

**Rio Vista City Council  
and  
Rio Vista Redevelopment Agency  
MINUTES  
Thursday, July 1, 2010 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 Mayor Vick

**Council convened in Closed Session** (Item 15 – Closed Session – removed from agenda order and held at this time.)

**Council reconvened in Open Session.**

Closed Session Disclosure: No reportable action taken.

**1. Public Comment**

Joel Auslen, City resident, spoke on concerns related to the weeds at the entrance of the Trilogy Development.

Richard Brann, City resident, stated that Item #6 on tonight's agenda had been resolved but using this opportunity to express his appreciation for receiving the Senior Legacy Award.

Lee Light, City resident, cited Item #6 on tonight's agenda and spoke in opposition to discontinuing the Senior Exercise Program.

Gale Bowen invited the community to the July 4<sup>th</sup> Picnic at Bruning Park for the swimming pool fundraiser.

**2. Staff Reports / City Council Reports – Removed from agenda order and heard at the conclusion of the meeting.**

There were no Staff Reports. Council reports included a request by the Army Base Steering Committee to place an item on the July 15, 2010 City Council Meeting Agenda and a response by the City Attorney to a Councilmember's question regarding the placement of a measure on the November ballot.

**3. City Commission Reports / City Committee Reports / Chamber of Commerce Report Reports – Removed from agenda order and heard at the conclusion of the meeting.**

A written report was submitted by the Airport Advisory Commission.

**4. Consent Calendar**

- a. Minutes of the May 11, 2010 Special City Council Meeting
- b. Minutes of the May 20, 2010 Regular City Council Meeting
- c. Minutes of the May 26, 2010 Special City Council Meeting
- d. Minutes of the June 3, 2010 Regular City Council Meeting
- e. Minutes of the June 10, 2010 Special City Council Meeting
- f. Minutes of the June 17, 2010 Special City Council Meeting
- g. Authorize the filing of applications and other documents for FTA Section 5311 funding, committing the necessary local match for the project and stating the assurance of the City of Rio Vista to complete the project upon receipt of the FTA Section 5311 funding, adopted Resolution No. 2010-060.
- h. Approve a Second Amendment to the City Managers Employment Agreement and authorize the Mayor to execute the Amendment, with Resolution for adoption.
- i. Approve the Second Amendment to the Countywide Non-disposal Facility Element of the Countywide Integrated Waste Management Plan, with Resolution for adoption.
- j. Approve a Memorandum of Understanding between the City of Rio Vista and the Office and Professional Employees International Union 29, AFL-CIO Mid Management Employees, for the period ending June 30, 2011, adopted Resolution No. 2010-062.
- k. Approve a Memorandum of Understanding between the City of Rio Vista and the Office and Professional Employees International Union 29, AFL-CIO Professional and Clerical Employees, for the period ending June 30, 2011, adopted Resolution No. 2010-063.

Motion by Richards, seconded by Krebs, to remove Item 4h for separate discussion and drop Item 4i to be advertised as a public hearing and re-listed at a later date.

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

Noes: None

Absent: None

**Item 4h:**

Removed for City Attorney Kara Ueda's to amend the Resolution, clarifying that the City Manager is not subject to the mandatory furlough program but has the flexibility to adjust his working hours in accordance with operational needs; however, City Manager Hector DeLaRosa clarified that he has agreed to take other reductions that will be the equivalent percentage.

Motion by Jones, seconded by Richards, to adopt **Resolution No. 2010-061, as amended**, approving a second amendment to the City Managers Employment Agreement and authorizing the Mayor to execute the amendment.

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

Noes: None

Absent: None

**5. Review, discuss and provide position on the Delta Protection Commission Study and recommendations for possible changes to primary zone or Delta boundaries.**

City Manager Hector DeLaRosa provided information on the definition of Primary/Secondary Zone, citing Delta Protection legislation in the 1990s which created the Primary and Secondary Zones of the Delta, and recommended the City provide the Delta Protection Commission and Douglas Consulting with a position on a possible change to the Delta and/or Delta Primary Zone in Rio Vista, and his recommendation that the Waterfront and Army Base both be placed in the Secondary Zone.

Mayor Vick clarified the Primary/Secondary Zone appeal possibilities and benefits of being in the legal Delta, citing potential funding opportunities.

Council discussed carving out a designated property to be included in the legal Delta and designating Rio Vista property to be in the Secondary Zone, including the property currently located in the Primary Zone. Discussion also included moving the current Primary Zone boundary north so that it does not include City of Rio Vista property.

Kevin Graham, City property owner North of Airport Road, requested the Primary Zone boundary north so that it does not include City of Rio Vista property and spoke in opposition to the Primary Zone designation, citing impact(s) to businesses and adding another layer of bureaucracy.

Eddie Woodruff, City resident, requested moving the Primary Zone boundary north to outside City limits and spoke in opposition to Rio Vista being partially in the Primary Zone and in opposition to adding land to the Delta.

Lynn Hansen, City resident, spoke in opposition to Secondary/Primary designation of Rio Vista property.

Hale Conklin, City resident, spoke in support of moving the current Primary Zone boundary north so that it does not include City of Rio Vista property, citing proposed airport expansion impacts.

Councilmember Norman recommended moving the Primary Zone boundary north so that it does not include City of Rio Vista property and that the entire City be included in the Secondary Zone of the legal Delta. Mayor Vick seconded the recommendation. No Council consensus to approve the recommendation.

Following additional Council discussion on the definition of Primary/Secondary Zones, potential impacts, land-use appeal possibilities and potential financial benefit(s) of being in the legal Delta, Councilmember Norman recommended moving the Primary Zone boundary North outside the City limits and that the entire City be included in the Secondary Zone of the legal Delta. Mayor Vick seconded the recommendation. A majority consensus, (with Vice Mayor Jones in opposition) to approve the recommendation, noting the inclusion of the Water Front, Army Base and Redevelopment Area, with direction to Mayor Vick to draft the letter of the City's position and provide a copy to the Interim City Clerk.

**6. Approve a non profit facility use fee and amending the 2010 Fee Schedule, with Resolution for adoption.**

City Manager Hector DeLaRosa addressed Council and responded to questions on the proposed non-profit facility use fees, including other organizations that are not non-profit, opportunity for 12-Step Programs to apply for fee waivers and clarification of the lease agreement with the Senior Citizens, thereby excluding them from the proposed fee schedule.

City Attorney Kara Ueda clarified that the non profit facility use fee applies to local non profits only.

Gail Machado, City resident, spoke on concerns relating to the use fees and availability of proposed schedule.

*City Manager Hector DeLaRosa responded the fee schedule will be made available following Council action.*

Gayle Bowen, stated the Rio Vista requested information on the opportunity to request reconsideration of a fee recently paid.

*City Manager Hector DeLaRosa responded the reconsidered fee will be processed.*

Richard Brann, City resident, spoke on the donations of kitchen facilities and furnishings to the Senior Center.

Motion by Richards, seconded by Krebs, to adopt Resolution 2010-064, as amended to apply to local non-profits only.

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

Noes: None

Absent: None

**7. Approve a Facility Use and Event Permit Fee Waiver Policy, with Resolution for adoption.**

City Manager Hector DeLaRosa presented the staff report on the proposed policy which incorporates guidelines as to when a fee waiver would be granted.

Steve Lamb, City resident, recommended the Fee Waiver Policy be amended to require approval by the City Council.

Council discussed the policy and approval authority of a fee waiver.

City Attorney Kara Ueda provided amendment language per Council direction as follows:

- Addition of a sentence at the end of the first paragraph to read, “In-kind services may only be considered for City sponsored or co-sponsored events.”
- Section III A1, amend Section to read, “The organization is requesting use of a City facility for an event that fully benefits the community.”
- Section IIIA3, amend to read, “The proceeds generated from the event in which the fees are proposed to be waived by an organization will not be used for administrative costs (i.e. salaries, benefits, membership).”

- Section IIIA6, amend to read, “A fee waiver will not be granted if a fee is charged for the event or program.”

Motion by Krebs, seconded by Richards, to adopt Resolution No. 2010-065, as amended, approving a facility use and event permit fee waiver policy.

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

Noes: None

Absent: None

**8. Approve a moratorium on waiver of all facility and permit fees and provision of in-kind services, with Resolution for adoption.**

City Manager Hector DeLaRosa presented the staff report and responded to questions on the proposed moratorium on waiver of all facility and permit fees and provision of in-kind services for a period of one (1) year or until June 30, 2011, including listed individuals or organizations who have had fee waivers or in-kind service requests approved by the City Council.

Motion by Norman, seconded by Jones, to adopt Resolution No. 2010-066, approving a moratorium on waiver of all facility and permit fees and provision of in-kind services.

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

Noes: None

Absent: None

**Public Hearing**

**9. Second reading and adoption of an Ordinance establishing informal bidding procedures and electing to become subject to the Uniform Public Construction Cost Accounting Procedures; and, Adopt a Resolution electing to become subject to the Uniform Public Construction Cost Accounting Procedures.**

City Manager Hector DeLaRosa responded to Council questions and clarified the alternative method for local agencies to (s) raise the ceiling on the value of public works projects that the City can perform with its own forces or contract for with a purchase order up to \$30,000; and, (2) simplify the procedures for bidding public works contracts of less than \$125,000 in value by using an informal bidding process.

**Mayor Vick opened the public hearing.**

There was no public testimony.

**Mayor Vick closed the public hearing.**

Motion by Richards, seconded by Krebs, to adopt Resolution No. 2010-067 electing to become subject to the Uniform Public Construction Cost Accounting Procedures.

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

Noes: Councilmember Norman

Absent: None

Motion by Jones, seconded by Richards, to adopt Ordinance No. 653, deleting Section 3.12.450 of the Rio Vista Municipal Code and adding Sections 3.12.450 through 3.12.453 to the Rio Vista Municipal Code electing to adopt the Uniform Construction Cost Accounting Act Procedures and establishing informal bidding procedures, with correction to the date the Ordinance was introduced to reflect June 17, 2010 with adoption on July 1, 2010.

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

Noes: Councilmember Norman

Absent: None

**10. Award a contract to Abide Builders, Inc. in the amount not to exceed \$123,900.00 for the Proposition 40 Boat Launch Restroom replacement, with Resolution for adoption.**

City Manager Hector DeLaRosa addressed Council and responded to questions on the purpose of the project to replace the existing, aging restroom which is subject to flooding from normal high water levels with a new, handicap, accessible restroom which will be above the normal flood levels, and clarified the bids.

Motion by Richards, seconded by Vick, to adopt Resolution No. 2010-068 approving a contract to Abide Builders, Inc. in the amount not to exceed \$123,900 for the proposition 40 Boat Launch Restroom Replacement at the City of Rio Vista.

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

Noes: None

Absent: None

**11. Appointment of one (1) at-large committee member for monitoring the water and wastewater funds.**

Mayor Vick nominated Dr. Azarnoff for appointment to the Water/Wastewater Monitoring Committee.

Councilmember Krebs seconded the nomination.

Vote: All ayes

**12. Approve the City of Rio Vista's Compensation and Benefit Plan for Fiscal Year 2010-11, with Resolution for adoption.**

Dropped from the agenda to be re-listed at a later date.

**13. Approval of the 2009-2010 City of Rio Vista Budget and all sections, with Resolution for adoption.**

Finance Manager Michelle Mingay addressed Council on previous meetings to review and discuss the budget, including the approval to adopt a two-year budget at the June 23, 2010 City Council Meeting.

Council discussed the June 23, 2010 approval to adopt a two-year budget as follows:

FY2010-11 – balanced

FY2011-12 – balanced with the use of reserve funds; and

Adding \$1,000 to fund the Senior Citizen Exercise Program

Motion by Jones, seconded by Richards, to adopt Resolution No. 2010-069 adopting the Fiscal Years 2010-11 and 2011-12 Budget and all sections, as amended to add \$1,000 to fund the Senior Citizen Exercise Program.

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

Noes: None

Absent: None

**Mayor Vick recessed the City Council Meeting and called the Redevelopment Agency Meeting to order.**

**Silent roll call: All Agency members and the Chair present.**

**Redevelopment Agency Item**

**14. Approval of the 2009-2010 City of Rio Vista Redevelopment Agency Budget and all sections, with Resolutions for adoption.**

Motion by Norman, seconded by Krebs, to adopt Redevelopment Agency Resolution No. 2010-06 adopting the Fiscal Years 2010-11 and 2011-12 Redevelopment Agency Budget.

Roll-call Vote: Ayes: Agency Members Jones, Krebs, Norman, Richards, and Chair Vick

Noes: None

Absent: None

**Mayor Vick adjourned the Redevelopment Agency Meeting and reconvened the City Council Meeting.**

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Carolyn Parkinson  
Secretary

**Closed Session – Removed from Agenda Order and held at the beginning of the meeting.**

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

Designated Representatives: City Council

Unrepresented Employee: Hector De La Rosa, City Manager

**Items 2 and 3 removed from Agenda Order and heard at this time.**

**16. Adjournment – Meeting adjourned at 9:45 p.m.**

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Carolyn Parkinson, MMC  
Interim City Clerk