

A G E N D A
RIO DELL CITY COUNCIL
REGULAR MEETING - 6:30 P.M.
TUESDAY, APRIL 20, 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) 2010/0420.01- Approve Minutes of the April 6, 2010 Regular Meeting **(Action)** 1
- 2) 2010/0420.02- Approve support for Councilmember Thompson's offer to serve as a City Representative to the Local Agency Formation Commission (LAFCo) **(Action)** 9
- 3) 2010/0420.03- Approve planting of six trees at the City owned property located on Riverside Dr. and one at City Hall **(Action)** 13
- 4) 2010/0420.04 - Approve Amendment 4 to the Scope of Services for CEQA, Bid Period Services, Caltrans Reporting and Construction Management relating to the Wildwood Ave. Paving and Pedestrian Improvement Project in the

amount of \$87,000 **(Action)** 14

G. SPECIAL PRESENTATIONS

H. ORDINANCES/SPECIAL RESOLUTIONS

- 1) 2010/0420.05 - Conduct Public Hearing/Approve Interim Urgency Ordinance No. 265-2010 authorizing a moratorium on the legal establishment and operation of medical marijuana dispensaries **(Action)** 22
- 2) 2010/0420.06 - Approve an E-Waste Collection Event, authorize the City Manager to execute all necessary documents and approve Resolution No. 1075-2010 for a Revenue and Expense Budget Amendment **(Action)** 30
- 3) 2010/0420.07 - Approve Resolution No. 1076-2010 designation of authorized representative with State of California Department of Transportation for the Wildwood Ave. Pavement and Pedestrian Improvement Project **(Action)** 32

I. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2010/0420.08 - Public Hearing – Unmet Transit Needs 34
- 3) 2010/0420.09 - Approve Anticipated Schedule of Agency Actions necessary to Contract with the California Public Employees Retirement System (CalPERS) for employee retirement benefits **(Action)** 36
- 4) 2010/0420.10 - Authorize the expenditure of \$1,400 for Title Search and mapping of City's Monument Springs (APN 205-041-014) (5.539 acres) **(Action)** 40
- 5) 2010/0420.11 - Approve Mid-year Budget Review Budget Amendments **(Action)** 42

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:

- 1) 2010/0420.12 - Public Employee Appointment - Title: City Manager (Government Code Section 54957)
- 1) 2010/0420.13 - Conference with Labor Negotiator; the City's Designated Representative City Manager Jim Stretch Concerning Rio Dell Employees Association and Rio Dell Police Officers Association (Government Code Section 54957.6)
- 2) 2010/0420.14 - Real Property Negotiations (Mozzetti) Property: 24 acre parcel Northwestern Ave. (APN 205-111-031 and a portion of 205-111-033) Agency Negotiator: Jim Stretch, City Manager. Under negotiation: Price, Terms and Other Conditions (Government Code Section 54956.8)
- 3) 2010/0420.15 - Real Property Negotiations: Robert Rovai. Property: 72 sq. ft. parcel (APN 205-111-007 Northwestern Ave.) Agency Negotiator: Jim Stretch, City Manager. Under negotiation: Price, Terms and Other Conditions (Government Code Section 54956.8)

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 May 4, 2010
at 6:30 PM in the City Council Chambers*

**RIO DELL CITY COUNCIL
REGULAR MEETING
APRIL 6, 2010
MINUTES**

The Regular Meeting of the Rio Dell City Council was called to order at 6:35 P.M. by Mayor Pro Tem Marks.

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

Absent: Mayor Woodall

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

CEREMONIAL

Swearing in of Officers David Lungi and Anthony Lopez

Mayor Pro Tem Marks swore in David Lungi and Anthony Lopez as Police Officers for the Rio Dell Police Department followed by pinning of their badges.

CONSENT CALENDAR

Mayor Pro Tem Marks announced she would be removing Item 4 *Appointment of Andrew Gonzales to the Rio Dell Planning Commission for the remainder of the term ending December 31, 2010; and Richard "Bud" Leonard for the three year term ending December 31, 2012* and Item 6 to *authorize the Finance Director to sign the U.S. Bank contract and waiver* and placing them under Special Call Items for separate discussion.

Motion was made by Thompson/Barsanti to approve the consent calendar including the approval of minutes of the March 2, 2010 Regular Meeting; approval of minutes of the March 16, 2010 Regular Meeting; approval of minutes of the March 23, 2010 Special Meeting; approval to authorize the Finance Director to engage the services of Mann, Urrutia, and Nelson CPA's to complete the City's 2009/2010 FY Audit; approval to authorize the appropriation of Parks Bond funds in the amount of \$220,000; and approval of Pay Request No. 4 to K.G. Walters, Co. in the amount of \$65,610.00 for work related to the Solids and Disinfection Management Project. Motion carried 4-0.

SPECIAL PRESENTATIONS

Humboldt Waste Management Authority (HWMA) Recycling Update

Mayor Pro Tem Marks began by introducing Jim Test and Patrick Owen from HWMA.

APRIL 6, 2010 MINUTES

Page 2

Mayor Pro Tem Marks stated as the City's representative on the HWMA Board she attends their meetings and reports back to the City Council. She explained in 1989 the California Integrated Waste Management Act (AB939) was enacted in recognition of the urgent need for state and local agencies to enact and implement an aggressive integrated waste management program. She said Rio Dell joined with most of the surrounding cities and the County to form the Humboldt Waste Management Authority (HWMA). Recently the HWMA Board decided to look at the larger issue of the Authority's role in recycling, and the Board directed staff to facilitate a feasibility analysis of acquiring the Samoa Recycling Facility. The results of the financial analysis of the Samoa Facility was that it would be in the long-term interest of the Authority to assume operation of the facility; and the facility could potentially contribute revenue to help offset the cost of disposal to the benefit of our member agencies. She further stated that the analysis report indicated there would be no immediate advantages to Rio Dell if the acquisition of Arcata Community Recycling Center (ACRC) were to take place. She said Jim Test was present to provide the City Council with additional information that may help answer questions or concerns regarding the proposed acquisition.

Jim Test referred to the written staff report he provided to the City Clerk to distribute to Council members at the beginning of the meeting stating that his report would hopefully provide a more in-depth analysis of HWMA programs and activities. He said as the Council is aware, at the last meeting of HWMA the Board discussed the option of purchasing the Samoa Recycling Facility. He said the facility is currently processing approximately 72,000 tons of waste per year and exporting to two out-of-county landfills. He said the transfer station facility includes the Eureka Recycling Center which accepts dual-stream recyclables, CRT's, e-waste, used oil, fluorescent bulbs, and appliances; a household hazardous waste collection facility; and a green waste drop-off site. He said at the March 11, 2010 HWMA meeting, the Board indicated they were not yet ready to move forward with the acquisition and directed staff to develop a recyclables processing Request for Proposals (RFP) to determine if member agencies believe it would be in their long term best interest to aggregate their recyclables with a single stream processor. Staff was also directed to go out to the communities and determine through the RFP process whether interested parties in the industry would be interested in handling a waste stream for the Authority and if so, at what cost.

Discussion continued regarding potential benefits for Rio Dell if HWMA were to acquire the Samoa Recycling Facility; formation of a Regional Agency to allow communities to develop a combined disposal number for the entire County to meet AB939 mandates; transportation methods for getting recyclables to the transfer stations including costs; and budgetary impacts to both the City and rate payers.

Jim Test explained there are basically two separate discussions: 1) should HWMA open negotiations with Arcata Community Recycling Center (ACRC) for acquisition; and 2) should HWMA develop a recyclables processing Request for Proposals (RFP). He noted the vote before HWMA on Thursday night would be whether to go forward and prepare the RFP's.

APRIL 6, 2010 MINUTES

Page 3

Recycling Coordinator Ralston asked if the HWMA Board were to vote to prepare the RFP's, would the acquisition of ACRC be off the table; Jim Stretch clarified that it would be.

Mayor Pro Tem Marks commented that there are new laws in place regarding recycling for businesses and HWMA will bring forward an ordinance to address the new legislation which will have an affect on everyone's franchise agreements.

Consensus of the Council for HWMA to proceed with development of the RFP was as follows:

- Marks - Yes
- Dunker - Yes
- Thompson - Yes
- Barsanti - No

Approve Resolution No. 1074-2010 Expressing Opposition to Additional Constraints on a Local Jurisdiction's Ability to Issue Revenue Bonds and Protecting Local Ability to Pursue Renewable Energy Development to Reduce Greenhouse Gas Emissions

Interim City Manager Stretch stated this has to do with Proposition 16, entitled "The Taxpayers Right to Vote Act" which will be placed on the June 8, 2010 primary election ballot. He said the purpose of the Initiative measure is to prohibit public agencies from using public funds to either start-up an electrical service or expand such service into a new area without first receiving 2/3 voter approval.

For Council's consideration was a resolution in opposition to Proposition 16 as recommended by Redwood Coast Energy Authority (RCEA) and Councilmember Thompson.

Motion was made by Dunker/Thompson to approve Resolution No. 1074-2010 *Expressing Opposition to Additional Constraints on a Local Jurisdiction's Ability to Issue Revenue Bonds and Protecting Local Ability to Pursue Renewable Energy Development to Reduce Greenhouse Emissions*, and to direct the City Manager to sign a letter in support of the City's position to be communicated to the City's legislative representatives in Sacramento and to the proponents of the City's position. Motion carried 4-0.

SPECIAL CALL ITEMS

Approve Appointments of Richard "Bud" Leonard and Andrew Gonzales to the Rio Dell Planning Commission

Mayor Pro Tem Marks said she would like to open this matter for discussion and made the statement that she had met with Bud Leonard and discussed several issues and disagreed on several points and therefore could not support his appointment to the Rio Dell Planning Commission.

APRIL 6, 2010 MINUTES

Page 4

Motion was made by Barsanti/Dunker to approve the appointment of Andrew Gonzales to the Rio Dell Planning Commission for the remainder of the term ending December 31, 2010; and approve the appointment of Richard "Bud" Leonard for the three year term ending December 31, 2012. Motion carried 3-1; Mayor Pro Tem Marks cast the dissenting vote.

Authorize the Finance Director to Sign the U.S. Bank Contract and Waiver

Mayor Pro Tem Marks stated she removed this item from the Consent Calendar for further explanation.

Finance Director Beauchaine explained upon receipt of the letter from US Bank she contacted the City's representative at US Bank who explained that the State of California Department of Treasury is requiring US Bank to provide current collateral documentation on behalf of all government clients. The code requires state depositories to collateralize 110% of all government deposits and in addition, the FDIC insurance is available to secure up to \$250,000 of deposits. Essentially what is happening is the deposits are insured twice therefore, US Bank is requesting the City waive the collateralization requirements up to the amount equal to what is insured by the FDIC in order to free up \$250,000 of their assets.

Motion was made by Marks/Thompson to authorize the Finance Director to sign the US Bank Contract and Waiver. Motion carried 4-0.

Update on General Plan and Zoning Amendments for Annexation and approve adding the annexation of the 29 acre Robert Mozzetti parcels (APN's 205-111-031, and 205-111-033) north of the City to the City's current Scotia LAFCo application

Interim City Manager Stretch deferred this item to Contract Planner Williamson. Mr. Williamson stated the City Council at a past meeting, authorized him to initiate a General Plan and Zoning amendment for the proposed Scotia annexation. In addition to the Town of Scotia, there is also a 33.24 acre parcel located on the south side of Blue Slide Road being requested for annexation by the property owner and now the 29 acre Mozzetti parcels pursued by the City for disposing of and utilizing the City's treated wastewater for irrigation purposes. He said for the purpose of efficiency, he is recommending these actions be grouped together. He further noted that because the 29 acre Mozzetti parcels are for public purpose, they can be non-contiguous and will not be forever bound together if future circumstances warrant.

Interim City Manager Stretch stated there was an error on the agenda in regard to the parcel numbers for the Mozzetti property stating there were actually two parcels in question: 205-111-031 and 205-111-033. Parcel 205-111-007 was actually a 72 sq. ft. parcel which was an old well site owned by Robert Rovai.

Interim City Manager Stretch stated that although he hadn't been able to make contact with Mr. Mozzetti, it was his understanding that he was amenable with the purchase agreement and with the help of Councilmember Barsanti hoped to be able to finalize the terms of the agreement.

APRIL 6, 2010 MINUTES

Page 5

Motion was made by Dunker/Thompson to upgrade the General Plan and Zoning Amendment and approve adding the annexation of the 29 acre Robert Mozzetti parcels (APN's 205-111-031 and 205-111-033) north of the City to the current Scotia.

Mayor Pro Tem Marks asked for public comment.

Sharon Wolfe, 3 Painter St. asked for clarification that this annexation would be separate from Scotia annexation and asked for an update on Scotia annexation. Mr. Williamson commented that the annexation would be separate and provided an update of the Scotia annexation process stating that the matter was discussed at both the January and March LAFCo meetings. Following would be a Study Session to hear from both Rio Dell and Scotia residents. On April 21, 2010, he said LAFCo will convene for a Study Session to hear questions with no action taken. On May 19, 2010 a hearing on the proposed CSD will be held, followed with the City's annexation hearing weeks after that.

Interim City Manager Stretch stated that the City's argument to LAFCo will be to say that annexation of the Town of Scotia to Rio Dell will be the most cost effective method.

Motion then carried 4-0.

Update on Annual Spring Clean-up Day

Public Works Administrative Assistant/Recycling Coordinator Ralston reported as traditionally done each year, the City in conjunction with Eel River Disposal Co. has sponsored an annual clean-up day in the spring. Eel River Disposal donates an employee and the City pays for the cost of disposal. For the last three years the event has been held at 95 Center St., in the parking lots between the Eagle Prairie School and the Monument Middle School. She said both Eel River Disposal and the School are on board with the date of May 8th from the hours of 9:00 A.M. to 1:00 P.M. This item was for informational purposes and no action was required.

Approve Proposal from Cooperative Personnel Services to Conduct a Job Classification and Total Compensation Study

Interim City Manager Stretch stated that one of the tasks identified at the February 23, 2010 Special Meeting for the Interim City Manager to accomplish was to coordinate job description reviews with Cooperative Personnel Services for all job classifications. In the proposal received from Cooperate Personnel Services was also a quote to include a total compensation study for all positions. He noted that it has been his observation that the work that many employees actually do on a daily basis is different that what their job description states, and substantially different in some cases. Although the City has conducted some informal salary studies in the past, there has never been a professional study conducted for the City to develop the "total compensation cost" of one or more positions or the internal relationship of compensation between positions. He said these studies would allow the City to provide better recruitments, more accurate performance reviews, and improved ability to identify organizational goals, enhanced internal harmony and a more effective work force.

APRIL 6, 2010 MINUTES

Page 6

He further explained the two-part study would take approximately 8-10 weeks to complete. As part of the classification study, their consultants would personally meet with each employee and analyze what each employee does; that information would then go to the respective department head to make sure job classifications are correct. The other part is to do a total compensation study including an analysis of full benefits and salary comparisons with other jurisdictions.

Interim City Manager Stretch stated the total cost for both studies would be \$25,153; with an option to reduce that amount by \$5,025 by deleting the three personal visits and conducting interviews and interaction with staff and the City Council by conference call.

Councilmember Dunker commented that this study would not only establish appropriate compensation with appropriate job classifications but would help employees who move on to a larger City. He asked if this would prevent employees from taking on tasks not included in their job description; Interim City Manager Stretch said there would be some latitude given.

Interim City Manager Stretch noted this was not a budgeted item and reported a current reserve balance of \$586,000.

Councilmember Barsanti stated he had a problem with the \$25,000 expenditure and felt the study could potentially cost the City additional expense for potential salary adjustments.

Interim City Manager Stretch said the information could be kept confidential and only used for employee negotiations and noted that it may turn out that some salaries are actually high compared to other agencies although there was no way to know that until the survey is completed.

Mayor Pro Tem Marks stated it was her understanding that in addition to compensation studies it would also evaluate job descriptions and define those duties so the City could get more benefit from that position. Interim City Manager Stretch explained the study comes from the base of the organization up through management and to the City Council so by the time it gets to the City Council they will have the best information for what each position does and whether that position is meeting the objectives of the department. He said it basically re-focuses what people do in order to meet the goals of the organization.

Motion was made by Thompson/Dunker to approve the proposal from Cooperative Personnel Services to conduct a job classification and total compensation study for the City at a cost of \$25,153.00.

Flo Lane, 1249 Riverside Dr. asked if the City's total revenue would be considered when the salary projections are analyzed; Interim City Manager Stretch said the consultants will not look at the City's Budget but rather look at who we are competing with and what our labor market is recruiting for in regard to various job classifications.

APRIL 6, 2010 MINUTES

Page 7

John Lane, 1249 Riverside Dr. asked if the survey would go to the extent of recommending that a given position or function would not be in the City's best interest to have and asked if the City could afford the survey; Interim City Manager Stretch that this is not an organizational analysis; but a position analysis and said the City did have the money in reserves to cover the expenditure.

Motion then carried 3-1; Councilmember Barsanti cast the dissenting vote.

Direct Staff to communicate the City Council's position on the HOME STAR Program to our Legislative Representatives in Washington, DC

Interim City Manager Stretch stated this program was brought forward at the request of Redwood Coast Energy Authority (RCEA) in which Councilmember Thompson serves as the City's representative and is asking that the City Council communicate it's position on the HOME STAR Program to our legislative representatives in Washington, DC.

Interim City Manager Stretch explained the HOME STAR Program is a federal program that would provide direct incentives to American homeowners who invest in improving the energy efficiency of their homes and reimburse homeowners for residential energy upgrades such as air sealing, insulation, new light bulbs and new appliances. Homeowners would be eligible to receive up to \$2,000 for implementing at least two appliances or up to \$3,500 for at least four qualifying measures. He further stated the HOME STAR Program would support 5.9 million residential retrofits and quickly create new local jobs in construction and related industries.

Councilmember Barsanti asked if this program was similar to the program offered by PG&E; Interim City Manager Stretch explained this program is more direct and not income based, with one of the main goals to put contractors back to work and boost the economy.

Motion was made by Dunker/Thompson to support the Federal incentive program known as HOME STAR, and to direct staff to communicate the City Council's position on the HOME STAR Program to our legislative representatives in Washington, DC. Motion carried 4-0.

PUBLIC PRESENTATIONS

None

REPORTS/STAFF COMMUNICATIONS

Interim City Manager Stretch reported on recent activities and meetings and said on March 30, 2010 he attempted to attend a meeting held in Scotia for Scotia residents regarding formation of a CSD versus annexation to Rio Dell so that he may be available to answer questions regarding the potential annexation and services offered by the City but was asked to leave because it was for residents of Scotia only. He said the handouts provided were very mis-leading and said he would very much like to opportunity to talk with Scotia residents and discuss the differences between a CSD and annexation and clear up any incorrect statements.

APRIL 6, 2010 MINUTES

Page 8

Chief of Police Hill reported on recent activities in the police department and said the gate was installed on Edwards Dr. including signs indicating the hours the gate would be locked; thanked Mayor Pro Tem Marks for the impromptu swearing in of the two new officers and said both officers were undergoing field training and another officer was off with a knee injury caused during a foot pursuit.

Councilmember Barsanti stated a local sporting goods store owner was not happy with installation of the gate due to limited access to the river bar for fishing and other sports activities and he suggested a copy of the sign be provided to the business store owner so he can provide information to customers. Chief Hill said the gate would be open during day time hours so it should not have an impact on fishermen.

Councilmember Dunker pointed out that the gate provided for "controlled access to the river bar: not "closed access."

Mayor Pro Tem Marks reiterated the need to provide public access to the river bar from Davis St.

Councilmember Thompson stated he had recent access to a map which shows the City owns access from Davis St. to the river.

Finance Director Beauchaine reported on recent activities in the finance department stating that she had been busy with three primary projects, those being the FY 2009/2010 audit reconciliation; preparation of the mid-year budget review; and the preparation of the FY 2010/2011 Budget.

Interim City Manager Stretch stated he would like to schedule a study session on the mid-year budget review sometime after April 15th. A study session was scheduled for Friday, April 16, 2010 at 10:30 A.M.

COUNCIL REPORTS/COMMUNICATIONS

None

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

- 1) Public Employee Appointment – Title: City Manager (Government Code Section 54957)
- 2) Conference with Labor Negotiator; the City's Designated Representative City Manager Jim Stretch Concerning Rio Dell Employees Association and Rio Dell Police Officers Association (Government Code Section 54957.6)
- 3) Real Property negotiations (Mozzetti) Property: 29 acre parcel Northwestern Ave. Agency Negotiator: Jim Stretch, City Manager. Under negotiation: Price, Terms and other Conditions (Government Code Section 54956.8)

APRIL 6, 2010 MINUTES

Page 9

Mayor Pro Tem Marks announced the City council would be recessing into closed session to discuss the above noted items and asked for public comment. There being no public comment, the Council recessed into closed session at 8:28 P.M.

The regular meeting reconvened at 9:40 P.M. Mayor Pro Tem Marks announced there was no reportable action taken in closed session.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 9:42 P.M. to the April 16, 2010 Study Session.

Melissa Marks, Mayor Pro Tem

Attest:

Karen Dunham, City Clerk

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



TO: Honorable Rio Dell City Council
FROM: Jim Stretch, Interim City Manager
DATE: April 20, 2010
SUBJECT: Nomination for appointment to LAFCO

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Support for Council Member Thompson's offer to serve as a City Representative to the Local agency Formation Commission (LAFCO)

BACKGROUND AND DISCUSSION

As the Council is aware, each California County is mandated to have a LAFCO organization to hear, consider and approve matters of formations, annexations, detachments, consolidations and mergers related to cities and special districts.

The LAFCO in Humboldt County consists of a seven (7) member commission, composed of two (2) members of the County Board of Supervisors, two (2) members representing cities within the County, two (2) members from special districts and one (1) public member. A committee of cities representatives (Council Members and/or Mayors) makes the appointment from a list of individuals expressing a willingness to serve.

Council Member Thompson has offered to serve as a City LAFCO Commissioner and requests your support.

Attachment: Council Member Thompson letter dated 4-5-10

April 5, 2010

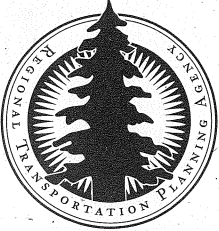
To: Mayor Julie Woodall
City Of Rio Dell

I would like to state my interest and past service that qualifies me to be considered as the City Council's representative for appointment to the LAFCO board.

- In Jan 2009 I was selected as City of Rio dell representative to LAFCO
- Present City Council member, My term started on Jan 01, 2009 and expires in 2014.
- Prior to being elected to the Council I served as chairman of the planning commission for four years. (Jan 2005 to Dec 2008)
- Served as Council member from Oct 2003 to Dec 2004.
- Served on the Planning commission from 1999 to Sept 2003.
- Prior to serving on the planning commission was involved in many meetings on how to improve the City of Rio Dell.
- I have done numerous hours of land research on Rio Dell's deed's/titles

Thank you for your consideration.

Jack Thompson
104 Ogle Ave.
Rio Dell, Ca 95562
Jack5128@sbcglobal.net



HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS

Members: County of Humboldt • Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell, Trinidad

HCAOG

March 25, 2010

MEMORANDUM

To: Mayors City Selection Committee
Interested Candidates
From: Spencer Clifton, Executive Director, HCAOG
Re: *Spencer* Mayors City Selection Committee

The Association has been notified by LAFCO staff (letter attached) of a need to call a meeting of the Mayors City Selection Committee for appointment of a City Member to LAFCO.

A special meeting of the Mayors City Selection Committee will be conducted on **Thursday, April 22, 2010**, Eureka City Hall, Conference Room #207, at **6:40 pm**, (prior to the HCAOG Board meeting) to select the following city representative:

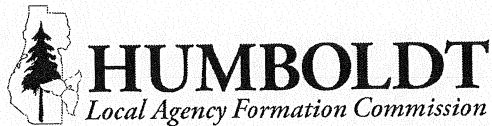
- (a) Local Agency Formation Commission (LAFCO)
City Member Appointment
Term expiring (first Monday) May 2014

As staff, we take this opportunity to provide notice of the vacancy so that your Council may consider candidates to fill the appointment. Pursuant to Committee Rules and Procedures, candidates may submit a letter to HCAOG staff expressing their intention for seeking appointments from the Committee. Candidate correspondence may be submitted to HCAOG staff prior to the Special meeting for distribution.

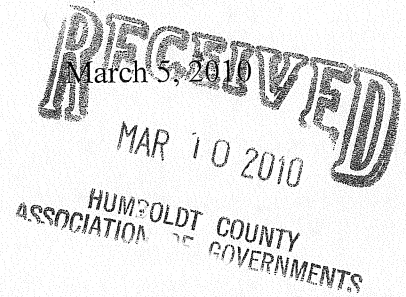
In the past, interested candidates have provided letters of interest and background to express their intentions for seeking appointments by the Committee. These letters are not formally required by any process, but do serve to publicize mayoral, or city council member intentions.

We are looking forward to your attendance, and express our gratitude for your assistance in this regard. If you have any questions regarding the LAFCO appointment duties or responsibilities of members please contact Alisha Oloughlin, LAFCO Administrator at 445-7508. Questions regarding the meeting, please contact the Association's staff at 444-8208.

cc:
Alisha Oloughlin, LAFCO



Deborah Dees
Humboldt County Association of Governments
427 F Street, Suite 220
Eureka, CA 95501



Dear Ms. Dees:

The Humboldt Local Agency Formation Commission (LAFCo) has two city members and a city alternate member. The term of one of one city member, Patrick Whitchurch of the City of Fortuna, will expire in May 2010.

Humboldt LAFCo requests that Humboldt County Association of Governments convene the Mayors City Selection Committee to select a new city member for Humboldt LAFCo. The position is a "voting member" with a 4 year term, expiring the first Monday in May 2014.

LAFCo membership in Humboldt County is composed of 2 county supervisors, 2 city mayors or council members, 2 special district representatives and 1 public member. The main objectives of LAFCo is to encourage the orderly formation of local government agencies, coordinate planning efforts by all local agencies, preserve agricultural and open space land and discourage urban sprawl. LAFCo has the power to act on local agency boundary changes including annexations.

Please forward the selection committee's choice to LAFCo by April 30, 2010. We will advise the selected city member of upcoming meetings and activities.

Please contact me at (707) 445-7508 if you have any questions or to receive additional information about the public member position or nomination process.


Thank you,


Alisha Oloughlin
Administrator

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, P.W. Admin.

DATE: April 20, 2010

SUBJECT: City Greenscape Enhancement

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve Planting Six Trees at the City owned property located on Riverside Drive and One Tree at City Hall.

BACKGROUND AND DISCUSSION

The City recently received a donation of fourteen trees from the Community Resource Center. There are five Linden Greenspire, eight Karpick (type of Maple), and one Sunset Maple which all similarly reach maturity at ten years and a height of approximately fifty ft'.

We would like to plant six trees at the triangle shaped property on Riverside Drive. There are no associated concerns with planting the trees with regard to power lines and there is a water supply located in the road adjacent to the property. In addition, we would like to plant one tree at City Hall. Staff has researched the growth patterns of the trees to determine proper placement.

Also, staff has contacted Mary Varner, Superintendent of the Eagle Prairie School District with a request to plant seven trees in the Davis Street Park with a local Girl Scout Troop in observance of Earth Day, Thursday April 22nd. Ms. Varner thought it was agreeable to the idea, and added that she thought the trees would be a positive addition to the park. This activity is scheduled for 3:15 PM on Earth Day, April 22nd and we would like to encourage members of the Council and interested citizens to attend and show their support for our local youth groups and Earth Day.

BUDGETARY IMPACT


Staff time associated with the planting and continued care of the trees.

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, P.W. Admin.

DATE: April 20, 2010

SUBJECT: Wildwood Avenue Paving and Pedestrian Improvement Project

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve Amendment 4 to the Scope of Services for CEQA, Bid Period Services, Caltrans Reporting, and Construction Management relating to the Wildwood Avenue Paving and Pedestrian Improvement Project, in the amount of \$87,000.

BACKGROUND AND DISCUSSION

Previously, Winzler & Kelly completed the programming and design for this project which involves rehabilitation of Wildwood Avenue in an established area consisting of mixed residential, businesses, and a traffic corridor.

The project includes removal and replacement of existing curb, gutter and sidewalk, installation of new ADA ramps, dig outs of failing pavement sections and edge grinding & overlay of the existing street.

The Authorization to Proceed (E-76) was approved February 26, 2010, and the project is currently out to bid with a bid opening date of April 27, 2010. The project has an expected construction period of 70 to 75 calendar days and is scheduled to begin construction in June.

The attached Scope of Services, estimated on a time and materials basis, includes associated tasks regarding Bid Phase Activities, Pre-Construction Services, Construction Management, Project Closeout, and completion of the CEQA Notice of Exemption.

BUDGETARY IMPACT

Funding for this Scope of Services is to come from 6500-14-047 American Recovery and Reinvestment Act (ARRA) Federal Aid Project Funds as administered by Caltrans and Prop 1B funds.

**AMENDMENT 4
BETWEEN THE CITY OF RIO DELL
AND WINZLER & KELLY**

**FOR CEQA, BID PERIOD SERVICES, CALTRANS REPORTING AND
CONSTRUCTION MANAGEMENT FOR THE WILDWOOD AVENUE
PAVING AND PEDESTRIAN IMPROVEMENT PROJECT– FEDERAL AID
PROJECT NO. ESPL-5396(006)**

This scope of services relates to a prime agreement dated October 10, 2003 between the City of Rio Dell and Winzler & Kelly Consulting Engineers and the Agreement for the subject project dated April 3, 2009. All provisions of the prime agreement apply to this scope of services unless noted otherwise in this agreement.

INTRODUCTION

Winzler & Kelly completed the programming and design for this project which involves rehabilitation of Wildwood Avenue in an established area of mixed residential, businesses, and a traffic corridor. The project includes removal and replacement of existing curb, gutter and sidewalk, installation of new ADA ramps, dig outs of failing pavement section and edge grind & overlay of the existing street. Unique characteristics of the project include the following:

- Coordination, public relations, and communication to minimize impacts to business areas served by Wildwood Avenue, and temporary street, sidewalk and driveway closures during the course of the work.
- Additional reporting requirements that must be adhered to for an American Recovery and Reinvestment Act (ARRA) federal aid project.

All work associated with this project is depicted on City of Rio Dell improvement plans titled “Wildwood Avenue Paving and Pedestrian Improvement Project Federal Aid Project No ESPL-5396(006)”.

The E-76 was approved on February 26, 2010 and the project is currently out to bid with a bid opening date of April 27, 2010. The Project is scheduled to begin construction in June 2010. Our fee estimate is based on an expected construction period of approximately 70 calendar days.

Based on our understanding of the project, we propose to provide the following construction phase services:

TASK 1 – BID PHASE ACTIVITIES

1.1: Plan Review and Modification

Winzler & Kelly will revise the project plans and specifications prior to advertising for bid to incorporate contract and plan revisions as requested by the City.

1.2: Bid Phase Assistance

This task addresses Construction Bid and Award Phase Services, including the solicitation of construction contract bids and award of contract. Subtasks include the following:

Construction Contractor Bidding

- Provide Caltrans District Local Assistance Engineer (DLAE) with one copy of the “as advertised” plans and special provisions.
- Comply with Caltrans advertisement requirements.
- Attend one (1) bid opening at the City
- Assist the City with the evaluation of bids

DBE/Good Faith Effort Analysis

- In order for a proposer to be considered responsible and responsive, the proposer must make good faith efforts to meet the goal established for the contract. If the goal is not met, the proposer must document adequate good faith efforts. Only UDBE participation will be counted towards the contract goal; however, all DBE participation shall be collected and reported. Winzler & Kelly will assist the City review the UDBE goal for the apparent low bidder.
- If the UDBE contract goal is not met, Winzler & Kelly will assist the City to perform a good faith effort analysis to determine if the contractor demonstrated a good faith effort to utilize UDBE’s in the bid. If it is determined that the apparent low bidder did not demonstrate a good faith effort, the next lowest bidder’s UDBE and good faith effort will be analyzed. This scope of work assumes up to two UDBE/GFE analyses will be performed. Any additional bid analysis will be completed by the City.

Task 2 – Pre Construction Services

2.1: Pre-Construction Review of Contractor Documents

- Review contractor’s initial construction schedule for completeness, adherence to project requirements and ease of monitoring progress.
- Review contractor’s preliminary traffic control plan.
- Review public noticing requirements and schedule with contractor.
- Review cost of lump sum breakdown provided by contractor

2.2: Pre-Construction Meeting

- Conduct and document pre-construction meeting. Prepare agenda and distribute meeting minutes.

2.3: Photo Log Documentation

- File pre-project photos and/or video provided by City. Take still photographs of conditions prior to start of construction to document pre-construction conditions.

2.4: Caltrans Award Requirements

Winzler & Kelly will prepare the following Caltrans documents and submit to DLAE.

- Local Agency Bidder DBE (Construction Contracts) Information (Exhibit 15-G)
- List of bidders and total amounts bid with an item-by-item breakdown of the three lowest bidders
- Non-collusion Affidavit
- Local Agency Bid Opening Checklist (Exhibit 15-I)
- Bid Tabulation Summary Sheet (Exhibit 15-D)
- Letter of “Submission of Bid Tabulation” (Exhibit 15-E)
- Bid Price Data (FHWA Form-45)
- Bid Analysis
- Award Package (complete and submit within 60 days of award and with the first invoice)

Task 3 – Construction Management

Winzler & Kelly will coordinate between the Contractor, design team, City of Rio Dell and other parties throughout course of the project. Winzler & Kelly will assist the Director of Public Works to respond to public comments and concerns.

3.1: Progress Pay Requests:

- Review Contractor monthly payment requests, negotiate differences in payment quantities, and prepare and submit monthly payment requests to City.

3.2: Project Files

- Maintain project records and files in compliance with LAPM Ch 16 requirements

3.3: Project Meetings

- Attend project meetings and prepare agenda, attend, and document meeting minutes.

3.4: Submittals

- Coordinate and manage Submittal and Shop Drawings reviews – include maintaining submittal log.
- Provide technical review and response to contractor.
- Our fee estimate is based on up to 10 submittals.

3.5: Schedule Monitoring

- Monitor the Contractor’s construction schedule and progress for adherence to project schedule, coordinate with the Contractor on maintaining activities– notify Contractor and City of any schedule concerns, review any schedule revisions, and negotiate time extensions if necessary.
- Coordinate with the Contractor so Contractor can provide City staff with sufficient advance notice for any construction activities which may affect or require City resources.

3.6: Requests for Information and Change Orders (RFI’s & CO’s)

- RFI’s & CO’s

- Manage Contractor correspondence including Requests for Information (RFIs), Potential Change Orders (PCOs) and Change Orders (CCOs) – include technical / engineering assistance & review, maintaining logs, prepare and transmit responses and coordinate with other parties to develop responses.
- Our fee estimate assumes up to two CCOs and 10 RFI's. Submit copy of CCOs to Caltrans.

3.7: Funding and Reporting Requirements

- The City will compile certified payroll reports, spot check for labor compliance and perform jobsite/employee interviews as required in accordance with LAPM Ch 16.11
- The City will document and submit ARRA monthly reporting
 - Monthly Employment Report (FHWA-1589)
 - Initial Recovery Act Project Plan (FHWA-1586)
 - Monthly Recipient Project Status Report (FHWA-1585)
 - Monthly Summary Employment Report (FHWA-1587)
- Winzler & Kelly will answer questions and provide recommendations to the City as requested.

3.8: On-site Meetings

- Attend on-site meetings to address construction issues, prepare agenda, and meeting minutes.

3.9: Caltrans Reimbursement Requests

- Prepare up to four Caltrans Reimbursement Requests. Reimbursement requests will include
 - Bid Summary/Cost to Date form
 - Signed Progress Pay on Contractor's letterhead
 - Contractor Contract
 - Notice in Paper of Project Advertisement

3.10: Daily On-site Observation

- Provide full time on-site construction observation to document Contractor general conformance with the project plans and specifications.
- Prepare daily observation reports including digital photo logs of progress.
- Maintain job set plans with mark ups depicting changes.
- Collect and maintain all material tags and testing tags/reports as required for compliance with City of Rio Dell Quality Assurance Plan and Caltrans LAPM guidelines.
- Review traffic control and monitor Contractor daily activities.
- Check for adequate noticing in alignment with traffic control set up.
- Review Contractor's submitted erosion control plan, check for conformance with the project requirements, and monitor for implementation and maintenance of BMPs.

Task 4 – Project Closeout

4.1: Final Documentation

- Prepare final project closeout documents in accordance with LAPM guidelines including the following:
 - Final project summary letter
 - Complete project photo log in CD format (provided by City)
 - Approved submittals
 - Inspection and observation reports (provided by City and third party inspectors)
 - All materials testing and inspection records and final reports (provided by City and third party inspectors) as required per City of Rio Dell Quality Assurance Plan and Caltrans LAPM guidelines
 - Labor compliance documentation - contractor prevailing wage reports and any labor compliance interview records
 - Meeting records
- Submit to the Caltrans DLAE:
 - Cover Letter and report of Expenditures Checklist (Exhibit 17-A)
 - Local Agency Final Inspection Form (Exhibit 17-C)
 - Final Invoice (Exhibit 17-D)
 - Final Detail Estimate
 - Change Order Summary (Exhibit 17-E)
 - Final Report, Utilization of DBE and Woman-Owned Business Enterprise (Exhibit 17-F)
 - DBE Certification Status Change (Exhibit 17-O)
 - Materials Certificate (Exhibit 17-G)

4.2: Record Drawings and Notice of Completion

- Prepare and transmit Record Drawings to City, incorporating any noted changes, change orders or other changes deemed necessary by the Engineer or City. (1) 22 x 34 hard copy and one (1) electronic CD containing PDFs of the Record Drawings.
- Prepare Notice of Completion and other documents for approval by City and submit to County for Recording once signed by the Director of Public Works.

Task 5 – CEQA Notice of Exemption

5.1: Notice of Exemption

- It is understood that since the project is a modification of existing developed areas that the project is categorically exempt from CEQA and that no other special studies or permits are required. For this task Winzler & Kelly will complete a Notice of Exemption from CEQA that is to be filed with the County Clerk. Winzler & Kelly will file the NOE and pay the \$50 fee for filing with the Humboldt County Clerk. Posting with the County Clerk lasts for 30 days.

Information to be provided by City

- As-built record information of any previous construction since the ARRA Project design was started.
- Shutdown requirements / forms
- Communication with Public
- Pre-Project Photo and/or Video Documentation

General Assumptions/Exclusions

This proposal is based on the following assumptions:

- Start of construction on or about June 2010 with estimated 75 calendar days (with 40 actual working days by the contractor requiring inspection)
- City of Rio Dell to provide all sampling materials testing services
- Contractor is responsible for site safety

COMPENSATION

Winzler & Kelly is pleased to propose the attached time and material estimated fee broken by the work tasks described above in the amount of **\$87,000**. The project will be billed on a time and materials, as needed basis using the fee schedule in effect at the time the work is performed. The extent of the work and the total cost will depend upon the factors discussed under the scope of services.

Services not included in this proposal will be provided on a time-and-materials basis per the attached Fee Schedule or by a negotiated fee.

AGREED

City of Rio Dell

Winzler & Kelly

Jim Stretch, City Manager, Date
Date

Steven Allen, Managing Principal

Rio Dell Accounting Tracking Number

PROJECT ESTIMATING SHEET

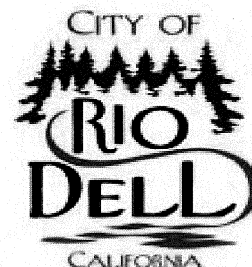
WILDWOOD AVENUE PAVING AND PEDESTRIAN IMPROVEMENT PROJECT

EXHIBIT B

PROJECT NAME: **Wildwood Avenue Paving and Pedestrian Improvement Project** PROJECT # **17-0000000** OFFICE ENGINEER: **J. Zwillenberg**
 PREPARED BY: **MP** Date: **April 12, 2017** CONSR. MANAGER: **Marrett Perry**
 CLIENT: **City of Rio Dell** PRINCIPLE IN CHARGE: **Steve Allen**

LABOR CATEGORY >>> TASK	LABOR COSTS										FEE COMPUTATION			
	Principal \$180 /HR	Const Mgr \$135 /HR	Const Mgr \$135 /HR	Inspector/PM \$130 /HR	Admin /MP \$85 /HR	Office Engineer \$105 /HR	2 man crew \$280 /HR	Sr. Lic. LS \$145 /HR	Staff Surveyor \$100 /HR	Asst CM/Eng \$105 /HR	TOTAL HOURS LABOR \$	SUBDIRECT COSTS*	OTHER COSTS*	TOTAL FEE
Task 1: Bid Phase Services														
Task 1.1 Plan Review and Modification	360	270	270	170	170	170	170	170	170	170	14	84	84	1,724
Task 1.2 Bid Phase Assistance	360	2,160	2,160	340	340	340	340	340	340	340	3,700	180	180	3,880
Subtotal Hours	720	2,430	2,430	510	510	510	510	510	510	510	44	264	264	5,604
Task 2: Pre-Construction Services														
Task 2.1 Schedule and Cost breakdown review	1,080	840	840	85	85	85	85	85	85	85	13	78	78	1,663
Task 2.2 Pre-construction meeting	540	540	540	420	420	420	420	420	420	420	1,462	72	72	1,534
Task 2.4 Pre-Construction Documentation	270	270	270	420	420	420	420	420	420	420	840	48	48	888
Task 2.5 Citizens Award Requirements	1,890	1,440	1,440	1,650	1,650	1,650	1,650	1,650	1,650	1,650	2,128	120	120	2,248
Subtotal Hours	1,890	1,440	1,440	255	255	255	255	255	255	255	2	318	318	6,443
Task 3: Contract Administration														
Task 3.1 Review and process pay requests (4)	180	2,160	2,160	840	840	840	840	840	840	840	21	126	126	3,306
Task 3.2 Project file maintenance	1,080	840	840	1,020	1,020	1,020	1,020	1,020	1,020	1,020	4,620	264	264	4,884
Task 3.3 Project meetings (4 mths)	360	2,160	2,160	840	840	840	840	840	840	840	3,360	196	196	3,556
Task 3.5 Schedule Monitoring	1,080	840	840	170	170	170	170	170	170	170	1,670	84	84	1,754
Task 3.6 Submittal (10)	1,080	840	840	420	420	420	420	420	420	420	1,500	72	72	1,572
Task 3.7 RFIs (COO's (5 COPIES))	360	2,160	2,160	420	420	420	420	420	420	420	3,420	168	168	3,588
Task 3.8 Funding and ARRA Reporting Requirement	270	270	270	420	420	420	420	420	420	420	690	36	36	726
Task 3.9 Onsite meetings (2)	1,080	840	840	420	420	420	420	420	420	420	1,080	48	48	1,128
Task 3.9 Citizens Reimbursement Requests	810	810	810	2,520	2,520	2,520	2,520	2,520	2,520	2,520	3,390	180	180	3,570
Task 3.9 Daily Inspection - meetings	84	39,000	39,000	18	18	18	18	18	18	18	42,120	1,944	1,944	44,064
Subtotal Hours	900	11,880	11,880	840	840	840	840	840	840	840	513	3,078	3,078	66,118
Task 4: Project Closeout														
Task 4.1 Prepare final documentation	1,080	840	840	2,160	2,160	2,160	2,160	2,160	2,160	2,160	3,948	216	216	4,164
Task 4.2 Record Drawings and Notice of Completion	540	540	540	420	420	420	420	420	420	420	1,650	84	84	1,734
Subtotal Hours	1,620	1,380	1,380	2,580	2,580	2,580	2,580	2,580	2,580	2,580	4,600	300	300	5,899
Task 5: O&M														
Task 5.1 Categorical Exemption	270	270	270	170	170	170	170	170	170	170	630	40	40	670
Subtotal Hours	270	270	270	170	170	170	170	170	170	170	630	40	40	940
TOTAL HOURS	1,620	18,090	18,090	3,120	3,120	3,120	3,120	3,120	3,120	3,120	26	2,730	2,730	86,995
TOTAL \$	14,820	140,560	140,560	14,070	14,070	14,070	14,070	14,070	14,070	14,070	24	134	134	14,820
Contingency 0%														
Total \$ including Contingency														\$86,995

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



TO: Honorable Rio Dell City Council

FROM: Jim Stretch, Interim City Manager

DATE: April 20, 2010

SUBJECT: Adoption of an interim urgency ordinance prohibiting the establishment of medical marijuana dispensaries in the City of Rio Dell.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Make the necessary finding under Government Codes Section 65858 that, to protect the public health, safety and welfare, an urgency measure in the form of an interim ordinance is necessary to prohibit uses that may be in conflict with a general plan, specific plan or zoning proposal that the legislative body or planning commission is considering or intends to study within a reasonable period of time.
2. Open the public hearing, receive testimony and then close the public hearing.
3. Consider adoption of an emergency interim ordinance prohibiting the granting of any land use approval, permit, business license or other entitlement for the purpose of establishing a medical cannabis dispensary, and prohibiting the establishment of medical marijuana dispensaries in the City of Rio Dell for a period of 45 days.
4. Refer the item to the Planning Commission for their consideration as what would be a new use in the zoning ordinance, proposed by the public, and which may require a CEQA review and amendment to the City's general plan.

BACKGROUND AND DISCUSSION

Council Member Thompson requested that this matter be placed on the April 20, 2010 agenda for action.

In 1996, the voters of the State of California enacted Proposition 215, which authorized the use of marijuana for medicinal purposes. Effective January 1, 2004, the State Legislature adopted SB 420 to clarify the scope of Proposition 215. This bill set amounts of marijuana that qualified patients could possess and allowed cities to adopt and enforce rules and regulations consistent with SB 420. More recently, on January 21, 2010 in a unanimous decision, the California Supreme Court (*People v. Kelly*) basically eliminated restrictions on the amount of marijuana a qualified patient can possess. Not surprisingly, there has been an increased interest in establishing medical marijuana dispensaries throughout the state.

Recently, the City of Rio Dell received a business license application from a “collective” wishing to establish medical marijuana dispensaries in the downtown commercial area. The proposal, which has not been processed, would amongst products and services, include the sale and dispensing of medical marijuana. Existing City codes, including the zoning code, do not address or regulate the location or operation of medical marijuana dispensaries. In most cases, the medical marijuana dispensaries may be allowed as permitted uses (i.e., without any special permits, City review or regulation) in any zone that allows commercial, pharmacy or other medical uses, and potentially in other zones if the business is not conducted on a commercial basis.

REASON FOR RECOMMENDATION:

According to a survey conducted by the City of Rocklin Police Chief, experiences in other cities such as Oakland, Hayward, Fairfax and Roseville have demonstrated that medical marijuana dispensaries in general create negative secondary effects in the community, including, increased incidents of illegal drug activity, theft, robbery, burglary and home invasion, and a concentration of marijuana use in public places.

The study also documents that the dispensaries tend to attract a variety of potentially illicit users, including non-medical users and persons from out of the area or even out of state. As a result of the nuisance activities surrounding the dispensaries, some of the cities surveyed report that the dispensaries have contributed to the deterioration of the neighborhoods in which they are located by driving other lawful businesses out of the area. The City of Arcata has found that a growing number of homes have been removed from the affordable market to become “215” indoor grow houses.

Because of the impending interest in these types of business proposals and the strong likelihood of the negative impacts previously mentioned, staff recommends that the City Council adopt the attached interim emergency ordinance prohibiting all new medical marijuana dispensaries in the City of Rio Dell for a period of 45 days. This temporary measure will allow the City to prevent the establishment of medical marijuana dispensaries, or the conversion of existing businesses into medical marijuana dispensaries, while the City studies various zoning proposals and/or other measures designed to alleviate the negative secondary effects of such businesses.

In order to adopt the proposed interim urgency ordinance, it is necessary for the **City Council to make the finding** that such urgent ordinance is necessary to preserve the public safety, health, and welfare. This action waives the requirement for a first and second reading of the ordinance and allows it to become effective immediately, instead of in 30 days.

Based on the recent inquiries regarding the establishment of medical marijuana dispensaries described above, and the experiences of other cities with existing medical marijuana dispensaries, staff believes that such a finding can be made in this case. Pursuant to Government Code Section 65858, such an urgent ordinance must be passed by at least four (4) affirmative votes.

STEPS FOLLOWING APPROVAL:

Staff will study the issues related to regulation of medical marijuana dispensaries and prepare proposed amendments to the zoning code and/or other ordinances for consideration by the Planning Commission and the City Council. In addition, state law requires the City to issue a written report describing measures taken to alleviate the conditions that led to the adoption of the ordinance no later than ten days prior to the expiration of the forty-five day period. The City Attorney and City Manager will prepare the required report for Council consideration at least ten days prior to the expiration of the interim emergency ordinance.

Cc: David Martinek, City Attorney
Graham Hill, Chief of Police
Dave Gonzales, Chair, Rio Dell Planning Commission
Jean Pyhtila and Ryan Gilruth

Attachment: Interim Urgency Ordinance 265-2010

ORDINANCE NO. 265-2010

**AN INTERIM URGENCY ORDINANCE OF THE CITY OF RIO DELL
AUTHORIZING A MORATORIUM ON THE LEGAL ESTABLISHMENT AND
OPERATION OF MEDICAL MARIJUANA DISPENSARIES WITHIN THE
CITY OF RIO DELL PURSUANT TO GOVERNMENT CODE SECTION 65858.**

Table of Contents

.....Article 1	Short Title, Purpose and Scope.....	2
.....Article 2	Statutory Authority / Enforcement Authority	2
.....Article 3	Administration and Enforcement	2
.....Article 4	Definitions.....	3
.....Article 5	Necessity	4
..... §5.01	Background/Discussion	4
..... §5.02	Enactment	4
.....Article 6	Severability	9
.....Article 7	Effective Date	9
.....Article 8	Posting Requirement.....	9
.....Article 9	Enacting Date and Signatures	9

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

ARTICLE 1: SHORT TITLE, PURPOSE AND SCOPE

§1.01 This ordinance shall be known and cited as the “Medical Marijuana Dispensary” Ordinance.

§1.02: Purpose: It is declared that this article is enacted for the purpose of imposing a moratorium on the legal establishment and operation of medical marijuana dispensaries and related uses. This would allow the City to add, review and amend ordinances in order to protect the public health, welfare, and safety from impacts associated with or implicated by use of property for Medical Marijuana Dispensaries.

§1.03: Scope: This ordinance shall apply to any and all locations within the city limits of Rio Dell.

§1.04: The provisions adopted in this ordinance shall not be exclusive but shall be cumulative and complementary to any other provisions of Rio Dell City ordinances and County, State and Federal laws. Nothing in this ordinance shall be read, interpreted or construed so as to limit any existing right or power of the City.

ARTICLE 2: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

§2.01: Statutory and Enforcement Authority is granted in the following from the Health and Safety Code Section 11362.5 et seq. and Government Code Section 65858.

ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

§3.01 Administration and Enforcement

- 3.01.1 The Chief of Police of the City is the chief law enforcement officer for the City. The Chief of Police shall carry out the additional powers and duties imposed by this ordinance.

ARTICLE 4: DEFINITIONS

§4.01 Definitions.

- 4.01.1 For the purposes of this ordinance, “medical marijuana dispensary” (MMD) means any profit or not-for-profit facility or location, whether permanent or temporary, where the owner(s) or operator (s) intends to or does possess and distribute marijuana for any purpose. A MMD includes a marijuana club as describe in People v. Peron, (1997) 59 Cal. App. 4th 1383, and further includes medical marijuana cooperatives. A MMD shall not include the following uses, as long as the location of such uses are otherwise regulated by the City’s Municipal Code: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice; or a home health agency licensed pursuant to Chapter 8 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code section 11362.5 et seq.

ARTICLE 5: Necessity

- §5.01 In 1996 the voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 112362.5 et seq. and entitled it “The Compassionate Use Act of 1996”).
 - 5.01.2 The intent of Proposition 215 was to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under state law.
 - 5.01.3 As a result of Proposition 215, individuals have established MMDs in various cities.
 - 5.01.4 Recently, persons have inquired with the City of Rio Dell regarding the establishment of MMDs within the city limits.

- 5.01.5 The experiences of California cities in the regulation and policing of MMDs have varied from city to city. Several California cities have experienced an increase in crime, such as burglary, robbery, loitering around the dispensaries, an increase in pedestrian and vehicular traffic and noise in the vicinity of the dispensaries, and the sale of illegal drugs, including the illegal resale of marijuana from dispensaries in the areas immediately surrounding such MMDs.
- 5.01.6 In October 2005, the State Board of Equalization instituted a policy that allows MMDs to obtain a seller's permit thus enabling the State to collect sales tax on medical marijuana sales.
- 5.01.7 Recent surveys with several California cities regarding the secondary effects of MMDs indicated the following mutual issues: street dealers attempting to sell to patrons entering/exiting dispensaries; smoking marijuana in public areas; driving while under the influence of marijuana; attempted burglaries of marijuana establishments; robberies of clients patronizing establishments; adverse impacts on neighboring businesses; physicians writing prescriptions for any patrol regardless of medical infirmity; nuisance behavior of patrons; and illegal drug sales form dispensaries.
- 5.01.8 The City has not adopted rules and regulations specifically applicable to the establishment and operation of MMDs. The lack of such controls may lead to a proliferation of dispensaries and the inability of the City to regulate these establishments in a manner that will protect the general public, homes and businesses adjacent to and near such businesses, and the patient or clients of such establishments.
- 5.01.9 Based on the adverse secondary impacts experience by other cities and the lack of any regulatory program in the City regarding the establishment and operation of MMDs, it is reasonable to conclude that negative effects on the public health, safety and welfare may occur in Rio Dell as a result of the proliferation of MMDs and the lack of appropriate regulations governing the establishment and operation of such facilities.
- 5.01.10 A MMD currently is not an expressly permitted use or a use permitted subject to a conditional use permit in any zoning district in the City of Rio Dell. However, such establishments may seek to locate in any zoning district disguised as a permitted use or may seek to legalize this use.
- 5.01.11 The establishment of, or the issuance or approval of any permit, certificate of use and occupancy, or other entitlement for the legal establishment of a MMD in the City may result in a threat to public health, safety and welfare in that the Ferndale Municipal Code does not currently regulate the location and operation of MMDs and does not have a regulatory program in effect that will appropriately regulate the location, establishment, and operation of MMDs in the City.

§5.02 Enactment

- 5.02.1 For the period of this ordinance a MMD shall be considered a prohibited use in any zoning district of the City, even if located within an otherwise permitted use. No permits or authorizations for a MMD shall be issued while this ordinance is in effect.
- 5.02.2 The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060 (c) (2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060 (c) (3) (the activity is not a project as defined in Section 15378 Title 14, of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, directly or indirectly. Conversely, it prevents changes in the environment pending the completion of the contemplated municipal code review.
- 5.02.3 The City Manager or his/her designee/s/ shall: (1) review and consider options for the regulation of MMDs in the City, including, but not limited to the development of appropriate rules and regulations governing the location and operation of such establishments in the City; (2) meet with medical patients, advocates, law enforcement representatives, and other interested parties; and (3) shall file a written report describing the measure which the City has taken to address the conditions which led to the adoption of this ordinance with the City Council ten (10) days prior to the expiration of this interim urgency ordinance, or any extension thereof, and such report shall be made available to the public.
- 5.02.4 This interim urgency ordinance is adopted pursuant to Section 65858 of the California Government Code.
- 5.02.5 This interim urgency ordinance shall take effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council. This interim urgency ordinance will remain in effect for 45 days unless otherwise extended as allowed by law.

ARTICLE 6: SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 7: EFFECTIVE DATE: This interim urgency ordinance becomes effective immediately after the date of its enactment.

ARTICLE 8: POSTING REQUIREMENT: The City Clerk shall cause publication of this ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city, and posted in at least three public places in the city.

ARTICLE 9: ENACTING DATE AND SIGNATURES: Passed, approved and adopted by the City Council of the City of Rio Dell at a regular meeting on April 20, 2010 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:


Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

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



TO: Honorable Rio Dell City Council
THROUGH:  Jim Stretch, Interim City Manager
FROM: Carla Ralston, P.W. Admin.
DATE: April 20, 2010
SUBJECT: E-waste Collection

IT IS RECOMMENDED THAT THE CITY COUNCIL:

It is recommended that the City approve an E-waste Collection Event, authorize the City Manager to execute all necessary agreements, and approve Resolution 1075-2010 for a revenue and expense budget amendment for expenses associated with an E-waste collection event.

BACKGROUND AND DISCUSSION

As you are aware, the City has E-waste "collector" status from Cal-Recycle. As an approved collector this gives the City the opportunity to offer free disposal of E-waste to our citizens while receiving payment for the E-waste from Cal-Recycle through the "recycler".

As a state certified collector of e-waste the City will receive .20 lb. for CEWs and .10 lb. for all Populated PC Towers. Based on information from our 2009 E-waste collection we anticipate revenue of approximately \$4000.00 which will offset the associated expenses.

For our June 26, 2009 E-waste collection we contracted with ECS Refining and the event went very well, and we are again planning to contract with ECS. We are seeking a budget expense amendment in the amount of \$4000.00. We anticipate \$2000.00 in expenses for costs associated with shipping, event advertisement, and staff wages.

BUDGETARY IMPACT

This event will require both a revenue amendment to line item 4920-00-027 in the amount of \$4000.00 and an expense budget amendment in the amount of \$4000.00 to line items 5000-00-027 salaries, 5105-00-027 advertising, and 5115-00-027 contract professional services. The budgetary information has been reviewed and approved by the Finance Director.

RESOLUTION NO. 1075-2010
A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF RIO DELL
E-WASTE BUDGET AMENDMENT

WHEREAS, The City Council approved Resolution 1055-2009 on August 18, 2009 approving the City of Rio Dell, California, Fiscal Year 2009-2010, City Budget; and

WHEREAS, The City of Rio Dell will be sponsoring a free E-waste collection; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby amend the City of Rio Dell, California Fiscal Year 2009-2010 budget increasing Fund 27 Solid Waste expenses in the amount of \$4000.00 and Solid Waste revenues in the amount of \$4000.00.

PASSED AND ADOPTED by the City of Rio Dell on this 20th day of April 2010, by the following vote:

AYES:
NOES
ABSENT:
ABSTAIN:

Julie Woodall, Mayor


ATTEST:

Karen Dunham, City Clerk

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



TO: Honorable Rio Dell City Council

THROUGH:  Jim Stretch, Interim City Manager

FROM: Randy Jensen, Acting P.W. Director, and Carla Ralston, P.W. Admin.

DATE: April 20, 2010

SUBJECT: State of California Department of Transportation Authorized Representatives

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve Resolution 1076-2010 designating the City Manager or Finance Director as authorized representatives of the City to execute agreements in matters associated with financial assistance and master agreements from the Department of Transportation and any amendments or change orders thereto.

BACKGROUND AND DISCUSSION

The City has recently received, for signature, an Administering Agency- Federal Master Agreement and Finance Letter from the Department of Transportation for the Wildwood Avenue Paving and Pedestrian Improvement Project.

The Department of Transportation requires a Resolution identifying the officials authorized to execute agreements for the City, and the Master Agreement cannot be executed until a Resolution is in place.

BUDGETARY IMPACT

N/A

RESOLUTION NO. 1076-2010
DESIGNATION OF AUTHORIZED REPRESENTATIVE
STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
FOR THE WILDWOOD AVENUE
PAVEMENT AND PEDESTRIAN IMPROVEMENT PROJECT
CITY OF RIO DELL

WHEREAS, the City of Rio Dell (the "Agency") desires to use ARRA Funds administered through the State of California Department of Transportation for the associated costs of Rehabilitating portions of Wildwood Avenue, including existing curb, gutters and sidewalks and installation of new ADA ramps (the "Project"); and

WHEREAS, the Agency intends to finance the construction and/or reconstruction of the Project or portions of the Project with moneys ("Project Funds") provided by Federal ARRA Funds, acting by and through the Department of Transportation; and

WHEREAS, prior to either the issuance of the Obligations or the approval by the Department of Transportation the Agency desires to designate the City Manager or the Finance Director as the official authorized to execute the agreements; and

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

SECTION 1. The City Manager or Finance Director are hereby authorized and directed to sign and file, for and on behalf of the City of Rio Dell, financial assistance and master agreements from the Department of Transportation and any amendments or change orders thereto.

SECTION 2. The City of Rio Dell hereby agrees and further does authorize the aforementioned representatives to certify that the City has and will comply with all applicable state and federal statutory and regulatory requirements related to any financing or financial assistance received from the Department of Transportation.

I HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 20th day of April, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Julie Woodall, Mayor

Karen Dunham, City Clerk

*675 Wildwood Avenue
Rio Dell, CA 95562*



TO: Mayor and Members of the City Council
THROUGH: Jim Stretch, Interim City Manager
FROM: Stephanie Beauchaine, Finance Director
DATE: April 20, 2010
SUBJECT: Unmet Transit Needs Public Hearing

RECOMMENDATION

Open Public Hearing and receive input on any Unmet Transit Needs in the community.

BUDGETARY IMPACT

BACKGROUND AND DISCUSSION

Holding a Public Hearing to receive input on unmet transit needs is the first step in the application process for acquiring the City's annual TDA allocation. The City's projected fiscal year 2010-2011 allocation is expected to be less than last year's allocation of \$100,000 as a result of the declining State economy including: reduced sales tax revenue, and loss of State Transit Assistance Funds shifted to educational school bus programs.

NOTICE OF PUBLIC HEARING



Notice is hereby given that the Rio Dell City Council will hold a Public Hearing on **Tuesday, April 20, 2010 at 6:30 P.M.** or soon thereafter, in the City Hall Council Chambers at Rio Dell City Hall, 675 Wildwood Avenue, Rio Dell, California.

THE PURPOSE OF THE PUBLIC HEARING WILL BE TO DISCUSS:

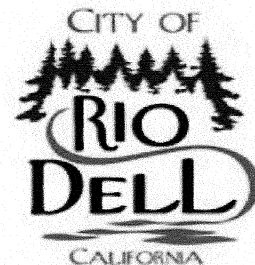
1) UNMET TRANSIT NEEDS

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


All members of the community are encouraged to attend.

Karen Dunham, City Clerk
Posted 3-23-10

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



January 6, 2010

TO: Honorable Rio Dell City Council
FROM:  Jim Stretch, Interim City Manager
DATE: April 20, 2010

SUBJECT: "Anticipated Schedule of Agency Actions" necessary to contract with the California Public Employees' Retirement System (CalPERS) for employee retirement benefits

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Approve the attached "Anticipated Schedule Of Agency Actions" necessary for contracting with CalPERS for employee retirement system benefits.
2. Schedule the Council meeting of May 18, 2010 to begin at 4:30PM with CalPERS set as the first agenda item.

BACKGROUND AND DISCUSSION

Currently the City provides a deferred compensation plan for its employees through the International City Managers Association (ICMA). It is commonly referred to as the ICMA 457 Plan. The program is basically a savings plan whereby the City contributes either 8% or 10% of the employee's salary to their account, based on the position classification. The employee may also make a pre-tax contribution to their plan, and most do.

The Rio Dell Police Officers' Association Memorandum of Understanding (MOU) mentions that the City will study the feasibility of entering the CalPERS program. The Rio Dell Employees' Association MOU provides that the City shall meet and confer with them prior to a change in benefit.

In accordance with the MOU, the City's request was sent to CalPERS on December 17, 2010 to initiate the actuarial valuations for both the City safety members (sworn peace officers) and the miscellaneous employees (all other employees other than peace officers). The results of their analysis were received on March 10, 2010.

Generally speaking, the CalPERS plan for both safety and miscellaneous employees requires an employee contribution of 7% of salary. The employer's contribution is 7.509% of salary for

miscellaneous members and 11.553% of salary for safety members. The benefits and assumption for safety members are higher than miscellaneous members, thus a higher contribution.

The Interim City Manager has recently met with representatives of both groups to discuss the PERS program. On April 9, 2010 there was a general meeting for all employees to go over the proposed PERS program and costs, and to review the ICMA 457 plan option if the City and the employee groups opt for CalPERS. Each group must vote to approve PERS membership. One or both groups may agree to join, but all members of the group that votes to join must be included. At that point the ICMA 457 plan becomes an employee only contribution plan.

If both the City Council and the employee group(s) agree to contract with the PERS system for retirement benefits, their MOU's would have to reopened, negotiated and amended.

The attached "Anticipated Schedule Of Agency Action" form must be completed and returned to PERS to begin the contract process. Once received, CalPERS will provide the sample resolution, ballots and ordinance. The first date for action by the Council is May 18, 2010. The PERS actuary assigned to the City must be either present or on the phone. Consequently, the Council meeting must be scheduled to begin before 5:00PM.

The effective date for the CalPERS contract is set for July 17, 2010, the earliest possible date.

Cc: Safety member group
Miscellaneous member group

Attachment: CalPERS Anticipated Schedule Of Agency Actions (2 pages)

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Actuarial and Employer Services Branch
Public Agency Contract Services
P.O. Box 942709
Sacramento, CA 94229-2709
(916) 326-3420 FAX (916) 326-3005

ANTICIPATED SCHEDULE OF AGENCY ACTIONS

The **City of Rio Dell** hereby requests the documents necessary to provide the benefits as described below for participation in the California Public Employees' Retirement System. (Enter the dates each action will be taken, sign and return the schedule.)

(See Attachment)

Enter dates:

- 1. 5-12-10 THE DATE YOUR AGENCY NEEDS THE RESOLUTION OF INTENTION FROM THIS OFFICE TO INCLUDE IN AGENDA FOR YOUR GOVERNING BODY. This date must be at least four weeks from the date this form is received in the Public Agency Contract Services office.
- 2. 5-18-10 THE DATE AN ACTUARY WILL BE PRESENT TO PROVIDE INFORMATION REGARDING THE ACTUARIAL IMPACT UPON FUTURE ANNUAL COSTS.
- 3. 5-18-10 ADOPTION OF RESOLUTION OF INTENTION declaring the agency's intent to enter into a contract with CalPERS. The first reading of the Ordinance may be held on the same day the Resolution of Intention is adopted.
- 4. 5-19-10 EMPLOYEE ELECTION.
- 5. 6-8-10 ADOPTION OF FINAL ORDINANCE. This date cannot be earlier than 20 days after adoption of the Resolution of Intention (date #2).
- 6. 7-8-10 EFFECTIVE DATE OF ORDINANCE. Usually 30 days following the date of adoption (date #4), unless an Urgency Ordinance is adopted waiving the 30 day period. 5
- 7. 7-17-10 EFFECTIVE DATE OF CalPERS CONTRACT. This date cannot be earlier than the first day of a payroll period following the effective date of the Ordinance.

BY [Signature]

TITLE CITY MANAGER

Date April 14, 2010

Telephone (707) 764-3532

THIS OFFICE WILL PREPARE ALL DOCUMENTS NECESSARY TO COMPLETE YOUR CONTRACT. IF YOUR AGENCY ATTEMPTS TO EXPEDITE THE CONTRACT PROCESS BY PROCEEDING WITHOUT THE DOCUMENTS PROVIDED BY THIS OFFICE, LEGAL REVIEW MAY BE REQUIRED WHICH COULD DELAY THE ANTICIPATED EFFECTIVE DATE OF THE CONTRACT.

City of Rio Dell

ATTACHMENT


- 1) Section 21353 (2% @ 60 Supplemental formula) and 0% prior service for local miscellaneous members.

- 2) Section 21369 (2% @ 55 Supplemental formula) and 0% prior service for local safety members.

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



January 6, 2010

TO: Honorable Rio Dell City Council
FROM:  Jim Stretch, Interim City Manager
DATE: April 20, 2010
SUBJECT: Authorization for Title Search and mapping of City's Monument Springs 5.539 acre parcel

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the expenditure of \$1,400 to have a title company conduct "Condition of Title Report" and a licensed Land Surveyor to map the City owned parcel (APN 205-041-014), commonly referred to as Monument Springs (5.539 acres), with authority for the Interim City Manager to sign contract documents.

BACKGROUND AND DISCUSSION

First, a little history might be helpful in following the issue.

On December 30, 1969 a General Deed and Bill of Sale was recorded in Humboldt County Records, Volume 1026, Page 445 of the Official Records, for the acquisition of a 5.539 acre parcel, commonly referred to Monument Springs. The parcel is steep and heavily wooded. The use of the springs on the parcel as a community water source dates back to 1917.

Today, the City does not utilize the spring(s) in the community water system, but it does continue to fill 3 small concrete water tanks on the site and adjoining property owners have tapped into the tanks for their domestic use, under a claim of reserved rights by grant deeds. The historic access to the parcel is via "Old Ranch Road" (unimproved), perhaps ½ mile south off of Monument Road.

In a separate operation, the City has had a 2" water line from the water main on Monument Road south along "Old Ranch Road" (ORD) to a holding tank near the City's spring. About ½ of that line has been abandoned and replaced with a 1" plastic water line. There is a slip out along the road, so it is no longer passable by vehicle and the city water line is now lying on the surface of the slide. The water line terminates at a water tank on an easement approximately 75' from the City parcel. From there the water is metered by the City through a 1" line running up the hill to serve 4 properties on Monument Road.

The water line from Monument Road needs to be replaced. It is undersized for the demand and is exposed to the sun, making it brittle and subject to frequent breaks. A discussion on the issues of replacing the line, at what cost and who pays, is not part of this report.

City staff believes that there is a deeded right of access and an easement for water lines along ORD, but some property owners in the area either do not agree or believe that they control the access to some degree. If the City plans to maintain access to the property and supply water to property owners up the hill, these questions need to be addressed. The matter of water rights from the spring(s) on City property should also be settled.

The last piece of the puzzle relates to an 8-7-2008 appraisal of the property for a reason unrelated to the above issues. As the Council may recall, when consideration was being made to locate the new wastewater plant north of town to a parcel at the Eel River Industrial Park (ERIP), it was proposed that the City trade one or more of its surplus properties for the ERIP site. The Monument Springs parcel was one of those considered for trade and an appraisal was conducted.

The appraisal, now out of date, concluded that the market value for the 5.539 acres was \$255,000, assuming that there was legal access. Without legal access the parcel is landlocked, and the Appraiser set the value in that case at \$115,000, \$140,000 less. The matter of access from Monument Road via ORD again presents itself as a question needing an answer.

On February 23, 2010 Council Member Thompson received permission from the City Council for the City Manager to seek legal counsel as to the matters of right of access and the water line easement. Faced with a dozen or more deeds to read dating back to 1917, William Abbott of Abbott & Kindermann, Sacramento, CA, advised that it would be cheaper for the City to first have a title search conducted and then a licensed Surveyor or Engineer to plot the property boundaries on a computer program. Then, if there is still a question, involve the Attorney.

Accordingly, a local title company has estimated that a "Condition of Title Report" would cost approximately \$400 and a local Surveyor opined that the mapping would run no more than \$1,000.

The issues presented in this question are not new, they are simply unresolved. For any number of reasons, the questions need to be answered for the City and the neighbors on the hill. It is recommended that the Council approve the expenditure of no more than \$1,400 for a title report and mapping of the Monument Springs property (APN 205-041-014). A report on the results of these efforts will be made to the Council before any further steps are taken.

Cc: Jeff and Laura Lewis, 460 Old Ranch Road, Rio Dell, CA
John Coleman, Rio Dell, CA

675 Wildwood Avenue
Rio Dell, CA 95562



TO: Mayor and Members of the City Council
THROUGH: Jim Stretch, Interim City Manager
FROM: Stephanie Beauchaine, Finance Director
DATE: April 20, 2010
SUBJECT: Mid Year Review Budget Amendments

RECOMMENDATION

Authorize budget amendments for projects approved by the Council.

BUDGETARY IMPACT

1. Amendment 1: Parks and Recreation revenue amendment in the amount of \$3,000 will increase reserves by \$3,000.
2. Amending the General Fund revenues in the amount of \$34,000 for increased Secured Property Taxes, and Vehicle License Fees, will either reduce total General Fund expenditure reserve amendments or increase the General Fund reserve balance.
3. Amending General Fund Building Fees by \$5,000, and Contract Professional Services expenditures by \$5,000 will have no effect on the budget.
4. Authorization of the City Manager Staffing and Recruitment Activities will reduce reserve balances as follows:
 - a. General Fund (\$4,640),
 - b. Streets (\$2,320),
 - c. Sewer Operations (\$24,128), and
 - d. Water reserves by (\$15,312).
5. Authorization of the Following Building and Planning Project amendments will reduce the General Fund Reserve balance as follows:
 - a. Circulation Element: (\$26,142)

- b. Scotia Annexation: (\$35,000)
- c. Housing Element: (\$5,000)
- d. Metropolitan Annexation (\$2,000)

BACKGROUND AND DISCUSSION

As discussed previously several unexpected projects require a budget amendment to be completed. The attached worksheet displays how each project affects the affected funds reserve balance.

City of Rio Dell
Operating Fund Reserves Balances
Fiscal Year 2009-2010

	<u>General Fund</u>	<u>Parks and Recreation</u>	<u>Streets</u>	<u>Solid Waste</u>	<u>COPS LLEBG</u>	<u>COPS CLETEP</u>	<u>Vehicle Abatement</u>	<u>Sewer Operations</u>	<u>Water Operations</u>	<u>Recycling</u>	<u>Total</u>
Estimated Reserve Balance 07/01/2009	673,124.73	0.00	163,112.47	15,124.73	2,916.42	443.29	2,351.74	38,458.35	77,794.50	8,349.94	981,676.17
Revenue	39,000.00	3,000.00									42,000.00
Police Equipment *					(2,916.42)	(443.29)					(3,359.71)
Meter Reading Equipment**									(13,580.00)		(13,580.00)
Classification & Compensation Study**	(25,213.00)										(25,213.00)
Circulation Element	(26,142.00)										(26,142.00)
Scotia Annexation	(35,000.00)										(35,000.00)
Housing Element	(5,000.00)										(5,000.00)
Metropolitan Annexation	(2,000.00)										(2,000.00)
Building Inspection	(5,000.00)										(5,000.00)
City Manager Staffing & Recruitment	(4,640.00)		(2,320.00)					(24,128.00)	(15,312.00)		(46,400.00)
Amendment Sub-Total	(63,995.00)	3,000.00	(2,320.00)	0.00	(2,916.42)	(443.29)	0.00	(24,128.00)	(28,892.00)	0.00	(119,694.71)
Projected Reserve Balance 06/30/2010	609,129.73	3,000.00	160,792.47	15,124.73	0.00	0.00	2,351.74	14,330.35	48,902.50	8,349.94	861,981.46

Approved 02/16/2010

* Approved 01/08/2010

** Approved 04/06/2010