

Rio Vista City Council
MINUTES
Thursday, December 17, 2009 at 7:00 p.m.
City Council Chambers
One Main Street
Rio Vista, California 94571

Roll Call

Present: Councilmembers Jones, Krebs, Norman, Richards, and Mayor Vick

Absent: None

Flag Salute – led by Councilmember Richards

1. Public Comment

Joel Auslen, City resident, recommended engaging community and clergy in 2010 Census and open forum prior to Council Meetings.

Fred Kogler, City resident, spoke in opposition to missing Treasurer's Reports that were not filed.

2. City Council Reports / Staff Reports

Staff reports included, but were not limited to Police Department receiving old DUI Unit from the City of Suisun and the availability of NIXLE information; status of ADA Street Improvement Project, City Hall, and Egbert Field; Blood Drive on Sunday, December 20th, at the Fire Department; status of relocation of Subway; and report on renovation and possible future use of the Ram Hotel for an assisted living facility.

Council reports included, but were not limited to meeting schedule of the Citizen's Monitoring Committee for Water/Wastewater; Berlin Airlift Ceremony at Travis AFB; missing Treasurer's Reports and statement that the City Treasurer will follow-up; status of the AB1600 Study; tour of Cal Equipment vessel being restored at the Army Base; update on STA regional transportation impact fees and taxes and meeting with State Department of Water Resources and United States Fish and Wildlife Services on proposed use of Army Base property.

3. City Commission Reports / City Committee Reports / Chamber of Commerce Report

Marci Coglianesi, Chair, Army Base Steering Committee, reported vacancy on Committee due to the death of Norm Rapanich and use as Science Center and/or Fish Technology Center of Army Base property by State Department of Water Resources and United States Fish and Wildlife Services.

Mary Ellen Lamothe, presented the Chamber of Commerce Report on events and election of two Board Members.

4. Consent Calendar

- a. **Accept the chain link fencing and gates at the City of Rio Vista Municipal Airport Project as complete and authorize the Public Works Director to file the Notice of Completion, adopted Resolution No. 2009-119.**
- b. **Accept the Flores Way and Gardiner Way Improvement Project, 2009 as complete and authorize the Public Works Director to file the Notice of Completion, adopted Resolution No. 2009-120.**
- c. **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 and to extend the date to co terminate with that of the City's MOU with the State Department of Water Resources, adopted Resolution No. 2009-121, as amended.**
- d. **Award a formal bid contract for purchase of a vehicle exhaust removal system relative to the FY 2008 Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) Assistance to Firefighter's Grant, adopted Resolution No. 2009-122.**
- e. **Award a formal bid contract for purchase of portable radios relative to the FY 2008 Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) Assistance to Firefighter's Grant, adopted Resolution No. 2009-123.**
- f. **Support to continue the designation of a segment of State Route 12 as a safety enhancement – double fine zone, adopted Resolution No. 2009-124.**
- g. **City Council Regular Meeting Minutes of November 5, 2009**
- h. **City Council Special Meeting Minutes of November 5, 2009 – 6:30 p.m.**
- i. **City Council Regular Meeting Minutes of November 19, 2009**
- j. **Receive and file the annual report on Community Facilities Districts (CFD) 2004-1 and 2006-1 to comply with the Local Agency Special Tax Bond and Accountability Act**

Motion by Richards, seconded by Jones, to remove Consent Calendar Items c and f and approve the remaining items as presented.

Roll-call Vote: Ayes: Councilmembers Jones, Krebs, Norman, Richards, and Mayor Vick

Noes: None

Absent: None

Item 4c removed for clarification of expiration date.

Council consensus to amend the expiration date in the MOU Agreement with the United States Fish and Wildlife Services to co terminate with the expiration date of the City's MOU with the State Department of Water Resources.

Motion by Krebs, seconded by Norman, to adopt the Resolution, as amended to correct the termination date. (***Resolution No. 2009-121***).

Roll-call Vote: Ayes: Councilmembers Jones, Krebs, Norman, Richards, and Mayor Vick

Noes: None

Absent: None

Item 4f removed to recognize achievement of designation of a segment of State Highway Route 12 as a safety enhancement double fine zone.

Motion by Jones, seconded by Norman, to adopt the Resolution to continue supporting the designation of a segment of State Highway Route 12 as a safety enhancement double fine zone. **(Resolution No. 2009-124).**

Roll-call Vote: Ayes: Councilmembers Jones, Krebs, Norman, Richards, and Mayor Vick

Noes: None

Absent: None

5. Review, discuss and provide staff direction on the Cal Equipment lease at the Army Base Property.

City Manager Hector DeLaRosa presented the Staff Report on the lease agreement with Cal Equipment, **(expiring January 30, 2010)** per the City Council request at the December 3rd meeting, to address specific issues of concerns regarding the operations, including advertising for a volunteer to work on the ship and serve as a caretaker; use of a port-a-potty and/or sewer, garbage, sanitation issues, unsightliness and contamination of water due to painting (outside/in) of the ship.

Curtis Lind, Cal Equipment, distributed a handout to Councilmembers on restoration and proposed use of the passenger ship being restored on Army Base property and responded to questions on ownership of the ship, insurance, plan for boat repairs, advertising for a caretaker, and use of port-of-potty and other sanitation issues. He clarified there is not currently an owner of record and that he is in the process of filing liens to take possession. He also clarified the toilet on the ship is self-contained, that the gray water tank is connected to the Army Base Sewer System, that the garbage is hauled off on a regular schedule and visits by the Coast Guard resulting in no identification of contamination to the water.

Fred Kogler, City resident, spoke in opposition to extending the lease.

Marci Coglianese, Chair, Army Base Steering Committee, spoke in opposition to extending the lease, citing the Committee's concerns that the impact and unsightliness of the ship could present a hindrance to development.

Interim Fire Chief Tom Myers and Police Chief Bill Bowen spoke on public safety concerns.

Councilmembers noted the importance of the use of the Army Base Property for economical benefits to the City, and the intent by the U.S. Fish and Wildlife Services to accelerate their projects at the Army Base. They discussed the issues noted above and expressed concerns that the ships are a hindrance to development and extending the lease would prohibit development of the site.

Council consensus (5 -0) to oppose extending the Cal Equipment lease beyond the January 30, 2010 expiration date and to request Cal Equipment to move the vessels by the expiration date.

Mr. Lind, representing Cal Equipment, responded he would make every effort to find another location and move the vessels by the expiration date of the lease.

6. Approve Infrastructure Security Agreement with Shea Homes Ltd. Partnerships for Liberty Project, with Resolution for adoption.

City Attorney Kara Ueda presented the Staff Report on the infrastructure security release agreement, including the provision that in order to resolve their differences, Shea Homes and the City agrees to release all but ten percent (10%) of the security in question and also provides that the parties will act in good faith to negotiate a future agreement to ensure that Province Path is repaired and Well 15 is treated for arsenic in accordance with State of California and clarified that partial release of the security is specifically authorized when the cost estimate of the remaining work does not exceed twenty percent (20%) of the total original performance security.

Don Hofer, Shea Homes, spoke in support.

Joel Auslen, City resident, spoke on estimated cost of arsenic filter for Well 15.

Less Williams, County resident, spoke on concerns related to the Liberty Project, including street lights, weeds, and vandalized property.

City Manager Hector De La Rosa clarified that the form of original performance security was bonds, not cash, and the City Engineer's determination that withholding 10% of the original security is sufficient to ensure performance of the remaining items on the punch list, and Shea Homes has agreed.

Motion by Richards, seconded by Vick, to adopt the Resolution authorizing the City Manager to execute the infrastructure security release agreement with Shea Homes Limited Partnership concerning the partial release of security for the Liberty (Gibbs Ranch) Subdivision. (**Resolution No. 2009-125**).

Roll-call vote: Ayes: Councilmembers Jones, Krebs, Richards, and Mayor Vick

Noes: Councilmember Norman

Absent: None

Recess: 9:25 p.m.

Reconvened: 9:30 p.m.

7. Approve a five year contract with Veolia West Operating Services, Inc. for operations, management and maintenance of the City's wastewater treatment plants and lift stations, with Resolution for adoption.

City Manager Hector De La Rosa presented the Staff Report, including bid process/results, evaluation of the proposals, clarified term of contract and provisions.

Councilmember Krebs and Richards spoke in support of out-sourcing the operations and Councilmember Norman requested consideration of a timeline to operate the City's wastewater treatment plants in-house.

Jim Good, Veolia West Operating Services, spoke in support of the proposed agreement.

Fred Kogler, City resident, spoke in support of Veolia and expressed concerns related to operational costs and spoke in opposition to operating two sewer facilities.

Veolia Project Manager Chris Mcauliffe responded to concerns on operation costs.

Motion by Krebs, seconded by Jones, to adopt the Resolution approving a five year contract with Veolia West Operating Services, Inc. for operations, management and maintenance of the City's Wastewater Treatment Plants and associated lift stations. (**Resolution No. 2009-126**).

Roll-call Vote: Ayes: Councilmembers Jones, Krebs, Norman, Richards, and Mayor Vick

Noes: None

Absent: None

(Removed from agenda order and heard after Item 10.)

8. Review, discuss and provide staff direction on revision to Chapter 13.04 of the City of Rio Vista Municipal Code related to water service.

Councilmembers discussed the proposed provisions of the Ordinance as they were presented by the City Manager and the City Attorney provided clarification.

Following discussion, the Council directed the City Manager to report back with a draft of the proposed City water Ordinance; amend Section 13.04.078B to reduce the charge to twenty-five (\$25.00) dollars for the reconnection of water services to the premises; and, include the temporary vacancy billing suspension fee of \$25.00, currently provided by Resolution, in the Ordinance.

Public Hearing (continued from December 3, 2009)

9. Approve the Community Development Department 2009-2010 Building and Planning processing fees and update to existing capital impact fees, with Resolution for adoption.

Acting Community Development Director Emi Theriault presented the Staff Report, clarifying that approval of fees at this time does not include expanded capital impact fees to be contemplated with the AB1600 study currently in preparation and concluded by stating that in addition to general fee updates responsive to typical inflation dynamics, staff is suggesting the adoption of three other fees, as follows: Code Enforcement Prevention Program, Reinstatement of Grading Permit Fees and State Mandated Staff Training Recovery Fees. She referred to a letter received from Solano Properties in opposition to increased fees and stated once the response is complete, a copy will be provided to the City Council with a schedule of the revised fees. She also responded to Council questions on development of the fees.

Mayor Vick opened the Public Hearing.

Don Hofer, Shea Homes, expressed concerns with cost increases.

Mayor Vick closed the Public Hearing.

Motion by Krebs, seconded by Norman, to approve the Community Development Department 2009-2010 Building and Planning processing fees. (**Resolution No. 2009-127**).

Roll-call Vote: Ayes: Councilmembers Jones, Krebs, Norman, Richards, and Mayor Vick

Noes: None

Absent: None

Public Hearing

10. Second reading and adoption of an Ordinance of the City of Rio Vista amending Sections 17.44, -54, -56, and -58 of the Rio Vista Municipal Code Zoning Ordinance.

Acting Community Development Director Emi Theriault addressed Council on the second reading and adoption of an Ordinance amending the Rio Vista Municipal Zoning Ordinance.

Mayor Vick opened the Public Hearing

There was no public testimony.

Mayor Vick closed the Public Hearing

Motion by Richards, seconded by Norman, to waive second reading and adopt an Ordinance of the City of Rio Vista amending Sections 17.44, -54, -56, and -58 of the Rio Vista Municipal Code Zoning Ordinance. (*Ordinance No. 647*)

Roll-call Vote: Ayes: Councilmembers Jones, Krebs, Norman, Richards, and Mayor Vick

Noes: None

Absent: None

(Removed from agenda order and heard after Item 7)

11. Authorizing the City Manager to execute an agreement for a contractor to operate the Rio Vista Delta Breeze Transit System from January 4, 2010 to June 30, 2012 with two one year options, with Resolution for adoption.

Transit Coordinator John Andoh presented the Staff Report, including bid process/evaluation, financial considerations, transit system background information, noting that two proposals were received, one from MV Transportation and one from Storer Transit Systems. His presentation included review and analysis of MV Transportation, who has been the operator of Rio Vista Delta Breeze since January 1, 2007, including the challenges and improvements with MV's performance over the past three years. He concluded the presentation by recommending an agreement with MV Transportation, Inc. to operate the Rio Vista Delta Breeze transit system from January 4, 2010 to June 30, 2012 with two one year options, noting there would be no need to transition if MV were selected to retain the services. .

W.C. Piltz, representing MV Transportation, support of award of contract to MV Transportation.

Donald Storer, CEO, Storer Transit System, stated their Company is locally based in Modesto, CA and they have approximately twelve transit contracts and pride themselves in being a small responsive transit contracting company. They also provide charter buses and school buses throughout the Central Valley.

Mr. Andoh clarified that a community and professional panel thoroughly reviewed and scored the proposals and that based on the scoring, the reference checks the review committee ranked Storer Transit Systems as the most responsive bidder that met the overall requirements of the

RFP. However, when revised pricing was requested (best and final offer) MV has become the lowest bidder.

Council discussed the two proposals, funding, and information provided in the Staff Report.

Motion by Vice Mayor Jones to authorize the City Manager to execute an agreement with MV Transportation, Inc. to operate the Rio vista Delta Breeze Transit System from January 4, 2010 to June 30, 2012 with two one year options.

Motion died for lack of a second.

Motion by Norman, seconded by Vick, to adopt the Resolution, as amended accordingly, to authorize the City Manager to execute an agreement with Storer Transit Systems to operate the Rio Vista Delta Breeze Transit System from January 4, 2010 to June 30, 2012 with two one year options. (***Resolution No. 2009-128***).

Roll-call vote: Ayes: Councilmembers Norman, Jones, and Mayor Vick

Noes: Councilmembers Krebs and Richards.

Absent: None

Motion carried 3 – 2.

12. Adjournment – Meeting adjourned at 11:40 p.m.

Carolyn Parkinson, MMC
Interim City Clerk