

# **AGENDA**

RIO DELL CITY COUNCIL CLOSED SESSION – 6:00 P.M. REGULAR MEETING – 6:30 P.M. TUESDAY, MARCH 18, 2014 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. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:
  - 1) 2014/0318.01 CONFERENCE WITH LEGAL COUNSEL- PENDING LITIGATION
    Name of Case: City of Rio Dell v. SHN Consulting Engineers &
    Geologists, Inc. a California Corp. Case No. DR130745
    Pursuant to Government Code Section 54956.9(a)
- D. PUBLIC COMMENT REGARDING CLOSED SESSION
- F. RECESS INTO CLOSED SESSION
- F. RECONVENUE INTO OPEN SESSION 6:30 P.M.
- G. ORAL ANNOUNCEMENTS
- H. PLEDGE OF ALLEGIANCE
- I. CEREMONIAL MATTERS

## 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. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Councilmembers present 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 3 minutes.

#### K. 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) 2014/0318.02 Approve Minutes of the March 4, 2014 Regular Meeting (ACTION) 1
- 2) 2014/0318.03 Approve Appointment of Susan Pryor to the Wildwood Avenue Sculpture Committee, as the Chamber Representative (ACTION) 10
- 3) 2014/0318.04 Set Study Session for April 29, 2014 for Review of the 2010 Capital Improvement Plan for Water System and Discussion on Capitalizing the Water System (ACTION)

#### L. SPECIAL PRESENTATIONS

# M. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2014/0318.05 Authorize City Manager to Alter or Discontinue Water Service to
   Out-of-City Residents from Old Ranch Road Waterline (ACTION)
   13
- 3) 2014/0318.06 Authorization to Work with the Town of Scotia and Scotia
  Community Services District (when formed) on a Mutual Aid
  Water System Intertie (ACTION)

# N. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

1) 2014/0318.07 - Conduct Second Reading (by title only) and Adopt Ordinance No. 319-2014 Regarding an Amendment to the Informal Bidding Process as Set Forth in Section 3.30.060 of the Rio Dell Municipal Code (ACTION)

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- O. REPORTS/STAFF COMMUNICATIONS
- 1. City Manager
- 2. Chief of Police Monthly Police Activity Report for February
- 3. Finance Director Monthly Check Register for February
- 4. Community Development Director
- P. COUNCIL REPORTS/COMMUNICATIONS
- Q. ADJOURNMENT

The next regular meeting will be on April 1, 2014 at 6:30 p.m. in City Hall Council Chambers

RIO DELL CITY COUNCIL REGULAR MEETING MARCH 4, 2014 MINUTES

The regular meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Thompson.

**ROLL CALL**: Present: Mayor Thompson. Councilmembers Wilson and Woodall

Absent: Councilmembers Johnson and Marks (excused)

Others Present: City Manager Stretch, Chief of Police Hill, Community

Development Director Caldwell, Water/Roadways Superintendent Jensen, and City Clerk Dunham

Absent: Wastewater Superintendent Chicora (excused)

#### CEREMONIAL

## Proclamation in Recognition of Engineer's Week

Mayor Thompson read the Proclamation in recognition of Engineer's Week, February 16-22. 2014 and presented it to Yoash Tilles, President of the North Coast Chapter of the American Society of Civil Engineers (ASCE).

Mr. Tilles thanked the City Council for the recognition and said the ASCE has been busy trying to promote the profession of Civil Engineers and has begun facilitating the preparation of the first ASCE report card to assist with roads and bridges. He said they have assembled a team of experts including representatives from the County of Humboldt, Bureau of Land Management, and local cities and tribes to assist in preparing the report. He said this is a community effort and the report is expected to presented to the public in August 2014. He welcomed the City of Rio Dell to join and participate in the process.

## **PUBLIC PRESENTATIONS**

**Nick Angeloff** provided a brief update on the Headwaters Grant the Chamber of Commerce obtained for the Business Incubator Program stating that the grant is at the Risk Management portion of the County awaiting signature: and that the Little League field has been graded and seeded and ready for use this Little League season.

#### CONSENT CALENDAR

Motion was made by Woodall/Wilson to approve the consent calendar including the approval of minutes of the February 18, 2014 regular meeting: and approval of Resolution No. 1219-2014 Amending the City Budget to Increase Water Fund Revenues. Motion carried 3-0.

## MARCH 4, 2014 MINUTES Page 2

#### SPECIAL PRESENTATIONS

General Discussion on Local Drought Situation – Supervisor Estelle Fennel/Status Report on City Water Supply – Water Superintendent Jensen

City Manager Stretch stated that Supervisor Fennel has been active and involved in a number of community wide and statewide discussions with regard to the current local drought situation and was kind enough to attend this meeting to share her information.

Supervisor Fennel began by stating that the local drought situation is a big issue however; the situation is even bigger statewide. She said she serves on an Adhoc Committee along with Supervisor Rex Bohn and others and has been working with the committee to review taxation on water storage, permitting processes and also to see how various agencies that deal with water can interact. She said that she has talked with people at the State level regarding ways to make it easier for the average homeowner to have water storage.

She stated that there is \$650 million available for Statewide relief and also a proposed bond issue for billions of dollars so if anyone has an issue with regard to the drought situation, now is the time to bring it up. She said as far as infrastructure, there will be money available and suggested the City put together and have projects "shovel ready" to become competitive with the funding.

She noted that the Humboldt Bay Municipal Water District has water rights for more water than they can use since the closure of the pulp mill and said there needs to be a way to keep as much of that water in Humboldt County as possible. Because the State owns the water they could essentially determine that other parts of the State need it more and recommend water be diverted to those other areas. She presented possible scenarios on ways to keep the water in Humboldt County. She said Rio Dell deserves to have adequate water supply and advised the City to talk to Humboldt Bay Municipal Water District as they are looking at ways to keep as much water as possible in the County although it is likely that some of the water will be diverted South.

Larry Arsenol asked if the water were to be diverted, if it would be permanent.

Supervisor Fennel explained that there have been discussions related to installation of a pipeline so the diversion would be more of a permanent solution.

Community Development Director stated that back in the 1970's, the State Department of Water Resources talked about potential reservoirs and asked if that is one of the things that is being considered. Supervisor Fennel commented that if reservoirs are being discussed, she is not aware of it. She said there is a lot of damaged infrastructure throughout the County that needs to be repaired, new infrastructure needs to be created and water is needed for economic growth.

City Manager Stretch said there is only so much the City can do since the water infiltration gallery is in the river. He said with no backup water supply, the situation could be severe this

# MARCH 4, 2014 MINUTES Page 3

summer if drought conditions continue. He reported that he had an informal meeting today with representatives from the Town of Scotia and discussed the fact that if the electronics related to the water system go down either or both Rio Dell or Scotia could be out of water. As such they agreed that it makes sense for the two communities to have an emergency inter-tie. He said he would like to see the City Engineer do some preliminary work to see what would be involved to do that although there may not be enough Prop 84 funds available to fund the project. He also indicated that the City prepared an Emergency Water Contingency Plan in 2000 at a time when the City had a well system so it will need to be updated.

Water Superintendent Jensen noted the maximum funding under Prop 84 is \$250,000 and it is his understanding that highly populated areas have a better chance of securing funding. He said that the inter-tie with the Town of Scotia could help as a short-term solution but it would be better to address the long-term solution. He said the infiltration gallery is not powerful enough to draw water if it gets too low but Scotia could since their system is better situated in the river.

Supervisor Fennel commented that they have been trying to get the point across that every jurisdiction no matter what size, has the right to its equal share of funding and that it should not always be population driven. She asked the Council to keep in mind that there are also grants and/or loans available for disadvantaged areas. She said now is the time to seize the opportunity to identify potential projects so if and when funding becomes available, the City will be postured with shovel-ready projects.

Councilmember Wilson asked if the Adhoc Committee meets on a regular basis and if he would be allowed to attend. Supervisor Fennel said since they are not a standing committee, they don't meet on a regular basis but that she would be happy to invite him to an upcoming meeting.

Supervisor Fennel said she spoke to a State Senator regarding water storage for small districts and will also be in contact with the Division of Water Rights, Department of Fish & Wildlife and other agencies to make sure they are talking and sharing information.

Councilmember Woodall questioned the timing with regard to the Town of Scotia being able to assist Rio Dell this summer should the drought situation continue.

Water Superintendent Jensen explained that Scotia gets their water from a deeper portion of the river so they could potentially help the City in an emergency situation. He said in the worst case scenario and Rio Dell and Scotia were without water, the City would be looking at the City of Fortuna for assistance. He commented that he would not recommend running the water from the former wells through the current system.

Supervisor Fennel asked what the current water storage capacity is and whether the City has considered increasing the capacity. She said increasing the storage capacity could be addressed fairly quickly.

# MARCH 3, 2014 MINUTES Page 4

Water Superintendent Jensen stated the City currently has 1.1 billion gallon storage or 3 day capacity and that all of the water tanks are topped off each night for maximum storage. He further reported that the water in the river is now bank to bank and the infiltration gallery is at 35 feet compared to 19 feet a month ago. The lack of snow in the mountains could cause some serious problems if the Eel River gets as low as the Van Duzen.

Discussion continued regarding the possibility of extending a pipeline from Humboldt Bay to the southern part of the County; environmental regulations; desalination efforts; establishment of an emergency short-term plan vs. a long tern plan; providing water for fire protection purposes; the process for bringing the old wells back on line; funding opportunities for infrastructure improvements; mandatory or voluntary water reduction measures; and options to keep excess water from Humboldt Bay Municipal Water District in the County rather than to the southern part of the State.

Supervisor Fennel said generally speaking, the message she wants to convey is that the City should not put off what can be realized related to the drought situation and to keep in mind there is a very thirsty southern California that would like to take water from our County.

**Sharon Wolff** said she is curious about the City's plans to sell the former wells because they are a resource the City has and can be utilized in an emergency situation.

Mayor Thompson said he believes the situation could get much worse and suggested the City move forward with implementation of a plan.

#### ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

<u>Approve Resolution No. 1218-2014 Establishing Building Department Administration Fees to</u> Recoup Program Cost and Adoption of Supplemental Budget

City Manager Stretch provided a staff report and said the concept of establishing administrative fees for the Building Program for the purpose of generating sufficient revenue to fully fund the program was approved in concept by the Council at the last meeting, at such time staff was directed to prepare the required public hearing notice and bring back a resolution for adoption.

He said the proposal is to establish an administrative fee to be added as a percentage of the building permit fees beginning with 33% to be effective 60 days after adoption of the Resolution. and an additional 33% effective July 1, 2014. He said in order to stabilize the funding for the Program, if at the end of any fiscal year program revenues are greater than expenditures, the surplus revenue will be deposited in a restrictive fund to be drawn against in future years where the revenue is less than expenditures. In the event revenues should accrue over time to \$20,000 or more at the end of any fiscal year, the amount over \$10,000 will be used to reduce the Building Department Administrative Fee accordingly: should revenue in the Trust Fund after reaching \$10.000 fall below the \$10,000 at the end of any fiscal year, the Administrative Fee will be

# MARCH 4, 2014 MINUTES Page 5

increased administratively by an amount estimated to achieve a balance of at least \$10,000 by the end of that fiscal year.

City Manager Stretch noted that the City Clerk called other local jurisdictions to get comparative building permit fee information and by applying the 66% administrative fee to the City's current fees, the cost for building permits will be in the same range as other local building departments.

He said the Council has the option to either step in the fee as recommended (33% in 60 days and 33% on July 1, 2014); lengthen the implementation period perhaps over 5 years; or make the entire 66% fee effective 60 days after the adoption of the resolution. He noted that in the meantime, the general tax payer is subsidizing the Building Permit Inspection Program.

Councilmember Wilson pointed out that 25% of the City Clerk's salary is charged to the Building Department and asked if the building permit revenue drops below the \$10,000 at the end of any fiscal year due to issuance of fewer permits, will the percentage of her time charged also be reduced.

City Manager Stretch said that is part of the reason for establishment of the trust fund; to help balance revenues with expenditures from one year to the next.

Councilmember Wilson said he would like to have a system in place to track revenue and expenditures on a timely basis so the City Council won't be surprised with any dramatic adjustments.

City Manager Stretch said staff is asking for authority to adjust the fee administratively on an annual basis however; if the City Council wants to have that authority, it can be set up that way.

Councilmember Wilson commented there are two main components in the budget that trigger the amount of expenditures in the Building Department; the Building Inspector's services and the City Clerk's time spent on building related matters. He reiterated the need to be able to track those activities.

City Manager Stretch pointed out that one of the goals for the new Finance Director will be to provide financial reports timely and accurately so the City Council can track activity.

Mayor Thompson asked how the liability insurance coverage for the Building Inspector will be paid out.

City Manager Stretch said the insurance estimated at \$1.920/year will be paid to him on a monthly reimbursement basis.

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Councilmember Woodall said she wants to state for the record that she is uncomfortable with reimbursement of liability insurance costs for a contract employee and that she would rather just give him a raise and make him responsible for payment of his own insurance.

City Manager Stretch said the public hearing could be continued to the next meeting with the full Council present if that is the desire of the Council.

Councilmember Woodall asked what would happen if the public hearing is continued to the next meeting.

City Manager Stretch said because the Contract for Inspection Services was already approved with the insurance provision included, the City would be required to pick up the insurance costs without the benefit of the building administrative fee to offset that cost.

A public hearing was opened to receive public comment on the proposed Resolution.

**Gary Chapman** commented that Rio Dell has always been a desirable place to build because the fees are lower than other places however; establishing an administrative fee and increasing permit fees to bring them in line with other agencies is good for the City. He supported the concept of the "Building Department Trust Fund."

There being no further public comment, the public hearing closed.

Motion was made by Wilson/Woodall to approve Resolution No. 1218-2014 Establishing Administrative Fees for the City of Rio Dell Building Program for the Purpose of Generating Sufficient Revenue to Fully Fund the Program and Adoption of Supplemental Budget with the provisions as recommended. Motion carried 3-0.

Conduct Second Reading(by title only) of Ordinance No. 312-2014 Amending Current Home Occupation Regulations, Section 17.10.010 of the Rio Dell Municipal Code

Community Development Director Caldwell provided a staff report and said at the February 18. 2014 regular meeting the Council conducted the first reading of the Ordinance amending the current Home Occupation regulations including the establishment of Address of Convenience provisions. He said at that meeting there was discussion regarding the Planning Commission's recommendation to allow signs as part of the Home Occupation and Address of Convenience operations. He said the Council felt that there should be no exterior indication of the use, including signs and directed staff to amend the ordinance to eliminate the sign provision. He said the ordinance was amended accordingly and is recommended for adoption at this time.

A public hearing was opened to receive public comment on the proposed ordinance: there being no public comment the public hearing closed.

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Motion was made by Woodall/Wilson to conduct the second reading (by title only) and adopt *Ordinance No. 312-2014 Amending the Home Occupation Regulation, Section 17.30.120 and the Zoning Definitions, Section 17.10.010 of the Rio Dell Municipal Code.* Motion carried 3-0.

Conduct Second Reading (by title only) and Adopt Ordinance No. 313-2014 Establishing Cottage Industry Regulations, Section 17.10.010 of the Rio Dell Municipal Code Community Development Director Caldwell provided a brief staff report and said as discussed at the last meeting Cottage Industry Regulations allow for light manufacturing home-based businesses that do not fit within the definition of a Home Occupation such as ceramic studios, custom jewelry, wood-working, metal fabrication or welding shops. He noted that as with the Home Occupation and Address of Convenience provisions, the ordinance was amended to eliminate the sign provision.

A public hearing was opened to receive public comment on the proposed ordinance: there being no public comment the public hearing closed.

Motion was made by Wilson/Woodall to conduct second reading (by title only) and adopt *Ordinance No. 313-2014 Establishing Cottage Industry Regulations, Section 17.30.075 and Amending the Zoning Definitions, Section 17.10.010 of the Rio Dell Municipal Code.* Motion carried 3-0.

Conduct First Reading (by title only) of Ordinance No. 319-2014 Regarding an Amendment to the Informal Bidding Process as set Forth in Section 3.30.060 of the Rio Dell Municipal Code City Manager Stretch provided a staff report and said the purpose of this ordinance is to establish provisions for an informal bidding procedure under the Public Contract Code whereby formal public bidding procedures can be streamlined. One of the requirements is to establish and maintain a list of qualified contractors identified under various construction categories which the City has never established. He further reported that Ordinance No. 298-2012 establishing purchasing procedures which included provisions for an informal bidding procedure was adopted by the City Council in 2012 however; upon review by staff and the City Attorney, it was determined that it had not been properly drafted and needed to be amended. He said there were additional requirements placed in the current ordinance beyond what is allowed in the Public Contract Code such as requiring that the contractor have a current City of Rio Dell business license, and have a workers compensation and liability insurance certificate on file with the City at the time of bidding a project. He noted that the law precludes the contractor from these requirements until such time the contractor is awarded the bid.

A public hearing was opened to receive public comment on the proposed ordinance: there being no public comment the public hearing closed.

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Motion was made by Wilson/Woodall to conduct the first reading (by title only) of *Ordinance No. 319-2014 Regarding an Amendment to the Informal Bidding Process as set Forth in Section 3.30.060 of the Rio Dell Municipal Code.* Motion carried 3-0.

Adopt Resolution No. 1219-2014 Establishing Fees for Address of Convenience and Cottage Industry Permits and Lowering Required Deposits for Certificates of Compliances. Lot Line Adjustments and Parcel Mergers

Community Development Director Caldwell provided a staff report and said in 2011 the City Council adopted Resolution 1136-2011 establishing new fees for appeals, extensions and information requests. He said with the recently adopted provisions for Address of Convenience and Cottage Industries, adoption of associated fees are required. He noted that when the current fees were adopted, the City was utilizing the services of a contract planner; now that the City has an in-house Planner the actual cost for reviewing, referring and issuing a typical Home Occupation permit, based on current billable burdened rates is \$40.00 rather than \$75.00 as currently being charged. He said staff is recommending the fee for Address of Convenience and Cottage Industry permits be established at \$40.00 along with Home Occupation permits. In addition, he said staff is recommending reducing the required deposit for Certificates of Compliance. Lot Line Adjustments and Parcel Mergers based on actual costs under current billable burdened rates.

A public hearing was opened to receive public comment on the proposed Resolution; there being no public comment, the public hearing closed.

Mayor Thompson referred to the schedule of *Typical Average Fees* which breaks the tasks down to 5 minute increments for staff time and questioned whether 5 minutes is realistic. Community Development Director Caldwell said the schedule is pretty straight forward and is based on actual staff time.

Motion was made by Woodall/Wilson to adopt Resolution No. 1219-2014 Repealing Resolution No. 1136-2011 and Amending the Community Development Department Fee Schedule. Motion carried 3-0.

#### REPORTS/STAFF COMMUNICATIONS

City Manager Stretch reported on recent activities and events and said the 3.5 acre parcel gifted to the City by the School District came with the condition that the parcel be fenced and that the City front the cost for the survey. He said the cost of the survey came in at \$2,400 as expected however; the fence quote came in at around \$30,000 which was not expected. As a result, he said he would be having discussions with the school to see exactly what they had in mind as to the area to be fenced. He also reported that interviews for Finance Director would be taking place on Friday and the brochure for City Manager was prepared and in circulation. He said the High Energy Use Tax information requested by PG&E had not yet been received: combining the survey of Painter St. and Edwards Dr. with the School survey saved the City \$500: hoped to have

# MARCH 4, 2014 MINUTES Page 9

the proposed water rate schedule on the March 18<sup>th</sup> agenda; the City received payment from the property owner for the fence that was constructed around the dangerous sidewalk on Monument Road; and said he was working with the residents around Old Ranch Road regarding improvement of the access for replacement of the water line but haven't had the kind of progress he had hoped to have and said he will be providing a report at the next meeting with a potential solution.

Councilmember Wilson commented on the City Manager recruitment process and asked if a local ad would be going out.

City Manager Stretch explained that Avery Associates is handling the advertising and that they have access to a number of excellent resources which they will use but no local advertising is expected except for the City's website.

Chief of Police Hill reported on recent activities in the police department and said he will be attempting to put together a traffic committee meeting sometime during the next week.

Community Development Director Caldwell reported on recent activities in the Planning Department and said he issued the RFQ for the Ogle/Belleview Drainage Study with the deadline for submittal of proposals Friday, March 7<sup>th</sup>. He said he hoped to schedule the award of bid on the next agenda. He also reported that he was working on the City Newsletter and would be attending a Code Enforcement Workshop on Thursday.

## COUNCIL REPORTS/COMMUNICATIONS

Councilmember Woodall referred to the proposed wastewater rates and asked why the schools are in the category of low strength.

City Manager Stretch stated that since public works staff was not present to respond he would get the information and report back.

#### **ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 8:15 p.m. to the March 18, 2014 regular meeting.

	Jack Thompson. Mayor
Karen Dunham. City Clerk	

March 4, 2014

To: Honorable Mayor Jack Thompson

Attn: Jim Stretch 675 Wildwood Ave. Rio Dell, CA. 95562

Dear Mayor and Council:

We appreciate the opportunity to participate in the sculpture committee. We would like to put forward Ms. Susan Pryor as our representative.

Ms. Susan Pryor: Action Realty 1055 Main St.

Fortuna, CA. 95540 Cell: (707) 845-2967

Office: (707) 725-1820

E-mail: susanactionrealty@sbcglobal.net

Respectfully,

Rio Dell – Scotia Chamber of Commerce, Board Member



March 4, 2014

To: Honorable Mayor Jack Thompson

Attn: Jim Stretch 675 Wildwood Ave. Rio Dell, CA. 95562

Dear Mayor and Council:

We appreciate the opportunity to participate in the sculpture committee. We would like to put forward Ms. Susan Pryor as our representative.

Ms. Susan Pryor: Action Realty 1055 Main St.

Fortuna, CA. 95540

Cell: (707) 845-2967

Office: (707) 725-1820

E-mail: susanactionrealty@sbcglobal.net

Respectfully,

Rio Dell – Scotia Chamber of Commerce, Board Member

Rio Dell City hall 675 Wildwood Avenue Rio Dell, CA 95562 (707) 764-3532 riodellcity.com

March 18, 2104

TO:

Rio Dell City Council

FROM:

retch, City Manager

SUBJECT:

Set Study session for a Review of the 2010 Capital Improvement Plan for

the

Water System, and Discussion on Capitalizing the System

# IT IS RECOMMENDED THAT THE CITY COUNCIL:

Set the date of April 29, 2014, 6:30PM for a study session for the review of the City of Rio Dell Water System Asset Management Plan and Preliminary Capital Improvement <u>Plan-October 2010</u> prepared by Winzler & Kelly, and a discussion on capitalizing the water system.

# **BACKGROUND AND DISCUSSION**

City Council Members are requested to check their calendars and select a date for a study session to review the 2010 Water System Management and Capital Improvement Plan with staff and the City Engineer. Typically, study sessions are conducted on Tuesdays, other than the first and third Tuesdays of the month which are reserved for City Council meetings.

April 29, 2014 is suggested as it is the fourth Tuesday of the month. Staff awaits Council direction.



Rio Dell City hall 675 Wildwood Avenue Rio Dell, CA 95562 (707) 764-3532 riodellcity.com

March 18, 2104

TO:

Rio Dell City Council

FROM:

Jin Stretch, City Manager

SUBJECT:

Permission to Alter Water Service to Out-of-City Residents From Old

Ranch Road Waterline, or Discontinue Service

#### IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Provide the City Manager direction to offer out-City-residents who received water service from the City's Old Ranch Road waterline, metered water service only from the intersection of Old Ranch Road and Monument Road, or

2. If the offer in #1 above is unsuccessful, authorize staff to prepare an application with the Local Agency Formation Commission, for Council approval, to discontinue water service to the residents.

#### BACKGROUND AND DISCUSSION

This matter concerns 2 related issues;

- 1. Unrestricted access to City property by deed or prescriptive right, and
- 2. Unrestricted access by deed or prescriptive right to maintain water lines

As the City Council is aware, the 2013-14 City Budget contains an appropriation in the Capital Projects budget to replace the water line that has served a few residents outside of the City along Monument Road with metered water. The estimated cost for the upgrade in the beginning was \$10,000 and the recipients of the upgrade agreed to reimburse the City for the replacement cost. There are water 4 meters on the ½ mile stretch of Old Ranch Road (ORR) which serves 7 properties who pay the out-of-City rate of 1 ½ times.

Also relevant to the background is that the City Council took an action on September 17, 2103, to declare the 5.5 acre Monument Springs parcel served by ORR as surplus to the needs of the Water Fund and the City. The Council authorized that a real property appraisal be conducted to determine its market value and authorized staff to go through the process of disposing of it by public sale.

Prior to the action to surplus the property, City Attorney Russ Gans and Mike O'Hern of Kelly-O'Hern Associates, an expert in the field of surveys and chain of title matters, researched the

topics of City access to the parcel and the City's water rights since neighboring property owners have challenged the City on these points in the past. The time and expense of this research was intended to settle these matters once and for all. Through their work, it was determined that demonstrable record evidence supports the City of Rio Dell's access rights along the general alignment of ORR. Although this is important to the question of legal access on ORR to the parcel, it is also critical for Public Works Department in order to maintain the waterline from Monument Road to a holding tank that supplies water to the area.

This information was shared with the property owners at an evening meeting on November 20, 2014 which was attended by the City Attorney, Michael O'Hern and the City Manager.

As a practical matter, the City's vehicular access for transporting staff and materials along the waterline terminates on the east side of a slide that removed 2 sections of ORR. Staff attempted to gain access to the slide from the west side of our property in order to install and maintain the waterline on both sides of the slide. But, the property owners would only allow temporary access to install the new line, unless the City was willing to improve and maintain their access road and would compensate them for the perpetual access. Given the fact that the City is not installing a temporary water line, but a permanent one, temporary access was not desirable. Furthermore, purchasing an easement for the purpose of installing and maintaining a new water line from a property owner who would be the recipient of receiving water service appeared to lack certain logic.

Wanting to move forward with the replacement of the water line, the City Manager recently notified the adjoining property owners with a courtesy notice that a minor amount of grading was going to occur by City staff at the area of the slide so that it could be traversed by City equipment from Monument Road. When passable, it would provide the necessary access to install and maintain the new line and to gain access to City property. Various objections were received from the property owners, including assertions that the City would be trespassing on their property; assertions that the City does not have perpetual access along ORR; demands that the slide can only be crossed on foot and demands that further inquiries must be directed to attorneys for objecting property owner's.

#### THE PROPOSALS

Accordingly, since the water customers are determined to block the City's legal access along ORR, except on their terms and as they see fit, staff is asking for City Council direction to authorize the continuation of the water service to the mentioned property owners only if the water meters are removed from their current locations along ORR and moved back to the intersection of ORR and Monument Road. In this way, the neighbors would be responsible to install their own water lines along ORR from our meters to their properties. This should not present a monetarily problem for them inasmuch as they have indicated that they are prepared to reimburse the City immediately for the estimated cost of \$10,000 to put in a new 2" line to their holding tank.

If this proposal is rejected by the property owners, the discontinuation of the service appears to be the only other reasonable alternative, and that process is subject to LAFCO approval. Staff will research that as a potential alternative if further discussions with the affected property owners do not produce a solution.

CITY OF RIO DELL

Rio Dell City hall 675 Wildwood Avenue Rio Dell, CA 95562 (707) 764-3532 riodellcity.com

March 18, 2104

TO:

Rio Dell City Council

FROM:

Jim Stretch, City Manager

SUBJECT:

Authorization to work with the Town of Scotia and the Scotia Community

Service District on mutual aid water intertie

# IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the City Manager and Water Superintendent to work with the Town of Scotia and the Scotia Community Services District (when formed) on a mutual aid water system intertie between the 2 systems, including up to \$2,000 of City Engineer time on the Rio Dell side of the intertie, if required.

# **BACKGROUND AND DISCUSSION**

On March 4, 2014, City staff and Town of Scotia personnel met to discuss whether there was an interest in establishing an intertie between the 2 water systems across the Eagle Prairie Bridge as a mutual aid back-up in times of emergencies. There was an interest in exploring the topic further under the general proposition that either community could find itself without water for any number of reasons; ranging from failures with storage tanks, the water plant, electronic system, infiltration gallery, water mains and the list goes on.

Staff believes that it is in the interest of both communities to do some preliminary work to get some idea of what we might be talking about. We are asking for the Council's support to have these discussions and a minimum amount of \$2,000 for engineering support, if required.



Rio Dell City hall 675 Wildwood Avenue Rio Dell, CA 95562 (707) 764-3532 riodellcity.com

March 18, 2104

TO:

Rio Dell City Council

FROM:

Lim Stretch, City Manager

SUBJECT:

Adopt Ordinance 319-2014 to Amend and Correct Section 3.30.060 of

the City of Rio Dell Municipal Code (Informal Bidding).

# IT IS RECOMMENDED THAT THE CITY COUNCIL:

- 1. Continue the public hearing and second reading of Ordinance 319-2014, by title only, for the amendment of Rio Dell Municipal Code Section 3.30.060 concerning the informal bidding process as set forth by Public Contract Code Section 22032, and
- 2. Receive staff's report on the proposed amendments, and
- 3. Close the public hearing and adopt Ordinance 319-2014, amending City of Rio dell Municipal Code Section 3.30.060 concerning the requirements for contractors to qualify for the informal bidders list by category work type, and
- 4. Direct the City Clerk to post a summary of the Ordinance as required by the California Government Code, with said Ordinance to be effective 30 days after adoption by the Rio Dell City Council.

# BACKGROUND AND DISCUSSION

On March 4, 2014 the Rio Dell City Council opened the public hearing and conducted the first reading of Ordinance 319-2014, an Ordinance amending City of Rio Dell Municipal Code (RDMC) 3.30.060 concerning the requirements for contractors to qualify for the informal bidders list by category work type. The hearing was continued until March 18, 2014 for the second reading and adoption.

The history again is that on November 8, 2012 the Rio Dell City Council adopted Ordinance 298-2012 establishing a purchasing procedure for the City. Included in that policy were provisions for an informal bidding procedure under Public Contract Code

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Section 22032 whereby formal public bidding procedures could be streamlined. One of those requirements was to establish and maintain a list of qualified contractors identified by various categories of work; paving and electrical for example, as well as a number of other requirements. This list was never established.

Learning of this, the Public Works Director reviewed the City Code Chapter with the City Attorney and found that it had not been properly drafted and needed correction. That amendment is enclosed as Attachment #1 with the amendments noted in "blue". Attachment #2 sets forth the amended text of Section 3.30.060 (Informal bidding) as recommended in the form of Ordinance 319-2014, replacing the section.

By-in-large, the specific language of the Public Contract Code is noted as amendments in Attachments #1 and the extra City requirements for contractors wanting to be placed on the list are deleted by strike through, such as requiring a City Business License and having proper insurance certificated on file. Such requirements may be required of a contractor before the awarding of a bid, but they are not proper requirements precedent to a qualified contractor being placed on the informal bidders list.

These amendments are technical in nature, have been approved by the City Attorney and are not controversial.

Attachments: #1 City of Rio Dell Code Section 3.30.060, Informal Bidding, showing proposed additions and deletions.

#2 Ordinance No. 319-2014 amending the informal bidding process as set forth in RDMC.

#### Attachment #1

# 3.30.060 Informal bidding.

Pursuant to subdivision (b) of Section 22032 of the Public Contract Code the city shall enact an informal bidding procedure as follows:

- (1) The City shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria include: The contractors list shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.
- (a) Current City of Rio Dell-business license.

  (b) Workers compensation, vehicle, and liability insurance on file with the City as appropriate

  (c) All appropriate professional licenses must be in good standing and on file with the City.

  (d) Must not be listed on the debarred list.
- (2) All contractors on the list for the category of work being bid and all appropriate trade journals shall be mailed a notice inviting informal bids unless the product or service is proprietary.
- (3) All mailing of notices to contractors and construction trade journals pursuant to subdivision (2) of this section shall be completed not less than 10 calendar days before bids are due.
- (4) The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for submission of bids.
- (5) The City Council delegates the authority of awarding informal bids to the City Manager or his designee.
- (6) If all bids received are in excess of the authorized informal bid limit set forth in Section 22032 of the Public Contract Code, the city council may, by adoption of a resolution by a four-fifths vote, award the contract for an additional ten percent (10%) to the lowest responsible bidder if the city council determines the cost estimate for the project was reasonable.

### **ORDINANCE NO. 319-2014**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL REGARDING AN AMENDMENT TO THE INFORMAL BIDDING PROCESS AS SET FORTH IN SECTION 3.30.060 OF THE CITY OF RIO DELL MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS: Public Contract Code Section 22032 of the State of California provides that a city may establish an informal bidding procedure if certain conditions and processes are met, and

WHEREAS: On November 8, 2012 the City Council of the City of Rio Dell adopted Ordinance 298-2012, establishing Title 3, Chapter 3.30 of the City of Rio Dell Municipals Code concerning a purchasing procedure for the City, including an informal bidding process in Section 3.30.060, and

WHEREAS: City staff now determines that Section 3.30.060 of the City of Rio Dell Municipal Code contains additional requirements of qualified contractors who wish to place on an informal bidders list for various categories of work for which they are licensed, beyond that allowed in the aforementioned Public Contract Code.

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

**SECTION 1.** Section 3.30.060 of the City of Rio Dell Municipal Code is replaced in its entirety as follows:

#### 3.30.060 Informal bidding.

Pursuant to subdivision (b) of Section 22032 of the Public Contract Code the city shall enact an informal bidding procedure as follows:

- (1) The City shall maintain a list of qualified contractors, identified according to categories of work. The contractors list shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.
- (2) All contractors on the list for the category of work being bid and all appropriate trade journals shall be mailed a notice inviting informal bids unless the product or service is proprietary.

- (3) All mailing of notices to contractors and construction trade journals pursuant to subdivision (2) of this section shall be completed not less than 10 calendar days before bids are due.
- (4) The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for submission of bids.
- (5) The City Council delegates the authority of awarding informal bids to the City Manager or his designee.
- (6) If all bids received are in excess of the authorized informal bid limit set forth in Section 22032 of the Public Contract Code, the City Council may, by adoption of a resolution by a four-fifths vote, award the contract for an additional ten percent (10%) to the lowest responsible bidder if the City Council determines the cost estimate for the project was reasonable.

## **SECTION 2.** Severability

If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

#### **SECTION 3. Effective Date**

This Ordinance shall be effective thirty (30) days after the date of its approval and adoption by the Rio dell City Council.

I HEREBY CERTIFY that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio dell on March 4, 2014 and furthermore was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell on the eighteenth (18<sup>th</sup>) of March 2014 by the following vote:

Jack Thompson, Mayor

#### ATTEST:

I Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify that the above and foregoing to be a full, true and correct copy of the Ordinance of 319-2014 adopted by the City of Rio Dell on March 18, 2014.

Karen Dunham, City Clerk, City of Rio Dell

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