

**Rio Vista City Council**  
**MINUTES**  
**Thursday, December 4, 2008 at 7:00 p.m.**  
City Council Chambers  
One Main Street  
Rio Vista, California 94571

**Roll Call**

**Present: Councilmembers Bhakta, Jones, Kelly, Vick, and Mayor Woodruff**

**Flag Salute – led by Former Supervisor Brann**

**Public Comment**

Judy Calpo, City resident, asked why review of the Budget is not listed on the agenda.

Mayor Woodruff responded that review and Council direction was provided at the November 25, 2008 City Council meeting.

**Removed from Agenda order and heard after Item #5.**

**1. Reports of Council and Staff**

Staff reports included the official retirement notice from Maintenance Superintendent Butch Sieffert effective December 31, 2008.

Council reports included the Grand Opening of the newly renovated Crescent Park, paid for with grant funds; Spirit of Solano Award Luncheon including the Chamber of Commerce honoring Rosetta Resources; promotion of the Sister City Program; and, announcement of the Special Meeting on Monday, December 8<sup>th</sup> at 7:00 p.m. to certify the election results and swear in newly elected Mayor, Treasurer, and Councilmembers Krebs and Norman.

**2. City Commission Reports / Chamber of Commerce Report**

Chamber of Commerce representative requested status of getting the City's financial recovery information out to the public.

Tommy Lamothe, Recreation Commissioner, spoke on the Crescent Park grand opening.

**3. Consent Calendar**

- a. **City Council Special Meeting Minutes of November 6, 2008**
- b. **Approve the expenditure of \$6,605.46 from Fund 010-0300-0190-7245, Transportation Development Act Funds for additional work on the 2007 Street Maintenance Project 2007-02, with Resolution for Adoption.**
- c. **Approve Amendment #3 to the Consulting Services Agreement with North Fork Environmental, Inc, adopted Resolution No. 2008-119.**

Motion by Jones, seconded by Kelly, to remove Item 3b from the Consent Calendar and approve the remaining items as presented.

Roll call vote: Ayes: Councilmembers Bhakta, Jones, Kelly, Vick, and Mayor Woodruff

Noes: None

Absent: None

#### **Consent Calendar Item 3b:**

Councilmember Jones requested clarification of funding source.

City Manager Hector De La Rosa responded that no General Funds will be used; that dedicated Transportation Act Funds and Gas Tax Funds will be used.

Motion by Vick, seconded by Bhakta, to adopt **Resolution No. 2008-118** approving the expenditure of \$6,605.46 for additional work on the 2007 Street Maintenance Project 2007-02.

Roll call vote: Ayes: Councilmembers Bhakta, Jones, Kelly, Vick, and Mayor Woodruff

Noes: None

Absent: None

#### **4. Presentation by Jodi Grenier regarding feral cats**

Dropped from agenda to be relisted on the December 18<sup>th</sup> agenda.

#### **Removed from Agenda order and heard after Public Comment**

##### **Public Hearing**

#### **5. Introduction and first reading of an Ordinance amending Chapter 13.04 of the Rio Vista Municipal code related to water service rates**

City Manager Hector De La Rosa spoke on the background of the proposed rate increase and on the Prop 218 process. He stated that there were 3,706 legal parcels with water service and that if ½ + 1 protests are received (1,854) the water rates cannot be increased per Proposition 218 provisions.

Mayor Woodruff opened the Public Hearing.

Andy Chesanek, City resident, requested clarification of the noticing procedures.

City Manager De La Rosa responded that the City mailed to property owners and/or renters for all parcels receiving City water service. All properties that do not currently have water service were excluded.

Lois O'Sullivan, City resident, requested clarification of 1 protest per parcel provision.

City Manager De La Rosa responded that if more than one residence was located on a parcel, that only 1 protest would be eligible to be filed. He also responded to a resident's question on eligible protests that can be filed by residents of a trailer park, stating that the trailer park is one parcel; therefore, only 1 protest is eligible to be filed.

Angelo Masi, City resident, requested clarification of the ballot requirements to protest.

City Attorney Kara Ueda clarified the written protest requirements.

Dianne Thiel, City resident, spoke in opposition to back billing for multiple residences on one parcel with only one residence receiving and paying a water bill.

Fred Kogler, City resident, followed up on the number of notices mailed and spoke in opposition to the noticing procedures. He also spoke on the importance of repairing the pipes before streets are paved.

Deborah Oliver, City resident, requested the names of those filing protests to be available for public review.

Bill Carroll, City resident, asked if water fees are held in a special account.

Mayor Woodruff responded on the Water Fund as an Enterprise Fund with separate accounting.

City Manager DeLaRosa responded that proposed rates are not for any other funds. They will be used to operate, maintain, and repair water infrastructure, stating that repair of water infrastructure will take time and cannot be started without a water fee increase.

Shirley Goody, City resident, spoke on Prop 218 procedures.

Dennis Papetti, City resident, spoke in opposition to higher water rates.

Jerry Thiel, Front Street, requested that water rates paid by neighboring jurisdictions be surveyed.

Shelly Thomas, City resident, spoke on repair of sewer lines on private property.

Mayor Woodruff closed the Public Hearing and continued the Item to later in the meeting, pending count of the filed protests.

**6. Award a contract in the amount of \$79,910 to Larry Walker Associates for professional services required for the Northwest Wastewater Facility NPDES Permit renewal, with Resolution for adoption.**

City Manager Hector De La Rosa presented the Staff Report, requested a correction in the contract on page 2, Section B changing the Project Manager to Betty Zooloff and responded to questions on the timing of the application, the length of time the permit is effective and justification for the Contract.

Motion by Kelly, seconded by Jones to adopt **Resolution No. 2008-120** approving a contract in the amount of \$79,910 to Larry Walker Associates for professional services required for the Northwest Wastewater Treatment Facility NPDES Permit renewal.

Roll call vote: Ayes: Councilmembers Bhakta, Jones, Kelly, Vick, and Mayor Woodruff

Noes: None

Absent: None

**7. Award a contract in the amount of \$55,000 to Broadreach Architecture and planning for preparation of construction bid documents for ADA improvements at City owned facilities, with Resolution for adoption.**

City Manager Hector De La Rosa presented the Staff Report, and clarified that all funding is from CDBG Grant Funds.

Motion by Vick, seconded by Jones, to adopt **Resolution No. 2008-121** approving a contract in the amount of \$55,000 with Broadreach Architecture and Planning for preparation of construction bid documents for ADA improvements at City owned facilities.

Roll call votes: Ayes: Councilmembers Bhakta, Jones, Kelly, Vick, and Mayor Woodruff

Noes: None

Absent: None

**8. Approve the waiver of Development Impact Fees for the Baldwin/Rabska Airport Hangar Project**

Acting Community Development Director Emi Theriault presented the Staff Report, explaining that the Item is listed on the agenda as a matter of appeal, as the Developer had been told they would be required to pay the fees but had received written notice from the City that the fees would be waived.

Council consensus to waive the fees, based on the misinformation provided when the previous action was taken to require the Developer to pay the fees, without knowledge that the City had sent a written notice that the fees would be waived.

City Attorney Kara Ueda spoke in opposition to waiving the fees, stating the City does not have a policy in place.

Motion by Kelly, seconded by Bhakta, to adopt **Resolution No. 2008-122** approving the waiver of Development Impact Fees for the Baldwin/Rabska Airport Hangar Project, with the exception of County fees.

Roll call votes: Ayes: Councilmembers Bhakta, Jones, Kelly, Vick, and Mayor Woodruff

Noes: None

Absent: None

**9. Authorize the City Manager to enter into a Memorandum of Understanding between the City of Rio Vista and the United States Fish and Wildlife Service setting forth the framework for negotiations on development of the Army Base site, with Resolution for adoption.**

Acting Community Development Director Emi Theriault presented the Staff Report, stating that the City Attorney will bring back the final Memorandum of Understanding and that negotiated items of the lease will be brought back to Council for final consideration.

Council discussion included a request for staff to report back with a brief synopsis of the project, use of the facility for refuge of the Delta smelt population and help the School District's Fishery Program.

Motion by Jones, seconded by Kelly, to adopt **Resolution No. 2008-123** to enter into a Memorandum of Understanding with the United States Fish and Wildlife Service setting forth framework for negotiations on development of the Army Base.

Roll call votes: Ayes: Councilmembers Bhakta, Jones, Kelly, Vick, and Mayor Woodruff

Noes: None

Absent: None

**Meeting recessed at 8:45 p.m.**

**Meeting reconvened at 3:30 a.m. to continue with Item #5.**

**All Councilmembers and Mayor Woodruff present.**

Interim City Clerk Carolyn Parkinson certified that 915 eligible protests were received and counted and that 1,854 eligible protests would be required to prohibit the City from increasing the water rates.

Motion by Vick, seconded by Jones, to waive first reading and introduce the Ordinance for first reading amending Section 13.04.020 entitled "Rates" of Chapter 13.04 entitled "Water Service System" of the City of Rio Vista Municipal Code to increase water rates.

Roll call votes: Ayes: Councilmembers Bhakta, Jones, Kelly, Vick, and Mayor Woodruff

Noes: None

Absent: None

**Closed Sessions dropped from agenda.**

**10. Closed Session**

**Conference with Labor Negotiators (Government Code 54957.6)**

Designated Representatives: City Manager

Acting Finance Director

Employee Organizations:

Rio Vista Police Officer's Association

Rio Vista Professional Fire Fighters' Association

OPEIU Local 29 Mid-Management

OPEIU Local 29 Professional and Clerical

**11. Adjournment – Meeting adjourned at 3:35 a.m.**