A G E N D A
RIO DELL CITY COUNCIL
STUDY SESSION – 5:30 P.M.
REGULAR MEETING– 6:30 P.M.
TUESDAY, DECEMBER 6, 2011
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

***WELCOME** . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. STUDY SESSIONS/PUBLIC HEARINGS – 5:30 P.M.

1) 2011/1206.01 - Interview (2) Applicants for Planning Commission Vacancy **1**

E. CEREMONIAL

1) 2011/1206.02 - Proclamation in Recognition of Human Rights Awareness Month **10**
2) 2011/1206.03 - Presentation of Plaque to David E. Martinek in Appreciation for 19 Years of Service as City Attorney

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 5 minutes.

G. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".

1) 2011/1206.04 - Approve Minutes of the November 15, 2011 Regular Meeting **(ACTION)** **12**

2) 2011/1206.05 - Approve Minutes of the November 22, 2011 Special Meeting **(ACTION)** **23**

H. SPECIAL PRESENTATIONS

I. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

1) "SPECIAL CALL ITEMS" from Consent Calendar

2) 2011/1206.06 - Approve Appointment of Applicant to the Planning Commission to fill the Unexpired Term Ending December 31, 2012 **(ACTION)** **29**

J. ORDINANCES/SPECIAL RESOLUTIONS

1) 2011/1206.07 - Public Hearing/Adopt Ordinance No. 278-2011 Establishing Flag Lot Regulations, Section 17.25.090 and Amending Section 17.10.010, Definitions, to Include "Flag Lot" of the Rio Dell Municipal Code **(ACTION)** **31**

2) 2011/1206.08 - Public Hearing/Adopt Ordinance No. 279-2011 Repealing Existing Chapters 17.25 (General Provisions and Exceptions), 17.30 (Amendments, Variances, Use Permits and Nonconforming Uses) and 17.35 (Outdoor Advertising) and Adopting New Chapters 17.25 (Regulations for the Combining Zones, 17.30 (General Provisions and Exceptions) and 17.35 (Amendments, Variances and Use Permits) of the Rio Dell Municipal Code **(ACTION)** **33**

3) 2011/1206.09 - Approve Resolution No. 1137-2011 Authorizing the Closure of Funds 25 Traffic Safety, 37 CDBG, 41 COPS, 42 LLEBG, 51 Sewer Reserve, and 96 HOME **(ACTION)** **35**

4) 2011/1206.10 - Approve Resolution 1138-2011 Reconciling Budget Amendment for FY 2010-2011 **(ACTION)** **40**

K. REPORTS/STAFF COMMUNICATIONS

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

L. COUNCIL REPORTS/COMMUNICATIONS

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

1) 2011/1206.11 – Conference with City Manager – Existing Litigation: 2 Cases
(Pursuant to Government Code Section 54956.9(a)
1) Mercer Fraser Company vs. City of Rio Dell
2) Joseph Baratti vs. City of Rio Dell

2) 2011/1206.12 - Closed Session Concerning Labor Negotiations with Labor Negotiator; the City's Designated Representative City Manager Ron Henrickson (Pursuant to Government Code Section 54957.6) Concerning Rio Dell Police Officers Association, Rio Dell Employees Association, and Contract Employees

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 20, 2011
at 6:30 PM in the City Council Chambers

TO: Mayor and Members of the City Council

THROUGH: Ron Henrickson, City Manager

FROM: Karen Dunham, City Clerk

DATE: December 6, 2011

SUBJECT: Interviews of Applicants for Planning Commission Vacancy

RECOMMENDATION

Allow applicants the opportunity to make a short presentation then allow Councilmembers to ask questions of the applicants. (Action on the appointment will take place further down the agenda under Special Call Items).

BUDGETARY IMPACT
None

BACKGROUND AND DISCUSSION

The procedure for appointments by the City Council for vacant positions on Boards or Commissions is set forth in Resolution No. 1127-2011.

There is currently one (1) vacancy on the Rio Dell Planning Commission as the result of the resignation of Denise Sweaney. The Notice of Vacancy was posted on November 17, 2011 with the last day for submittal of applications being December 1, 2011.

Two (2) applications for the vacant position on the Planning Commission were received. The applicants are as follows:

- Nick Angeloff
- Billy Joe Long

ATTACHMENTS

Applications
Resolution No. 1127-2011

RESOLUTION NO. 1127-2011
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL PROVIDING A PROCEDURE FOR APPOINTMENTS BY THE CITY COUNCIL FOR VACANT POSITIONS ON THE CITY COUNCIL AND COMMISSIONS

WHEREAS, the City Council is authorized under RDMC Section 2.55 to establish and by a majority vote appoint individuals to commissions, boards and committees; and

WHEREAS, City Council desires to use the same system to select the Mayor and Mayor Pro Tempore as is used to appoint individuals to commissions, boards and committees; and

WHEREAS, when vacancies occur on the City Council and Commissions, the City Council will vote to appoint replacements for the duration of the term (or for a full term when an election is planned and less candidates file than the number of seats that will become vacant); and

WHEREAS, the City Council desires that a set of procedures be in place to formally guide the voting process;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Rio Dell that:

1. Upon notice of a vacancy, an application time period shall be designated whereby interested applicants may complete an application to fill the vacant seat.
2. Names of all qualified applicants shall be placed in nomination for the vacant Seat.
3. All Councilmembers shall be considered nominated for Mayor and Mayor Pro Tempore (with the exception of the newly appointed Mayor). Any Councilmember may decline nomination for Mayor or Mayor Pro-Tempore.
4. Applicants shall be given an opportunity to make a short presentation to the Council at a public meeting.
5. At a City Council meeting where the vacancy is agendized, each Councilmember will write the name of the applicant of their choice, and sign their ballot.
6. The ballots will be passed to the City Clerk to be counted and announced by Name and for whom they voted.
7. If an applicant receives 3 or more votes, that candidate is chosen for the vacancy. Otherwise, there will be a runoff ballot between the top 2 applicants. Applicants receiving 2 votes will be placed in the runoff, and a separate vote shall be held for those receiving 1 vote if only 1 applicant has 2 votes (i.e. 2,1,1,1).

7. In the case of ties, a revote will be held.
8. After 3 ties, the Council will declare that the item be continued and placed on the next regular agenda.
9. At the next regular or special council meeting where the continued item is agendized, the Council shall re-vote up to 2 more times in the same manner as described above. In the event there is still a tie vote, the Council will declare a deadlock and reopen the application process.

BE IT FURTHER RESOLVED, that the procedure for establishing a system for City Council appointments to commissions, boards and committees and procedures for the selection of Mayor and Mayor Pro Tempore as described in Resolution Nos. 416, 625, 700, and 822-1-2002 are hereby repealed and replaced with the procedure described above.

PASSED AND ADOPTED by the City Council of the City of Rio Dell on this 6th day of September, 2011 by the following vote:

AYES: Woodall, Leonard, Marks, Thompson, Wilson
NOES: None
ABSENT: None
ABSTAIN: None

_____
Julie Woodall, Mayor

Attest:

_____
Karen Dunham, City Clerk

RECEIVED
11-22-11 (RD)

CITY OF RIO DELL
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

APPLICATION FOR COMMISSION/BOARD

NAME Nick Angeloff DATE 11/22/11

ADDRESS 541 Second Ave HOME PHONE 707-764-5883

Rio Dell, CA 95562 BUSINESS PHONE 707.407.6205-Cell

I AM INTERESTED IN SERVING ON THE FOLLOWING BOARD/COMMISSION:

Planning

OCCUPATION CEO/ Archaeologist

HOW LONG HAVE YOU LIVED IN RIO DELL? 9 years

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES Archaeological studies, Marine Life Protection Act Statewide Interest Group, National Ocean Policy Working Group, familiar w/ HUD, grant writer/Administrator, government functions/Regulations

ADDITIONAL PERTINENT INFORMATION/REFERENCES I have won several million dollars in grants, run the day to day business of a government, have a master's degree in historic Preservation, am well connected at both the State and Federal level.

EDUCATION BA 1998 Humboldt State Archaeology
MA CSU Sacramento 2011 Anthropology (Historic Preservati

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Please answer the following two questions:

1) Why are you interested in serving on this board/commission?

I would like to participate in the community through my skills at management and historic preservation. As we move forward as a community my skills will help the process and ensure a smooth Legal planning of new development in the city.

2) What special talents/experience/education do you possess that will be useful in this position?

Management of a government and a masters degree in historic preservation. I have also won millions of dollars in grants and administered those grants successfully.

Note: A Resume may be attached

Return form to the City of Rio Dell at 675 Wildwood Ave., Rio Dell, CA 95562

Nick Angeloff CEO
4/11-present
1000 Wiyot Drive, Loleta, Ca. 95551
707.407.6205 (Mobile)
email: wiyot.ceo@gmail.com

Bear River Band of the Rohnerville Rancheria
27 Bear River Drive
Loleta, CA 95551
Tribal Historic Preservation Officer
1/06-4/11

Archaeological Supply Company
541 Second Avenue
Rio Dell, CA 95562 (707) 764-5883
Owner
1/04-present

Bureau of Land Management
1695 Heindon Road
Arcata, CA 95521 (707) 825-2300
7/04-11/06

Cultural Resource Facility
Center for Indian Community Development
Arcata, Ca. 95521 (707) 826-5247
6/03-7/04

Anthropological Research Center
Institute of Archaeology and Cultural Studies, Department of Anthropology
California State University Sacramento
Sacramento, Ca., 95819-6106 (916) 278-5330
10/2000-2/2004

Education
BA in Anthropology/ Minor in Native American Studies from Humboldt State University-1998.

MA in Anthropology (historic preservation) California State University Sacramento

Papers/Publications:

Homogeneity and Variability among Borax Lake Assemblages of Northern California- presented at the Society for California Archaeology Annual Meetings 2003.

The Punta Gorda Rock Shelter and The Effects of Erosion on Cultural Sites Along the Lost Coast of the King Range National Conservation Area. Presented at the Society of California Archaeology Meetings 2006.

From the Mouths of Your Ancestors. 2006 Bear River Band of the Rohnerville Rancheria.

Mid Holocene Climate Change in Northern California- Paper presented at the Strategic Partnership Coalition Climate Change Symposium 2008.

The Memorandum of Agreement Process with the Bureau of Land Management and the Bear River Band of Rohnerville Rancheria- presented at National Association of Tribal Historic Preservation Officers 2009 annual meeting.

An Overview of the Borax Lake Pattern- Paper presented at the 2010 Society for California Archaeology Meetings and the 2010 State of Jefferson Meetings.

The Smith Creek Cooperative Archaeological Project- Paper presented at the2010 Society for California Archaeology Meetings.

Technological Organization and Variability Within the Borax Lake Pattern of Northern California. Paper presented at the 2011 Society for American Archaeology Meetings in Sacramento, CA.

Grant History

2006 Northern California Indian Development Council- language grant- $9,000
-Produced "From the Mouths of Your Ancestors", a language dictionary with audio and photos
2007 National Park Service Tribal Historic Preservation Office grant- $61,000
-Created the Tribal Historic Preservation Office at the Bear River Band
2007 Institute of Museum and Library Services: Library Basic grant- $6,000
-Provides basic library services to the Bear River Band of the Rohnerville Rancheria
2007 Institute of Museum and Library Services: Native American/Native Hawaiian Museum grant- $49,000
-Digitized historic archival materials into a geographic information system linking the digital archives to points and polygons within the GIS and created two exhibits from the archival materials.
2008 Native American Graves Protection and Repatriation Act grant- $74,000
-Initiated consultation with the Phoebe Hearst museum of Anthropology, Army Corps of Engineers, California State Museum and the Fowler Museum regarding human remains and subject artifacts for the Bear River Band of the Rohnerville Rancheria.
2008 Institute of Museum and Library Services: Library Enhancement grant- $134,000
-Digitally cataloged and enhanced the Bear River Band of the Rohnerville Rancheria's existing library collection.
2008 Institute of Museum and Library Services Museum grant- $48,000
-Digitally cataloged the Bear River Band of the Rohnerville Rancheria's existing artifact/art collection, procured and outfitted the Tribe's new museum with curation equipment.
2008 IMLS Library Basic grant- $6,000
-Provides basic library services to the Bear River Band of the Rohnerville Rancheria
2008 National Park Service Tribal Historic Preservation Office grant- $68,000
-Continues the operation of the Tribal Historic Preservation Office.
2009 Endangered Language Fund grant- $7,000
-Provides funding for one year to the Bear River Band Language class.
2009 Tribal Preservation Fund grant- $40,000
-Provides funding for archaeological research in the Smith Creek watershed in cooperation with CSU Sacramento and Humboldt Redwood Company.
2009 National Park Service Tribal Historic Preservation Office grant- $61,000
-Continues the operation of the Tribal Historic Preservation Office.
2009 IMLS Library Basic grant- $6,000
-Provides basic library services to the Bear River Band of the Rohnerville Rancheria
2010 Northern California Indian Development Council ARRA grant- $4,400
-Creates a virtual language class and book.
2010 Resources Legacy Fund Foundation Grant- $20,000
-Provides an archaeological synthesis of existing data from coastal sites in northern California.
2010 Institute of Museum and Library Services Museum grant- $50,000
2010 Native American Graves Protection and Repatriation Act grant- $90,000
2010 National Park Service Tribal Historic Preservation Office grant- $60,000
2010 Department of Justice Indian Alcohol and Substance Abuse Program grant- $345,000
2010 IMLS Library Basic Grant- $6000
2010 Office of Violence Against Women- $450,000
2010 Department of Justice Youth Delinquency Program- $295,000
2011 IMLS Library Basic Grant-$7000

Board Participation:

Humboldt County District Attorney's Tribal Roundtable member 2011.

California Marine Life Protection Act, member Statewide Interest Group, November 2009-June 2011
One of two tribal representatives.

National Coastal Marine Spatial Plan, Tribal Representative West Coast National CMSP Working group Washington DC June 2011
One of twenty five Tribal representatives from the lower 48, Alaska and the South Pacific.

CITY OF RIO DELL
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

APPLICATION FOR COMMISSION/BOARD

NAME Billy Joe Long DATE 11/21/11

ADDRESS 94 Painter St., Rio Dell, CA HOME PHONE 764-3855

BUSINESS PHONE 601-1408

I AM INTERESTED IN SERVING ON THE FOLLOWING BOARD/COMMISSION:

Planning Commission

OCCUPATION Administrator - Eureka Rescue Mission

HOW LONG HAVE YOU LIVED IN RIO DELL? Approx. 13 mo.

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES ~~Speaker~~ Public Speaker, Group Facilitator, Bible Teacher, Computer Consultant

ADDITIONAL PERTINENT INFORMATION/REFERENCES

EDUCATION (AS)-Computer Application and Office Systems; (AS.) Programming

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Please answer the following two questions:

1) Why are you interested in serving on this board/commission?

My wife and I have moved into this community, and intend to raise our three children here. We feel that active participation in the development and planning of our city will help ensure a stable future for our children, and ourselves, in this community.

2) What special talents/experience/education do you possess that will be useful in this position?

I'm not sure, but I care about this city, and am a very fast and dedicated learner.

Note: A Resume may be attached

Return form to the City of Rio Dell at 675 Wildwood Ave., Rio Dell, CA 95562

675 Wildwood Avenue
Rio Dell, CA 95562

TO: Mayor and Members of the City Council

THROUGH: Ron Henrickson, City Manager

FROM: Karen Dunham, City Clerk

DATE: December 6, 2011

SUBJECT: Proclamation In Recognition of Human Rights Awareness Month

RECOMMENDATION

Read and present the Proclamation in recognition of December, 2011 as Human Rights Awareness Month.

BACKGROUND AND DISCUSSION

Cheryl Siedner, a Commissioner on the Humboldt County Human Rights Commission will be present to receive the proclamation and answer any questions.

ATTACHMENTS: Proclamation

PROCLAMATION

In recognition of
HUMAN RIGHTS AWARENESS MONTH
DECEMBER 2011

WHEREAS, the United Nations General Assembly adopted and proclaimed the UNIVERSAL DECLARATION OF HUMAN RIGHTS in December 1948. The declaration marked the first attempt in human history to set down the minimum rights which every person should enjoy; and

WHEREAS, that document states the necessity "to recognize the inherent dignity of equal and inalienable rights of all members of the human family in the foundation of freedom, justice, and peace in the world," for which everyone is entitled "without distinction of any kind to race, color, sex, language, religion, political, or other opinion, national or social origin, property, birth or status;" and

WHEREAS, the UNIVERSAL DECLARATION OF HUMAN RIGHTS has inspired global concern and focus on matters of ensuring basic human needs and dignity for all people, and has inspired international covenants, treaties and agreements not only protecting the rights of persons of all races and creeds, but specifically enumerating and protecting the rights and unique needs of children, indigenous and tribal peoples, refugees, and political prisoners; and

WHEREAS, the County of Humboldt, in compliance with the statutes of the State of California, has consistently adopted ordinances establishing the Humboldt County Human Rights Commission to aid in the eradication of discrimination based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors; and

THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell hereby proclaims December as ***Human Rights Awareness Month*** and encourages all citizens to educate themselves regarding the Universal Declaration of Human Rights and all the privileges we enjoy in a free society.

Dated: December 6, 2011

_____

Julie Woodall
Mayor

RIO DELL CITY COUNCIL
REGULAR MEETING
NOVEMBER 15, 2011
MINUTES

The Regular Meeting of the Rio Dell City Council was called to order at 5:30 p.m. by Mayor Pro Tem Marks.

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

Absent: Mayor Woodall (excused)

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

Absent: Chief of Police Hill and Water Superintendent Jensen (excused)

CLOSED SESSION

Public Employee Performance Evaluation – Title: City Manager
Mayor Pro Tem Marks announced the Council would be adjourning to closed session to discuss the above matter and asked for public comment. There being no public present, the Council adjourned to closed session at 5:32 p.m.

The meeting reconvened at 6:30 p.m. Mayor Pro Tem Marks announced the Council took action in closed session by a vote of 4-0 affirming a vote of confidence for City Manager Henrickson and granting him two additional days of vacation leave.

CEREMONIAL

Proclamation in Recognition and Support of the Great American Smoke-Out
City Clerk Dunham read the proclamation in support of the Great American Smoke-Out. Mayor Pro Tem Marks then presented it to Dr. James P. McCubbrey who was present to receive the proclamation on behalf of the American Cancer Society. He thanked the Council for their support and said each November the American Cancer Society designates a day as the Great American Smoke-Out to remind smokers and smokeless tobacco users that if they can quit for a day, they can quit for life. He provided "Quit Smoking Kits" sponsored by the Humboldt County Public Health Department and American Cancer Society for those smokers who want to quit.

PUBLIC PRESENTATIONS

None

ANNOUNCEMENTS

Mayor Pro Tem Marks announced that there was a problem with the City's web site and as a result the Council packet for this meeting was not able to be downloaded; she said staff was working to correct the problem. She also reported that the Council would not be taking action this evening on the Todd Preliminary Option Agreement or the Legal Services Agreement as those draft agreements were not yet finalized.

CONSENT CALENDAR

Mayor Pro Tem Marks announced the items to be approved on the consent calendar and asked the staff, the public and the Council members if there was anyone who wished to have any item removed from the consent calendar for separate discussion.

Motion was made by Leonard/Wilson to approve the consent calendar including approval of minutes of the November 1, 2011 Regular meeting; approval of minutes of the November 7, 2011 Closed Session; approval of payment of $50.00/month to Rio Dell Fire Protection District from December 1, 2011 to June 30, 2012 for cleaning and maintenance of the Fireman's Park bathrooms; and to affirm the Wahlund Construction, Inc./Sequoia Construction Specialties bid extension for the Wastewater Treatment Plant Upgrade and Disposal Project. Motion carried 4-0.

SPECIAL CALL ITEMS

Authorize the City Manager to Approve Agreement with Winzler & Kelly for Preparation of Solids and Disinfection Project Performance Report
City Manager Henrickson reported this item relates to the close-out of the Solids and Disinfection Project. Under the funding agreement with the State Water Resources Control Board (SWRCB), the City must prepare a Project Performance Report (PPR) and Certification one year after initiation of operation of the project. Staff's recommendation was that Winzler & Kelly prepare the report per the agreement as presented.

Motion was made by Thompson/Leonard to authorize the City Manager to execute the agreement between the City of Rio Dell and Winzler & Kelly for preparation of Solids and Disinfection Project Performance Report. Motion carried 4-0.

Approve Legal Services Agreement with Mitchell, Brisso, Delaney & Vrieze, LLP
City Manager Henrickson stated as directed by the City Council at the last meeting, he negotiated a contract for legal services with Mitchell, Brisso, Delaney & Vrieze. As part of the process he initiated a third-party review of the legal agreement by another law firm. Some minor changes to the contract were suggested and as a result the draft agreement was not available for

Council approval at this time. He noted the item would be brought back for action at a special meeting to be held on Tuesday, November 22, 2011 beginning at 5:30 p.m.

Hilary Schwartz stated that she was told that $125,000 was granted for these legal services; Councilmember Wilson stated for clarification that the $125,000 was actually for legal fees related to lawsuits involving the Wastewater Treatment Plant Upgrade and Disposal Project.

Approve Preliminary Option Agreement with Linda L. Todd
City Manager Henrickson reported community meetings were held on Tuesday, Wednesday and Thursday of the prior week to introduce the Rio Dell Plaza Project. The plan was to have the preliminary agreement in hand by the end of last week however it was still undergoing review by the Attorney. As a result, action on the agreement would be postponed until the special meeting on November 22, 2011. He suggested the Council continue with the public hearing to receive public comments on the proposed project in spite of the delay.

Councilmember Wilson commented that the agreement was fairly complicated consisting of 10-12 pages which is the reason for the extra time needed for review by the Attorney.

A public hearing was opened at 6:48 p.m. to receive public comment.

Michael Yordy stated the City has spent a lot of money on "dressing up" the downtown with construction of the Gateway Project and now it seems the Council wants to turn it into a residential area. He asked if that was true and if not, what exactly the plan is for the downtown.

Councilmember Wilson explained the City Manager presented the plan for the rezoning of what is currently designated as the Town Center at the meeting on Thursday in which Mr. Yordy was in attendance and reiterated the suggestion of a "core commercial" district.

Community Development Director Caldwell explained basically the downtown area is designated as Town Center and expands beyond Wildwood Ave. into residential areas which is problematic in a sense that homeowners have difficulty in obtaining loans on residential structures within the Town Center (commercial) zoning. The proposal is to zone those areas back into residential and keep the core commercial area on Wildwood Ave. as Town Center.

Michael Yordy asked why the City wants to subsidize a commercial development and who is going to pay for the asphalt; City Manager Henrickson stated the taxpayers will not pay for the improvements stating the development costs would be recouped by sale of the lots. He said anyone looking at our City will agree that we don't really have a commercial district and so the idea is to refocus where the traffic is and create a vibrant commercial district. He noted the proposed site is already zoned for commercial development. Mr. Yordy commented that he was having a problem wrapping his head around the concept.

Billy Joe Long asked if the City is successful in garnering the sufficient number of businesses to commit to the project is there any type of risk to the City if they back out; City Manager Henrickson stated there are several factors to consider; first of all there would be 4 or 5 signed development agreements in place before the City would proceed with acquisition of the property so if 1 of those developers backed out the project could still move forward; the agreements are going to be reviewed in a public forum so it would be unlikely developers would invest that much into a project to turn around and back out unless there were a financial collapse of unparalleled magnitude; and said there cannot be any money changing hands because under California law lots cannot be sold until they are legally subdivided. He added that there is obviously some risk but you spread the risk out by having multiple commitments.

Stephen Johnston stated he also has a problem wrapping his head around the idea and said the City is using all this energy in attempt to get a consensus from the community but maybe the focus should be shifted on getting citizens involved to come up with a new vision or marketing plan that works rather than developing something that other cities have done although have been successful. He said Rio Dell is a beautiful and safe place to live and basically people want to be here but there are no resources. He expressed concern about citizens being "put out in the wind" in regard to the proposed project. He said perhaps the Todd family should " pony up" and make the commitment to Mello-Roos financing and take a piece of that action and pour it back into the downtown.

Jared Wilson stated he thought the proposed project was a fantastic idea and the benefits would be substantial to the entire City. He said he did not have a problem grasping the idea of the Rio Dell Plaza or the Downtown Revitalization Project. He said the project gives the City a huge opportunity to repair City streets and sewers. He said one problem is that there are no development commitments in place at this point but the City should take the opportunity to take it to the next step and see what businesses are interested in committing. He said he believes in the project because what we have now is not sufficient. He said he has talked to a lot of people in the community who also support the project.

Hilary Schwartz stated we've talked about the benefits of the project and how the increased revenue can improve the lives of everyone who lives here but what about the other side of this which is the human costs which she said are catastrophic. She said the neighbors at the edge of the project site are not in favor of the proposal and said those lives would be turned upside down. She said the proposed project does not represent the best interests of the citizens and that there is nothing in the option agreement to protect citizens. She expressed concern about the quality of life for her children, reduced property values, traffic impacts, noise and safety. She said the project would drive her out of her home and make it unsellable and that the project is led by someone who does not share the values of the citizens of Rio Dell. She said she would fight the City on every aspect of the project.

Carol Kilian commented that when the first drive-thru coffee house came in it was a good idea; now there is 1 on every corner in most cities. She said this project is basically the same thing and referred to the Bayshore Mall, Strong Creek Plaza, and Redwood Village Shopping Center who she said all have empty buildings. She said didn't think the development would be profitable for the community.

Deborah Bare stated she does not want to look out her kitchen window to see a Budget Motel and said her concern is with the safety of children. She envisioned panhandling and tagging of the bluffs. She asked where the money would be coming from to pay for street improvements and street lighting and said there would need to be additional public safety to protect children going to and from school.

Steve Lowe commented that one of the things he likes about Rio Dell is that it is quiet and when he first saw the proposal he thought this is just another wavy sidewalk or plastic bag dog poop venture. He said there are vacancies in all the local motels and Rio Dell has no supporting industry to keep businesses alive. He was skeptical about investors going into a new development in a city where businesses are already failing.

Joey Sancho stated he is not against progress however is against the City Council becoming developers. As a taxpayer, he does not want the City to put his tax dollars at risk and felt the City should leave the project in the hands of a developer. He disagreed with the concept of moving City Hall and the Police Department to a shopping center, and in regard to a possible post office, he commented that there are plans to close post offices everywhere.

Margie Plant stated that she works in Fortuna and lives south of Rio Dell but supports Rio Dell businesses. She said she does not want to see Rio Dell look like every other place and if we want to preserve the history of the City we need to come up with a creative plan for development. She said she realizes the City needs revenue but this project may not be the best solution.

Ayala Tacpai stated as a new resident of Rio Dell she feels like she has moved into something big and would much rather see some brainstorming done among the citizenry to come up with small goals. She commented that the City Manager and City Planner are not going to be here 20 years from now and who will be here to carry out the plan.

Adam Dias stated he was not necessarily against the proposed project and the reality of that particular piece of property is that it is prime commercial property and will be developed at some point. He commented that the project is in the early stages of planning and there is still a lot of time for discussion. He said rather than trying to squash the project, citizens should come together and bring ideas to the table. He said the last time he saw this many people in attendance at a City Council meeting was during discussion of PG&E SmartMeters and encouraged citizens to focus their efforts where they should be. As a business owner his main concern is that the old

downtown won't be accessible enough to bring travelers off Highway 101. He said the Council needs to find ways to promote the downtown.

Larry Arsenol referred to the design of a project in Santa Fe, New Mexico where all the buildings look the same and is very appealing and said things can be done successfully through creative design. One suggestion was that the parks be positioned in a way to serve as a buffer to the surrounding neighborhood.

Nick Angeloff stated he has been thinking about this land for nearly a decade and is amenable to the proposed development. He said it is known that the way to pull people in from the highway is to have something for them to stop for. He said as an archeologist he is into historic preservation and would like to see the project tie in with the downtown, perhaps with a trolley. He noted that the options at this point are not set in stone and said a Home Depot would not only draw the local population but the 20,000 surrounding population and broader population as well. He reiterated that there are all sorts of options to explore and this is only the beginning planning phase of the project. Environmental documents will be required to be submitted which will address concerns and ways to mitigate those concerns. He said jobs and business opportunities are sorely needed here since there is really nothing between Laytonville and Rio Dell to encourage travelers to stop. There is access to the Redwoods to the south and Eureka to the north. With this type of development the City can market and garner quite an income and revitalize business.

Martha Eggel said as a parent she is not concerned about the safety of her children with the development of Rio Dell Plaza and said there is already crime in her neighborhood related to drug activity. She sees this as a good opportunity to get more police officers so when you call for service an officer will be available.

Councilmember Wilson stated he thought Mr. Dias spelled it out well when he said we need more citizens in attendance at City Council meetings and said typically there are 3 or 4 in the audience. He said this City is a great place but the reality is that the Council would like to see this development happen but as it moves forward, it will take input and support from the community.

Mayor Pro Tem Marks called for a brief recess at 7:45 p.m.

The meeting reconvened at 7:55 p.m.

ORDINANCES/SPECIAL RESOLUTIONS

Approve Resolution No. 1136-2011 Establishing New Planning Fees
Community Development Director Caldwell stated that it came to his attention that the City's existing fee schedule adopted in 2006 does not include fees for some miscellaneous project fees associated with permit processing. Although the current fee resolution was intended to include

all actual costs, the costs do not include the total burdened hourly rate for City personnel. He said the proposed fee schedule includes nine new miscellaneous fees. If the resolution is adopted the fees shall take effect on January 17, 2012.

Mayor Pro Tem Marks asked if the proposed fee schedule was consistent with other jurisdictions; Community Development Director Caldwell said the fees were normal planning development fees and do not exceed the costs associated with processing required permits.

Motion was made by Thompson/Leonard to approve *Resolution No. 1136-2011 Establishing New Planning Fees.* Motion carried 4-0.

Introduction and First Reading (by title only) of Ordinance No. 278-2011 Establishing Flag Lot Regulations, Section 17.25.090 and Amending Section 17.10.010, Definitions, to Include "Flag Lot" of the Rio Dell Municipal Code

Community Development Director Caldwell reported a joint study session with the Planning Commission and City Council was held on September 13, 2011 and at that time staff was directed to draft an ordinance regarding the creation of flag lots. He said although the City does not currently have provisions regarding the creation of flag lots, there are a number of flag that have been approved and created over the past few years.

He presented a diagram showing an example of a flag lot and defined flag lots as "lots that have less than the required minimum street frontage on a public or private street where the lot has two distinct parts: (1) The flag, which is the building site and is located behind another lot; and (2) The pole which connects the flag to the street." His recommendation was that flag lots only be allowed in residential zones where topographic conditions do not allow for the conventional subdivision of the parcel. Home occupations and secondary dwellings would be prohibited because of limited access and the greater impacts these uses would place on abutting sites. In identifying development standards, Caldwell said the minimum lot area for the flag lot, excluding the pole portion of the lot is 6,000 sq. ft.; the minimum lot width 60 feet; the minimum lot depth 100 feet; the minimum width for the pole portion of 1 flag lot is 16 feet, with a 12 foot travelway and 4 foot landscape strip; and if 2 or more flag lots will use the same access driveway, the minimum combined width of the pole portions shall be 24 feet, with two 8 foot travelways and two 4 foot landscape strips.

He further stated that lot line adjustments shall not be used to create flag lots and access poles exceeding 125 feet in length shall be required to provide an emergency vehicle turn-around area approved by the Rio Dell Fire Protection District.

Councilmember Thompson asked if there is an existing dwelling situated on one side of a parcel and a shop/garage or secondary dwelling in the rear of the parcel, can the parcel be split; Community Development Caldwell explained the parcel could be split provided development standards are met.

Councilmember Thompson suggested "flag lot" definition be included in the ordinance; Community Development Caldwell stated the definition is already described under Section 1 of the ordinance but the language could be expanded under Section 17.10.010 *Flag Lot Definition.*

Mayor Pro Tem Marks asked if the same regulations would apply to a lot where the pole was not owned by the lot but there was an existing easement; Community Development Caldwell explained it would not qualify as a flag lot.

A public hearing was opened at 8:10 p.m. to receive public comment on the proposed ordinance.

Dennis Wendt commended Community Development Caldwell for inclusion of flag lot regulations in the Rio Dell Municipal Code stating that it was not defined previously.

There being no further public comment, the public hearing closed

Motion was made by Wilson/Leonard to introduce and conduct first reading (by title only) of *Ordinance No. 278-2011 Establishing Flag Lot Regulations, Section 17.25.090 and Amending Section 17.10.010, Definitions, to Include "Flag Lot" of the Rio Dell Municipal Code.* Motion carried 4-0.

<u>Introduction and First Reading (by title only) of Ordinance No. 279-2011 Repealing Existing Chapters 17.25 (General Provisions and Exceptions), 17.30 (Amendments, Variances, Use Permits and Nonconforming Uses) and 17.35 (Outdoor Advertising) and Adopting New Chapters 17.25 (Regulations for the Combining Zones, 17.30 (General Provisions and Exceptions) and 17.35 (amendments, Variances and Use Permits) of the Rio Dell Municipal Code</u>
Community Development Director Caldwell stated this is basically a house cleaning item since he discovered there are a number of General Provisions and Exceptions found in Chapter 17.25 of the RDMC that not in alphabetical order. He said he also identified some other issues that should be addressed stating that currently *Accessory Uses* and *Accessory Buildings* are contained in different sections of the RDMC but should be together as they are directly related. In addition, the *Height Limitations and Modifications* provision, currently found in Section 17.25.070 actually contains height limitations for accessory buildings. As a result, he recommended the deletion of Section 17.25.070. Another suggestion is that *Nonconforming Uses* provisions be included in the General Provisions and Exceptions regulations, Chapter 17.25 rather than be included under Chapter 17.30 as they currently are. In regard to *Planned Development,* he suggested a separate chapter be established for overlay zones more commonly known as combining zones and to establish a section for a *Design Review* combining zone for future use. He said these revisions will get the ordinance in a more user-friendly order.

Councilmember Thompson commented that there are no fence regulations included in the current zoning ordinance; Community Development Director Caldwell said those regulations were

apparently omitted in the 2004 zoning ordinance update in error but that issue will need to come back at a later time since no text amendments or additions are being proposed at this time. Councilmember Thompson said we may want to look at animal regulations at the same time as well as penalty enforcement, non-conforming uses and parking space requirements.

A public hearing was opened at 8:23 p.m. to receive public comment on the proposed ordinance.

A question arose as to whether the RDMC was available for review online; Community Development Director Caldwell noted that there is a link on the City's website to *Code Publishing* which brings up the City's Municipal Code.

There being no further public comment, the public hearing closed at 8:24 p.m.

Motion was made by Leonard/Thompson to introduce and conduct first reading (by title only) of *Ordinance 269-2011Repealing Existing Chapters 17.25 (General Provisions and Exceptions), 17.30 (Amendments, Variances, Use Permits and Nonconforming Uses) and 17.35 (Outdoor Advertising) and Adopting New Chapters 17.25 (Regulations for the Combining Zones, 17.30 (General Provisions and Exceptions) and 17.35 (Amendments, Variances and Use Permits) of the Rio Dell Municipal Code.* Motion carried 4-0.

REPORTS/STAFF COMMUNICATIONS

City Manager Henrickson alerted the public on the addition of a 911 dispatch telephone line at the front door of the police department which goes directly to dispatch and is available to the public 24 hours/day, 365 days/year to better serve the public. He also announced that he had the pleasure of attending the North Coast CWWA dinner where the Annual Operator of the Year Award was presented to Wastewater Superintendent Chicora.

Finance Director Beauchaine reported on recent activities in the Finance Department and reported the City Council eliminated $100,000 SLESF Funds in the 2010-2011 Budget. Due to the adoption of recent legislation, the funding was reinstated and we received $42,000 for the first half of the allocation. She said she will be recommending an $84,000 increase in surplus revenue in the Police Department budget. City Manager Henrickson pointed out that the allocation is for this year only.

Community Development Director Caldwell reported on recent activities in the Planning Department and announced there would be a Planning Commission meeting on December 14, 2011 at such time he will be bringing forth two draft ordinances; one on Urban and Suburban Residential Zones and Home Occupation Permits; and one regarding Second Unit Regulations.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Thompson reported on his attendance at the Humboldt Waste Management Authority (HWMA) meeting and said most of the discussion took place in closed session and that things were moving forward.

Jim Barsanti spoke on behalf of the Rio Dell Fire Protection District and thanked the City and Dennis Wendt for the success of the Fireman's Park Restroom Project.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:30 p.m. to the November 22, 2011 Special Meeting.

_____
Melissa Marks, Mayor Pro Tem

Attest:

_____
Karen Dunham, City Clerk

RIO DELL CITY COUNCIL
SPECIAL MEETING MINUTES
NOVEMBER 22, 2011

A Special Meeting of the Rio Dell City Council was called to order at 5:30 p.m. by Mayor Pro Tem Marks.

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

Others Present: City Manager Henrickson, Finance Director Beauchaine and City Clerk Dunham

SPECIAL MEETING MATTERS

Approve Legal Services Agreement with Mitchell, Brisso, Delaney and Vrieze
Mayor Pro Tem Marks disclosed that Attorney Nancy Delaney from the firm had previously represented her mother in legal matters.

City Manager Henrickson stated the City Council directed staff to issue Request for Proposals for City Attorney back in September. The City received proposals from two local law firms who were interviewed by the City Council both in open session and closed session. Staff was then directed to prepare an Agreement with Mitchell, Brisso, Delaney & Vrieze for consideration by the City Council. The Agreement was reviewed by Alison Neufeld of Liebert, Cassidy, Whitmore and her recommendations were incorporated into the final Agreement which he said is now before the Council for consideration.

Motion was made by Leonard/Wilson to approve the Legal Services Agreement with Mitchell, Brisso, Delaney and Vrieze.

Councilmember Thompson referred to the last sentence under Item 15 of the Agreement which states "*This Agreement may be modified by subsequent Agreement of the parties only by an instrument in writing signed by both of them or an oral agreement only to the extent that the parties carry it out*" and asked for an explanation; City Manager Henrickson explained that basically you have a written agreement that can be modified if both parties agree in writing or if both parties verbally agree and carry it out.

Mayor Woodall referred to Item 8. *Insurance* and asked if $2,000,000 per occurrence and $4,000,000 aggregate for professional errors and omissions insurance was standard coverage; City Manager Henrickson stated Alison Neufeld felt that amount was appropriate and he agreed.

Mayor Pro Tem Marks then asked for public comment on the proposed Agreement. No comments were received.

Motion then carried 5-0.

Approve Preliminary Option Agreement with Linda L. Todd
City Manager Henrickson said as reported at the November 15, 2011 regular meeting, staff at this time is recommending the Council take action to preliminarily approve the Option Agreement with Linda A. Todd for purchase of the approximate 20 acre site adjacent to State Highway 101 at the intersection of Davis Street for the development of a new commercial center referred to as "Rio Dell Plaza." He said upon approval by the Council, the Option Agreement would be presented to the owner for consideration. If accepted, the City would obtain a title opinion and survey prior to final approval of the Agreement by the Council.

City Manager Henrickson began by providing a review of the Option Agreement Terms as follows:

- Initial Option Term – 6 months
- Cost - $6,000 or $1,000 per month for 6 months
- Purchase Price - $975,000
- Conditions Precedent to Exercise of Option:
  1) City gets $2,000,000 in firm Development Agreement commitments
  2) City secures financing
- If Option Agreement is exercised:
  1) City pays seller $200,000 as down payment
  2) Seller accepts unsecured Promissory Note for principal balance of $775,000 (0% interest)
  3) City pays seller $1,500 per month on Note
  4) Seller receives 10% from proceeds of sales on first $2,000,000
  5) Seller receives 40% from process of sales on next $1,000,000
  6) Seller receives 80% of sales in excess of $3,000,000
  7) Any amounts still owing under the Note five (5) years following the closing date, if any, are due and payable

Motion was made by Thompson/Leonard to approve Preliminary Option Agreement with Linda L. Todd.

Councilmember Wilson asked what the cost of the survey was and upon completion of the survey would the Council then formally approve the Option Agreement; City Manager Henrickson explained his recommendation is that the City not incur the cost of a survey until such time the owner approves the Option Agreement and said the cost of the survey is unknown at this time but expected it to be around $2,000 and could vary depending if there is a benchmark established or not.

Councilmember Thompson stated in reading the legal stipulations, his understanding is that a developer could potentially buy out the project and the City would no longer be the developer; City Manager Henrickson said the City would have that option.

Mayor Woodall asked for assurance that the seller would be protected against loss in the event the land is not fully developed at the end of the 5 years when the principal is due and payable; City Manager Henrickson said the worst case scenario would be that only one-half of the lots are developed at that time and the City would have to pay the balance of the note. He said the Council might want the consider raising the threshold from $2 million to $2.5 million with the idea of selling 5 lots at $500 thousand each so if 1 dropped out we would still have the $2 million to work with.

At 5:45 p.m. a public hearing was opened to receive public comment on the proposed Option Agreement.

Dan LoMiglio asked if the Todd's were present and if they were in agreement with the terms of the Option Agreement; City Manager Henrickson stated the property was not present at this time and that he has been talking with her for months and she asked that the City come forward with an Option Agreement for her consideration. He commented that she would hold title of the property until such time the City exercises the Option.

Dan LoMiglio asked where the $1,000 per month for the first six months would be coming from; City Manager Henrickson said the funds were allocated by the City Council out of the City's current budget.

Councilmember Wilson said in going back to the worst case scenario and the City pays the down payment of $200,000 leaving a principal balance of $775,000 and is not successful in obtaining any further commitments for development, is the City still responsible for paying the balance of $775,000 in 5 years; City Manager Henrickson said that is correct however to keep in mind that the minimum threshold is targeted at $2 million but could be set at $2.5 million as a precaution.

Councilmember Wilson asked the City Manager if he had a number for potential sales capability; City Manager Henrickson said the anticipated sales would be more than sufficient to pay for the land and the entire infrastructure improvements.

Councilmember Wilson asked if the specific details of the project such as whether City Hall would move there were still open for discussion; City Manager Henrickson noted that the plan was merely a concept at this point and specific details of the project would be discussed at the appropriate time.

Councilmember Thompson questioned what would happen if a developer starts a project and stops before completion and if there are provisions for penalties in the event that were to happen; City Manager Henrickson explained the City cannot accept and money until the lots are subdivided and that we will be dealing will multiple companies and companies of this degree are unlikely to back out once they commit. He said there would be executed Development Agreements in place and as written now, he doesn't believe there are any monetary penalties established.

Mayor Pro Tem Marks stated that it was her understanding that the City is basically pursuing established companies to invest in Rio Dell Plaza; City Manager Henrickson said the idea is to attract very reputable major oil or food chain companies for this project.

Councilmember Wilson asked what amount of funds was allocated and if the funds were budgeted; Finance Director Beauchaine said $25,000 was allocated and approximately $6,000 was spent to date on the project.

Mayor Woodall stated that she likes the idea that the seller is protected under the Option Agreement and commented that she feels this project will do for Rio Dell what the Riverwalk did for Fortuna.

Ranada Laughlin asked if the threshold for development agreements is $2 million with an additional $2 million for development costs or just $2 million in development agreements, and asked if the contracts are binding; City Manager Henrickson explained that both would be necessary and that the contracts are binding but there will be no monetary exchanges. She expressed concern that the initial $1,000 per month for 6 months will go on longer than 6 months; City Manager Henrickson said the City will know if the project is going to proceed well within the 6 months and could actually stop in 2 months by exercising the option or realizing that the project won't work.

Councilmember Wilson commented that the City can also extend the 6 month option for 3 months at a time if needed.

Dan LoMiglio asked if it would be possible to put in the Development Agreement a provision that does not allow the developer to back-out; City Manager Henrickson stated the Development Agreements have not yet been drafted but assured him they would be as tight as possible so as to protect everyone involved.

Dan LoMiglio asked if there was a copy of the Option Agreement available for public review and what the interest rate of the note would be; City Manager Henrickson stated the documents could be reviewed on the City's web site and under the proposed agreement, the interest rate was 0%.

Karen Bartleson, sister to Linda Todd stated for clarification that this is what the City is offering; not necessarily what Linda is asking for.

Larry Arsenol asked if the lots were leased rather than sold if that would change the terms of the agreement; City Manager Henrickson said there are no provisions for leasing.

Larry Arsenol commented that there are people who live nearby that will be affected by the project and said if parks are situated around the perimeter of the project, there would be less impact to the neighborhood. He said getting an architect involved from the beginning to

establish continuity is important. He felt perhaps a Portuguese or Italian design would make the project more appealing.

Mike Ward, asked if any of the project is "destination based" to make people want to come, stating that he can't see the project being successful without that; City Manager Henrickson said his idea is to have a water feature hotel with a water slide and sand beaches which would definitely attract tourists.

There being no further public comment, the public hearing closed at 6:10 p.m.

Councilmember Thompson noted that what is shown is simply a concept drawing and the final design will most likely be totally different. The plan is to attract tourists and establish a better commercial district for the City. He said in spite of the economy businesses are still investing in new projects.

Councilmember Wilson said as the City moves ahead there will be many discussions regarding a theme or destination base for the project. He said constructive ideas and input from the community is needed. He said in his opinion the City needs to move ahead and at least put the Option Agreement out to the owner for consideration before anything else. He said he doesn't feel $6,000 is an absorbent amount to invest to explore the possibility.

Mayor Pro Tem Marks asked if there was a time limit established for the owner to make a decision on the Option Agreement; City Manager Henrickson said the City expected to have a response by the end of December.

Motion then carried 5-0.

PUBLIC PRESENTATIONS

None

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Thompson reported that he had spent the afternoon at the Humboldt Waste Management Authority and toured their facility and the landfill and was impressed with their operation.

Mayor Pro Tem Marks said she wanted to welcome Mayor Woodall back after undergoing surgery.

CLOSED SESSION
Conference with Legal Counsel – Existing Litigation: 2 cases – Mercer Fraser Company vs. City of Rio Dell and Joseph Baratti vs. City of Rio Dell

Mayor Pro Tem Marks announced the Council would be adjourning into closed session to discuss the above matters and asked for public comment. There being no public comment, the Council adjourned to closed session at 6:15 p.m.

The regular meeting reconvened at 6:45 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 6:46 p.m. to the December 6, 2011 regular meeting.

_____
Melissa Marks, Mayor Pro Tem

Attest:

_____
Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562

TO: Mayor and Members of the City Council

THROUGH: Ron Henrickson, City Manager

FROM: Karen Dunham, City Clerk

DATE: December 6, 2011

SUBJECT: Appointment for Vacancy on the Rio Dell Planning Commission

RECOMMENDATION

On a ballot provided by the City Clerk, vote for the applicant of your choice to fill the vacant seat on the Rio Dell Planning Commission. After the votes are tallied and the City Clerk verifies that one of the candidates has received 3 or more votes, make a motion to appoint the candidate to fill the vacant seat for the unexpired term ending December 31, 2012.

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

On September 6, 2011 the City Council adopted Resolution No. 1127-2011 which establishes the procedures for appointments by the City Council for vacant positions on the City Council and Commissions. The successful candidate will be sworn in and seated at the December 14, 2011 Planning Commission meeting.

ATTACHMENTS

Ballot

City of Rio Dell
Planning Commission
Term Ending 12/31/12

Instructions:

1. *Write your name on the ballot, in the left hand corner*
2. *Circle the name of your selection for the position of Planning Commissioner*
3. *Fold your ballot. Pass the completed ballot to City Clerk, Karen Dunham*

	Candidate
Planning Commissioner	Nick Angeloff
	Billy Joe Long

Name _____

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

FOR MEETING OF: DECEMBER 6, 2011

To: City Council

From: Kevin Caldwell, Community Development Director

Through: Ron Henrickson, City Manager

Date: November 21, 2011

Subject: Flag Lot Ordinance

Recommendation:

That the City Council:

1. Open the public hearing, receive public input and deliberate;

2. Adopt Ordinance No, 278-2011 establishing flag lot regulations, Section 17.25.090 and amending Section 17.10.010 of the Rio Dell Municipal Code, Definitions, to include "flag lot".

3. Direct the City Clerk, within 10 days after adoption of the Ordinance, to post the post adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Summary

At your meeting of November 15, 2011 your Council introduced Ordinance No. 278-2011 which establishes flag lot regulations. As recommended, flag lots will only be allowed in residential zones where topographic conditions do not allow for the conventional subdivision of the parcel. The intent is to provide additional housing opportunities and to promote the efficient use of residential land. Home occupations and secondary dwellings would be prohibited because of limited access and the greater impacts these uses would place on abutting sites

As required by Section 36933(c)(1) of the California Government Code, on November 23, 2011 staff posted the pre-adoption summary at least ten (10) calendar days prior to the December 6, 2011 City Council meeting. Within ten (10) days after adoption staff will post the post adoption summary as required by Section 36933(a) of the California Government Code.

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

CITY OF RIO DELL CALIFORNIA

For Meeting of: December 6, 2011

To: City Council

From: Kevin Caldwell, Community Development Director

Through: Ron Henrickson, City Manager

Date: November 21, 2011

Subject: Title 17 Rio Dell Municipal Code Changes

Recommendation:

That the City Council:

1. Open the public hearing, receive public input and deliberate;

2. Adopt Ordinance No, 279-2011 amending Title 17, Chapters 17.25, 17.30, 17.35 and the Table of Contents, to reflect the amendments of the Rio Dell Municipal Code.

3. Direct the City Clerk, within 10 days after adoption of the Ordinance, to post the post adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Summary

In preparing the proposed Flag Lot regulations, staff discovered that the current General Provisions and Exceptions found in Chapter 17.25 were not in alphabetical order. Staff also discovered other formatting inconsistencies. The recommended ordinance cleans up the inconsistencies, including:

(1) Amending existing Chapter 17.25, General Provisions and Exceptions to be in alphabetical order and then move the current General Provisions and Exceptions to the revised Chapter 17.30;

(2) Establishing a separate Chapter for Regulations for the Combining Zones in new Section 17.25;

(3) Amending Chapter 17.30, the current Amendments, Variances, Use Permits and Nonconforming Uses, moving the Nonconforming Uses provisions to the revised Chapter 17.25, General Provisions and Exceptions;

(4) Amending Chapter 17.35 to move Outdoor Advertising to the revised Chapter 17.25, General Provisions and Exceptions;

(5) Amending Title 17 Table of Contents, to reflect changes to Chapters 17.25, 17.30 and 17.35.

The proposed ordinance was duly introduced at your meeting of November 15, 2011. As required by Section 36933(c)(1) of the California Government Code, on November 23, 2011 staff posted the pre-adoption summary at least ten (10) calendar days prior to the December 6, 2011 City Council meeting. Within ten (10) days after adoption staff will post the post adoption summary as required by Section 36933(a) of the California Government Code.

675 Wildwood Avenue
Rio Dell, CA 95562

STAFF REPORT

TO: Mayor and Members of the City Council

THROUGH: Ron Henrickson, City Manager

FROM: Stephanie Beauchaine, Finance Director

DATE: December 6, 2011

SUBJECT: Resolution 1137-2011 Authorizing the Closure of Funds 25 Traffic Safety, 37 CDBG, 41 COPS, 42 LLEBG, 51 Sewer Reserve, and 96 HOME.

RECOMMENDATION
By motion approve Resolution 1137-2011 Authorizing the Closure of Funds 25 Traffic Safety, 37 CDBG, 41 COPS, 42 LLEBG, 51 Sewer Reserve, and 96 HOME.

BUDGETARY IMPACT
None.

BACKGROUND AND DISCUSSION
Each year the Finance Department prepares the City's Financial Statements for Audit. Part of this year end process includes the closure of any unused funds.

This year we have identified 6 funds to be closed. Included are Funds 25 Traffic Safety, 41 COPS, and 42 LLEBG, all of which were established to account for grant funds that have expired and closed. The total transfer from these funds to the General Fund is $4.06.

Fund 51 Sewer Reserve has been closed since the inception of the Accufund Accounting System in 2004. This fund had transactions mistakenly posted, and requires a transfer of $0.14 to the Sewer Operating Fund for closure.

Fund 96 HOME was established to account for the HOME Rehabilitation Program Grant. The City incurred administrative expenditures in an effort to implement the HOME Program but did not execute any loan agreements prior to the expiration of the Grant. Because no loans were issued, the administrative expenses were not authorized for reimbursement by the grant and therefore require a transfer of funds from the General Fund in the amount of $19,440.73 to close the HOME Grant Fund.

Fund 37 CDBG was established to account for open CDBG Grants. This fund has been carrying an un-reconciled cash balance since the City's Audits were re-established in 2005. In 2006 we were able to reconcile the CDBG Program Income Balance which was subsequently approved by the State CDBG Program and moved to a separate Fund 39. In 2010 the City's multiyear CDBG Rehabilitation and Street Paving Grant was closed and signed off by the CDBG Program Staff. These two activities have allowed us to isolate the remaining un-reconciled balance which we have attributed to a "funding gap" which is explained in attachment A.

We have been working through this process with the City's Auditors since 2006 and now recommend that the remaining balance of $592,618.95 be transferred to unrestricted General Fund Reserves.

The 6 fund closures above do not change the City's reserve balance which is documented as 2,370,928.77 as of 6/30/2011. However, the net result un-restricts $573,182.14 of previously restricted funds.

Attachments: A.)Department of Housing and Community Development Memo- "Funding Gap", and B.) Authorization to Close Funds Table

RESOLUTION NO. 1137-2011
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
AUTHORIZING THE CLOSURE OF FUNDS 25 TRAFFIC SAFETY, 37 CDBG, 41 COPS, 42 LLEBG, 51 SEWER RESERVE, AND 96 HOME

WHEREAS, The City Finance Department prepares the City's annual financial statements for audit each fiscal year; and

WHEREAS, each year the Finance Department evaluates and identifies funds to be closed; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the closure of funds as follows:

Fund	Cash Transfer	Description
25 Traffic Safety	$ (0.20)	Grant Closed
37 CDBG	$ (592,618.95)	Grants Closed- Move unrestricted
41 COPS- Police	$ (3.66)	Grant Activity now accounted for in General Fund
42 LLEBG- Police	$ (0.06)	Grant Closed
51 Sewer Reserve	$ (0.14)	Inactive Fund- Transactions Posted in Error
96 HOME	$ 19,440.73	HOME Grant Closed- Expenses not funded by grant.
00 General Fund	$ 573,182.14	To Close Funds into General Fund
50 Sewer Operations Fund	$ 0.14	To Close Fund 51 into Sewer Operating Fund
Net Transfer	**$ (0 .00)**	**To Close Funds 25, 37, 41, 42, 51, & 96**

PASSED AND ADOPTED by the City of Rio Dell on this 6th day of December, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

Preparer: Stephanie Beauchaine, Finance Director

City of Rio Dell
Authorization to Close Funds
Fiscal Year 2010-2011

Fund	Cash Transfer	Description	Funding Source
25 Traffic Safety	$ (0.20)	Grant Closed	Transfer to General Fund
37 CDBG	$ (592,618.95)	Grants Closed- Move unrestricted unreconciled cash.	Transfer to General Fund
41 COPS- Police	$ (3.66)	Grant Activity now accounted for in General Fund	Transfer to General Fund
42 LLEBG- Police	$ (0.06)	Grant Closed	Transfer to General Fund
51 Sewer Reserve	$ (0.14)	Inactive Fund- Transactions Posted in Error	Transfer to Sewer Operations
96 HOME	$ 19,440.73	HOME Grant Closed- Expenses unreimburseable by grant.	Transfer Funds from General Fund
00 General Fund	$ 573,182.14	To Close Funds into General Fund	
50 Sewer Opertions Fund	$ 0.14	To Close Fund 51 into Sewer Operating Fund	
Net Transfer	**$ (0.00)**	**To Close Funds 25, 37, 41, 42, 51, & 96**	

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF FINANCIAL ASSISTANCE
Community and Economic Development Section (CEDS)
1800 Third Street, Suite 330
P. O. Box 952054, MS 330
Sacramento, CA 94252-2054
(916) 552-9398
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March 1, 2006

Jay Parrish, Interim City Manager
City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA 95562

RE: Revised Approved "Funding Gap" Date for CDBG Program Income Repayments

Dear Mr. Parrish:

State staff received the city's request to verify and approve a "funding gap" in the city's CDBG past grant contracts. We have reviewed our records and it does appear that the city's 1996 grant was closed-out February 20, 2001. The city did not receive any other new grants from the state until October 15, 2001 when a planning grant was awarded. Thus, there was a period of time when all state grant contracts were closed and the city had no open grants and this would constitute a funding gap under our regulations.

With the establishment and state approval of this funding gap, the City is now able to receive all repayments from old CDBG program loans funded under grants 1991 and prior as misc. revenue, and does not need to account for those loan repayments as local CDBG program income (PI). As of February 20, 2001, any repayments from loans the City made under old grants 1983 to 1991 can be re classified as miscellaneous. revenue and the city does not have to report or track it as local CDBG program income. This change in "identity" of repayment funds only happens for 1992 and prior grant repayments received after February 20, 2001.

Please contact Patrick Talbott at (916) 552-9361 if you have any questions or comments about the information in this letter. Please make sure your fiscal record keeping is updated so that the miscellaneous revenue repayments established with this letter are not commingled with CDBG PI repayments. Thank you for your cooperation.

Sincerely,

Allen Jones
CDBG Program Manager

Cc: File
Gordon Elton, Director of Finance

675 Wildwood Avenue
Rio Dell, CA 95562

STAFF REPORT

TO: Mayor and Members of the City Council

THROUGH: Ron Henrickson, City Manager

FROM: Stephanie Beauchaine, Finance Director SB

DATE: December 6, 2011

SUBJECT: Resolution 1138-2011 Fiscal Year 2010-2011 Reconciling Budget Amendment

RECOMMENDATION

By motion approve Resolution 1138-2011 Fiscal Year 2010-2011 Reconciling Budget Amendment.

BUDGETARY IMPACT

Increases Appropriations in the amount of $1,116,339.00

BACKGROUND AND DISCUSSION

Each year the Finance Department prepares the City's Financial Statements for Audit. Part of this year end process includes evaluation of the budget and any additional reconciling amendments necessary.

While preparing the closure of the 2010-2011 fiscal-year we have identified 8 funds in need of adjustment, each categorized as an Operating adjustment, a Capital Adjustment, or a Depreciation Adjustment.

We are recommending a total Operating Budget Amendment in the amount of $35,839. Included are a TDA Budget Amendment in the amount of $9,599.00 to cover street expenditures in excess of the original appropriations; a CDBG Fund Budget Amendment in the amount of $4,046.00 to cover operating expenses from the continuous servicing of existing Rehabilitation Grants; and a Sewer Operations Fund Budget Amendment to cover expenditures that exceeded appropriations within the original Sewer operating Budget. All expenditures in excess of the original appropriations could be covered by unused appropriations within the existing General Fund Budget; however it is recommended that restricted reserves be used so that all unrestricted appropriations will be made available as reserves for the future.

In addition to the Operating Budget Amendments we are also recommending a Capital Budget Amendment totaling $865,764.00 to cover planning and design costs for the upcoming Sewer Project. These expenditures were not included in the original budget, as they were expected to be financed and repaid during the 2010-2011 Fiscal Year. However, financing reimbursement has been continuously delayed related to several issues including the current bid disputes. Although these costs were not originally included in the budget, all expenditures were approved by the Council prior to their incurrence. We are recommending the Council increase the appropriations within Fund 52 Sewer Capital by $388,377, and Fund 54 Sewer Debt Service in the amount of $304,265. These costs will eventually be reimbursed when the City receives the Funding agreement from the State.

Also Included in the Capital Budget Amenmdnet is recommendation to increase appropriations within STIP Fund 47 in the amount of $173,122.00. In 2008 the City received $400,000 from State Proposition 1b funding for street repairs. In June of 2011 the City Council approved a street paving project to expend the remaining proposition 1b funds, however a budget amenmdnet was not completed at that time.

The Final recommendation is to increase the Capital Budgets Depreciation expense within the Fund 61 Water Capital Fund to allow for additional Depreciation calculated on the final construction figures for the Water infrastructure Project. The total Depreciation calculated at this time is $214,736. Depreciation is not a cash expense, but does reduce the City's assets and corresponding Fund Balance.

As we continue to close out the year, it is likely that we will make additional adjustments that may affect the budget. In the event additional adjustments are made, an additional amendment will be brought before the Council.

Attachment: Reconciling Budget Amendment Schedule

City of Rio Dell
Reconciling Budget Amendment
Fiscal Year 2010-2011

Fund	Expense Adjustment	Description	Funding Source
24 TDA-Streets	$ 9,599.00	Operating Costs	Restricted Reserves- TDA Fund
37 CDBG	$ 4,046.00	Loan Servicing	Program Income-Rstricted CDBG
40 SLESF- Cops	$ 12,711.00	Operating Costs 2 Police Officers	Restricted Reserves- SLESF Fund
47 STIP-Streets	$ 173,122.00	Prop 1b Paving Project	Prop 1b
50 Sewer Operations	$ 9,483.00	Operating Costs	Restricted Reserves- Sewer Operations
52 Sewer Capital	$ 388,377.00	Wastewater Treatment & Disposal Project	To be financed
54 Sewer Debt Service	$ 304,265.00	Wastewater Treatment & Disposal Project	To be financed
61 Water Capital	$ 214,736.00	Depreciation Expense Adjustment	Equity
Total Operating Adjustment	$ 35,839.00		
Total Capital Adjustment	$ 865,764.00		
Total Depreciation Adjustment	$ 214,736.00		
Total	**$ 1,116,339.00**		

RESOLUTION NO. 1138-2011
FISCAL YEAR 2010-2011
RECONCILING BUDGET AMENDMENT

WHEREAS, The City Council of the City of Rio Dell approved Resolution 1082-2010 adopting the Fiscal Year 2010-2011 Operating and Capital Budgets; and

WHEREAS, the original appropriations within each fund category were not sufficient to cover all approved expenditures; and

WHEREAS, The City Council of the City of Rio Dell approved Resolution 966-2007 adopting the City's Budget Implementation and Maintenance Policies which state that all increased appropriations must be approved by an amending Resolution; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby amend the City 2010-2011 Operating and Capital Budgets as follows:

Fund	Expense Adjustment
24 TDA-Streets	$ 9,599.00
37 CDBG	$ 4,046.00
40 SLESF- Cops	$ 12,711.00
47 STIP-Streets	$ 173,122.00
50 Sewer Operations	$ 9,483.00
52 Sewer Capital	$ 388,377.00
54 Sewer Debt Service	$ 304,265.00
61 Water Capital	$ 214,736.00
Total Operating Adjustment	$ 35,839.00
Total Capital Adjustment	$ 865,764.00
Total Depreciation Adjustment	$ 214,736.00
Total	**$ 1,116,339.00**

PASSED AND ADOPTED by the City of Rio Dell on this 6th day of December, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Preparer: Stephanie Beauchaine, Finance Director

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

Preparer: Stephanie Beauchaine, Finance Director