT09	122.33
0027865	11/13/2009	[4215] ROCHA'S AUTOMOTIVE	INSPECT & CHANGE OIL & FUEL FILTER ON 2002 C	210.72
0027866	11/13/2009	[2694] SHELL OIL CO.	GAS	2,397.00
0027867	11/13/2009	[4525] SHERLOCK RECORDS MGMT	STORAGE OF CITY RECORDS FROM 11-1-09 to 11-30	53.00
0027868	11/13/2009	[3151] SHN CONSULTING ENGINEERS	WATER INTAKE PROJECT	260.00
0027869	11/13/2009	[2251] STATE BOARD OF EQUALIZATION	WATER RIGHTS FEE FOR ID# 0000 7624 091 WATER RIGHTS FEE FOR ID# 0000 7667 193 WATER RIGHTS FEE FOR ID# 0000 7678 787	335.31
0027870	11/13/2009	[3883] SUPERIOR INSTALLS	INSTALL ROOF & TRUNK MOUNT ANTENNAS	251.50
0027871	11/13/2009	[1134] JACK THOMPSON	MILEAGE REIMBURSEMENT FOR RCEA MEETING	28.60
0027872	11/13/2009	[2750] USA BLUEBOOK	RUBBER BOOT FOR MULTI-VISION GAS DETECTOR	40.74
0027873	11/13/2009	[2772] WENDT CONSTRUCTION	TAKE DOWN PERK PONDS 1/2 DAY RENTAL OF AIR COMPRESSOR WITH JACK HA	1,715.00
0027874	11/13/2009	[2779] WILDWOOD SAW	CHAIN SAW OIL MIX & THROTTLE CABLE OIL CAP FOR CHAIN SAW SAW CHAIN	117.99
0027875	11/13/2009	[2784] WINZLER & KELLY CONSULTING ENGINEERS	SAFE ROUTES TO SCHOOL REPRESENT AT (TAC) MEETINGS WASTEWATER IRRIGATION SITE/MOZETTI IRRIGATION RD SYSSTEM CAPITAL IMPROVE. PLAN	23,737.75

CITY OF RIO DELL CHECK REGISTER

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<u>Check</u>	<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Check / Payment</u>
0027876	11/13/2009	[2787] WYCKOFF'S	REPAIRS TO WASTEWATER PLANT 2" PLUG & GARBAGE BAGS	109.13
<i>Total Checks/Deposits</i>				<u>80,208.86</u>

**RIO DELL CITY COUNCIL
STAFF REPORT
NOVEMBER 17, 2009**

TO: Rio Dell City Council
FROM: Karen Dunham, City Clerk
THROUGH: Graham Hill, Interim City Manager
DATE: November 13, 2009
RE: Holiday Schedule

RECOMMENDATION

Approve the 2009 Holiday Schedule

BACKGROUND AND DISCUSSION

The following schedule reflects the tentative dates for this year's holiday events. Please comment on any concerns you may have regarding the proposed schedule and mark your calendars.

- Thanksgiving Holiday - City Hall closed Wednesday, November 25 – Friday November 27th. (Employees will have the option of working on Wednesday or using vacation leave). Thursday & Friday are designated paid holidays.

- Annual Tree Lighting - Thursday, December 3rd @ 6P.M.

- Christmas Dinner - Wednesday, December 23rd @ River Lodge (Details to follow)

- Christmas Holiday - City Hall closed Thursday, December 24 – Friday, December 25th. (These are both designated paid holidays).

- New Years - City Hall closed December 31st and January 1st (Employees will have the option of working on New Year's Eve or using vacation leave) Employee Negotiations pending for New Year's Eve as a paid holiday

**CITY OF RIO DELL
STAFF REPORT
RIO DELL CITY COUNCIL
NOVEMBER 17, 2009**

TO: Rio Dell City Council

FROM: Karen Dunham, City Clerk

THROUGH: Graham Hill, Interim City Manager

DATE: November 17, 2009

SUBJECT: Zoning Ordinance Amendment – Sidewalk Maintenance and Repair

RECOMMENDATION

Make a motion to introduce and Conduct first reading by title only (waiving further reading) of Ordinance No. 264-2009 amending Zoning Ordinance No. 252-2004 Pertaining to Street Dedication and Improvement for the Maintenance and Repair of Sidewalks; and open public hearing to receive public comment on the proposed ordinance. Staff further recommends that the Planning Commission continue to discuss future recommendations to Council.

BACKGROUND AND DISCUSSION

Over recent months, the City has received claims from two separate individuals who have tripped and fallen on City sidewalks and sustained injuries. One of the claims totaled approximately \$3,000 in medical bills and eye glasses. The City's deductible is \$2,500 therefore; the majority of the expense becomes the responsibility of the city.

Section 6.18.5 (J) of the City's Zoning Ordinance No. 252-2004, states "*Sidewalk maintenance is the responsibility of the property owner whose land underlies or is adjacent to the Sidewalk. Failure to maintain or repair a sidewalk may cause the City Public Works Director to issue a "Notice to Repair." If the situation is not corrected in 30 days to the satisfaction of the Public Works Director, the City will make appropriate corrections and the City will access the property owner for all costs accrued by means the City deems feasible.*"

In following up with the City's Liability Insurance Claims Manager, we learned that although this is standard language used by most jurisdictions, it does not necessarily

protect the City against liability in the event of damages. The attached language adopted by the City of San Jose was forwarded to us from our insurance claims manager at Bragg & Associates. He said that he had spoken with their attorneys in regard to this language and they indicated that it has stood up in Court cases to date and puts the responsibility of maintenance and liability on the property owner.

The proposed zoning amendment was presented to the Planning Commission at their October 28, 2009 regular meeting. Commissioner Millington suggested a legal opinion be obtained from the City Attorney before making a recommendation to the City Council. I spoke with Attorney Martinek and he said that in his opinion the existing language would stand up in court since it is the legal responsibility of the property owner to maintain the sidewalk adjacent to or fronting their property however, it would be appropriate to strengthen the language to further protect the City from potential liability.

ATTACHMENTS:

Draft Ordinance No. 264-2009
Streets and Highways Code Section 5600-5602, 5610-5618, 5625-5630

CHAPTER 22

**STREETS AND HIGHWAYS CODE
SECTION 5600-5602**

5600. As used in this chapter "sidewalk" includes a park or parking strip maintained in the area between the property line and the street line and also includes curbing, bulkheads, retaining walls or other works for the protection of any sidewalk or of any such park or parking strip.

5601. This chapter shall only apply to maintenance and repair proceedings, whether upon work originally done under this division or otherwise, and shall not be used for the construction of new improvements. The "Special Assessment Investigation, Limitation and Majority Protest Act of 1931" shall not apply to proceedings taken under this chapter.

5602. This chapter constitutes a separate and alternate procedure for performing the work specified herein and, except for the provisions of Part 5 of this division, no other provisions of this division shall apply to proceedings instituted hereunder.

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STREETS AND HIGHWAYS CODE

SECTION 5610-5618

5610. The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under a like duty in relation thereto.

5611. When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk, the superintendent of streets shall notify the owner or person in possession of the property fronting on that portion of such sidewalk so out of repair, to repair the sidewalk.

5612. Notice to repair may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalk so out of repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of such city or to the name and address of the person owning such property as shown in the records of the office of the clerk.

5613. The postal card shall contain a notice to repair the sidewalk so out of repair, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof printed on a card of not less than 8 inches by 10 inches in size, to be posted in a conspicuous place on the property. In lieu of posting a copy of the mailed notice on the property as provided in this section, the superintendent of streets may, not less than seven days nor more than 10 days after the mailing of the first postal card notice, mail an additional postal card, postage prepaid, marked "Second Notice," to the person to whom the first postal card notice was addressed. The second notice shall otherwise contain the material required by this article, but shall not extend the time for commencing repairs specified in Section 5614.

5614. The notice shall particularly specify what work is required

to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not commenced within two weeks after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall make such repair, and the cost of the same shall be a lien on the property.

5614.1. The legislative body may adopt a resolution determining that bonds shall be issued and assessments collected and enforced pursuant to Part 5 of this division. In such event, the notice to repair shall specify that bonds shall be issued to represent the security of the unpaid assessments, payable over a period of not to exceed six years, and shall further recite a maximum rate of interest to be paid on the indebtedness, which shall not exceed 7 percent a year, payable semiannually.

5615. If the repair is not commenced and prosecuted to completion with due diligence, as required by the notice, the superintendent of streets shall forthwith repair the sidewalk. Upon the written request of the owner of the property facing the sidewalk so out of repair, as ascertained from the last equalized assessment roll of the city, or as shown in the records of the office of the clerk, the superintendent may repair any other portion of the sidewalk fronting on the property that is designated by the owner. The superintendent shall have power to prescribe the form of the written request. The cost of repair work done by request pursuant to this section shall be a part of the cost of repairs for which, pursuant to this chapter, subsequent notices are given, hearings held and assessment and collection procedures are conducted.

5616. Upon the completion of the repair, the superintendent of streets shall cause notice of the cost of the repair to be given in the manner specified in this article for the giving of notice to repair, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the repair together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such repair and any other interested persons. If bonds are to be issued, the notice shall also contain the information required by Section 5614.1.

5617. Upon the completion of the repair, the superintendent of streets shall prepare and file with the legislative body a report specifying the repairs which have been made, the cost of the repairs, a description of the real property in front of which the repairs have been made and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include repairs to any number of parcels of property, whether contiguous to each other or not.

5618. Upon the day and hour fixed for the hearing the legislative body shall hear and pass upon the report of the superintendent of streets, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the work of making such repair and any other interested persons. Thereupon the legislative body may make such revision, correction or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The legislative body may adjourn the hearings from time to time. The decisions of the legislative body on all protests and objections which may be made, shall be final and conclusive.

STREETS AND HIGHWAYS CODE

SECTION 5625-5630

5625. The cost of the repair may be assessed by the legislative body against the parcel of property fronting upon the sidewalk upon which such repair was made, and such cost so assessed, if not paid within five days after its confirmation by the legislative body, shall constitute a special assessment against that parcel of property, and shall be a lien on the property for the amount thereof which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record.

5626. The superintendent of streets may file in the office of the county recorder of the county in which the parcel of property is located, a certificate substantially in the following form:

NOTICE OF LIEN

Pursuant to the authority vested in me by the Improvement Act of 1911, I did, on the ____ day of ____, 19__, cause the sidewalk, curb, or park or parking strip, bulkheads, retaining walls, or other works (as the case may be) in front of the real property hereinafter described, to be repaired and improved, and the legislative body of said city (county, or city and county) did, on the ____ day of ____, 19__, by Resolution No. ____ assess the cost of such repair upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the said city (county, or city and county), does hereby claim a lien on said real property in the sum of ____ dollars (\$____), and the same shall be a lien upon said real property until the said sum, with interest at the rate of ____ percent per annum, from the said ____ day of ____, 19__ (insert date of confirmation of assessment), has been paid in full and discharged of record.

The real property hereinbefore mentioned and upon which a lien is claimed, is that certain piece or parcel of land lying and being in the (name of city, or city and county) the county of ____, State of ____, and particularly described as follows:

(Description of property)

Dated this ____ day of ____, 19__.

Superintendent of streets

5627. From and after the date of the recording of the notice of lien, all persons shall be deemed to have had notice of the contents thereof. The notice of lien may include claims against one or more separate parcels of property, whether contiguous or not, together with the amount due, respectively, from each such parcel. The statute of limitation shall not run against the right of the city to enforce the payment of the lien. If any such lien is not paid the city may file and maintain an action to foreclose such lien in the same manner and under the same procedure, so far as applicable, as that under which delinquent bonds are foreclosed under this division.

5628. As an alternative method of collection of the amount of the lien, the legislative body, after confirmation of the report of the superintendent of streets, may order the notice of lien to be turned over to the assessor and the tax collector of the city, whereupon it shall be the duty of those officers to add the amount of the assessment to the next regular bill for taxes levied against the lot or parcel of land. If city taxes are collected by the county officials, the notice of lien shall be delivered to the county auditor, who shall enter the amount thereof on the county assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the county auditor before the date fixed by law for the delivery of the assessment book to the county board of equalization.

5628.1. The legislative body shall have the power, in its discretion, to determine that the payment of assessments of one hundred dollars (\$100) or more may be made in annual installments, not to exceed five, and that the payment of assessments so deferred shall bear interest on the unpaid balance at a rate to be determined by the legislative body, not to exceed the rate permitted for bonds by Section 53531 of the Government Code. Interest shall begin to run on the 31st day after the confirmation of the assessments by the legislative body. Determinations of the legislative body shall be expressed by resolution at any time prior to the confirmation of the assessments.

5629. Thereafter the amount of the lien shall be collected at the same time and in the same manner as ordinary city taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary city taxes. All laws applicable to the levy, collection and enforcement of city taxes and county taxes are hereby made applicable to such special assessment taxes.

5629.1. If bonds are to be issued to represent the security of the unpaid assessments, upon confirmation of the report by the legislative body the superintendent of streets shall give notice to pay by mail and by publication substantially in the manner provided by Sections 4320 and 4321 of this code. The period for payment in cash stated therein shall be 30 days following the date of confirmation of the report. Upon completion of the cash payment period, the superintendent of streets shall file with the county recorder a certificate substantially in the form set out in Section 5626, giving notice therein that interest is payable at a rate to be fixed upon the sale of bonds, which rate shall not exceed the rate permitted for bonds by Section 53531 of the Government Code, and shall begin to run on the 31st day after the confirmation of the report. Thereafter the provisions of Part 5 (commencing with Section 6400) shall be applicable and payments on assessments at bond shall be made as therein provided. The bonds may be issued and sold as the legislative body directs and may be dated at any time after the

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expiration of the cash payment period.

5630. Whenever the property fronting on a sidewalk required to be maintained and repaired pursuant to the provisions of this chapter lies within one city or unincorporated territory of a county, and the sidewalk required to be so maintained and repaired lies within another city or unincorporated territory of a county, the superintendent of streets of the city or county having jurisdiction over the sidewalk shall have full authority to serve notices to repair and do all work contemplated by Articles 2 and 3 of this chapter, notwithstanding the fact that the property fronting on the sidewalk lies within another city or unincorporated territory of a county. The legislative body of the city or county within which the sidewalk has been repaired pursuant to the provisions of this chapter shall have jurisdiction to levy an assessment to pay the cost of any such sidewalk repairs against the parcel of property fronting on said sidewalk, notwithstanding the fact that said property lies within another city or unincorporated territory of a county and said assessment shall be a lien on said property for the amount thereof until the assessment and all interest thereon is paid or until it is discharged of record.

The provisions of Sections 5628 and 5629 of this code shall be applicable to the collection and enforcement of all liens levied pursuant to the provisions of this section and the amount so collected shall be paid to the treasurer of the city or county as the case may be which conducted the proceedings.

ORDINANCE NO. 264-2009

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF RIO DELL AMENDING ZONING ORDINANCE
NO. 252-2004 PERTAINING TO STREET DEDICATION
AND IMPROVEMENT FOR THE MAINTENANCE
AND REPAIR OF SIDEWALKS**

WHEREAS, the City Council proposed an amendment to the Rio Dell Zoning Ordinance to change the language regarding the maintenance and repair of sidewalks; and

WHEREAS, the Planning Commission held a duly noticed public hearing on this matter on October 28, 2009 without making a recommendation to the City Council; and

WHEREAS, the City council, pursuant to a notice published according to state law, held a public meeting on November 17, 2009 for the purpose of reviewing the proposed amendment, considering the comments that occurred before the Planning Commission, and considering the comments made by the public with respect to the proposed amendment; and

WHEREAS, the proposed amendment has been subject to review and comment by the public, and affected City departments; and

WHEREAS, after close of the public hearing, the City Council considered all public comments received both before and during the public hearing.

NOW, THEREFORE, the City Council of the City of Rio Dell does hereby ordain as follows:

Section 6.18.5 Street Dedication and Improvement

J. Maintenance and Repair of Sidewalks

Anything in this chapter to the contrary notwithstanding, the maintenance and repair of sidewalk areas and the making, confirming and collecting of assessments for the cost and expenses of said maintenance and repair may be done and the proceedings therefore may be had and taken in accordance with this part and the procedure therefore provided in Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the State as the same is now in effect or may hereafter be amended. In the event of any conflict between the provisions of said Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the State and this Part 17, the provisions of Part 17 shall control.

The owners of lots or portions of lots adjacent to or fronting on any portion of a sidewalk area between the property line of the lots and the street line, including

parking strips, sidewalks, curbs and gutters, and persons in possession of such lots by virtue of any permit or right shall repair and maintain such sidewalk areas and pay the costs and expenses therefore, including a charge for the City of Rio Dell's cost of inspection and administration whenever the city awards a contract for such maintenance and repair and including the costs of collection of assessments for the costs of maintenance and repair Paragraph 1 of this section or handling of any lien placed on the property due to failure of the property owner to promptly pay such assessments.

For the purposes of this part, maintenance and repair of sidewalk area shall include, but not be limited to, maintenance and repair of repair of surfaces including grinding, removal and replacement of sidewalks, repair and maintenance of curb and gutters, removal and filling or replacement of parking strips, removal of weeds and/or debris, supervision and maintenance of signs, tree root pruning and installing root barriers, trimming of shrubs and/or ground cover and trimming shrubs within the area between the property line of the adjacent property and the street pavement line, including parking strips and curbs, so that the sidewalk area will remain in a condition that is not dangerous to property or to persons using the sidewalk in a reasonable manner and will be in a condition which will not interfere with the public convenience in the use of said sidewalk area.

Notwithstanding the provisions of Section 5614 of the state Streets and Highways Code, the Director of Streets and Parks may in his or her discretion, and for sufficient cause, extend the period within which required maintenance and repair of sidewalk areas must commence by a period of not to exceed ninety days from the time the notice referred to in said Section 5614 is given.

The property owner required by Section 6.18.5 to maintain and repair the sidewalk area shall owe a duty to members of the public to keep and maintain the sidewalk area in a safe and non-dangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in a non-dangerous condition as required by Section 6-18.5, any person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury.

This Ordinance shall become effective thirty (30) days after the date of its passage and adoption

PASSED AND ADOPTED this day of , 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ordinance No. 264-2009 Title 17
Preparer: Karen Dunham, City Clerk
Amending Zoning Ordinance No. 252-2004

Melissa Marks, Mayor Pro Tem

Attest:

Karen Dunham, City Clerk

State of California)
County of Humboldt)
City of Rio Dell)

I, Karen Dunham, City Clerk of the City of Rio Dell do hereby certify that the foregoing Ordinance had its first reading on November 17, 2009 and had its second reading on _____, and was passed by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk

Ordinance No. 264-2009 Title 17
Preparer: Karen Dunham, City Clerk
Amending Zoning Ordinance No. 252-2004

**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
November 17, 2009**

TO: Mayor and Members of the City Council
THROUGH: Graham Hill, Interim City Manager
FROM: Stephanie Beauchaine, Finance Director
DATE: November 13, 2009
SUBJECT: 2002 Parks Bond Allocations

RECOMMENDATIONS

Select a date to conduct a study session to discuss proposals for the remaining \$110,000.00 Parks Bond Funding. Proposed dates are Tuesday November 24, 2009 at 5:00 p.m., and Tuesday December 1, 2009 at 5:00 p.m. prior to the next regularly scheduled Council meeting.

BACKGROUND AND DISCUSSION

The City of Rio Dell has received a \$220,000.00 allocation from the 2002 Parks Bond. \$110,000.00 has been allocated to the construction of bathroom facilities at the Fireman's Park, and administration on behalf of the Fire District.

The City has received several proposals from staff and external agencies for the remaining \$110,000.00. Staff recommends that the City conduct a study session to analyze and evaluate the potential proposals to ensure that the funds are expended in accordance with the goals and visions of the Council.

BUDGETARY IMPACT

None