

Meeting Minutes  
of  
October 8, 2013

The Closed Session was called to order by Mayor Stan Nader at 4 PM at Lincoln City Hall, First Floor, City Manager's Conference Room to discuss the following items:

**CLOSED SESSION:**

**A. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(d)

Name of Case: Jeff Morse v. City of Lincoln

Workers Compensation Appeal Board Case No. ADJ8390614

**B. Conference with Real Property Negotiators**

Pursuant to Government Code § 54956.8.

City Negotiators: Jim Estep, City Manager

Mark Miller, Public Services Director

Under Negotiation: Price and Terms

Property Description: SE corner of Nelson Lane and Nicolaus Road,  
Lincoln, CA 95648  
021-262-001

Negotiating Parties: Gill Property Development

**C. Conference with Real Property Negotiators**

Pursuant to Government Code § 54956.8.

City Negotiators: Dave Lee, Project Manager

Mark Miller, Community Development Director

Under Negotiation: Price and Terms

**Property Descriptions and Negotiating Parties :**

Property Description: Strip of land the uniform width of 60 feet lying north of  
and contiguous to the north boundary line of East Catlett  
Road and extending easterly 30 feet from the west  
boundary line of said lands

APN: 021-140-033-000

Negotiating Parties: Warm Springs Investments, LTD

Property Description: Strip of land the uniform width of 25 feet lying north of  
and contiguous to the north boundary line of East Catlett  
Road and extending westerly 40 feet from the east  
boundary line of said lands

APN: 021-140-006-510

Negotiating Parties: SCL Lincoln Properties, LLC

Property Description: Strip of land the uniform width of 60 feet lying north of  
and contiguous to the north boundary line of East Catlett  
Road and extending westerly 120 feet from the east  
boundary line of said lands  
APN: 021-140-008-000

Negotiating Parties: Frank G. Machado and M. Grace C. Machado

- D. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(d)  
Name of Case: City of Lincoln v. Beazer Homes USA, Inc., et al.  
Placer County Superior Court Case No. SCV0032921
- E. Public Employee Performance Review – City Manager – pursuant to Government  
Code Section 54957.

The regular meeting of the Lincoln City Council and Lincoln Redevelopment  
Successor Agency was called to order by Mayor Stan Nader at 6:00 PM.

Roll Call Present: Councilmembers: Spencer Short, Peter Gilbert, Paul Joiner,  
Gabriel Hydrick, Mayor Pro tem and Mayor Stan Nader.

Also Present: Jim Estep, City Manager; Jonathan Hobbs, City Attorney; Mark Miller,  
Community Development Director; Tolan Dworak, Fire Department; Rex Marks, Chief of  
Police and Patricia Avila, City Clerk. Various staff members and public visitors were also  
in attendance.

#### Pledge of Allegiance

The Pledge of Allegiance was led by Terry Dorsey, City Treasurer.

#### Invocation

The invocation was given by Father Bill Rontani, St. James Episcopal Church.

#### Presentation

City Clerk Patricia Avila administered the Oath of Office to the City's new Police Chief Rex Marks.

Mayor Nader announced there were no reportable actions from Closed Session.

CONSENT AGENDA

Mayor Nader announced that Items 6.2A, 6.3A, 6.3B and 6.3F would be removed from the Consent Agenda.

Motioned by Councilmember Short and seconded by Councilmember Gilbert to approve the balance of the Consent Agenda. Those items approved:

**6.1 CITY MANAGER'S DEPARTMENT**

- A. Approve Minutes of the August 27/September 24, 2013 Regular Meeting.
- B. Adopt **Resolution 2013-206** receiving/filing the Warrants of September 25 and October 4, July 26, 2013 and August 30, 2013.
- C. Adopt **Resolution 2013-207** - Recognition of Brian Martin on his Retirement.

**6.3 COMMUNITY DEVELOPMENT DEPARTMENT**

- C. Adopt **Resolution 2013-211** Amending the FY 2013/2014 Budget for Fund 711 in the amount of \$260,975 for CIP #147; Appropriating \$210,975 from Unencumbered Fund Balance; Authorizing the City Manager to Execute An Agreement for the Construction of the Nelson Well Submersible Pump Replacement Project Agreement with Kirby Pump and Mechanical, Inc. in the amount of \$237,250 for the Nelson Well Pump Replacement Project, CIP #147; *and* Authorizing the Community Development Director to Approve Change Orders not to exceed \$23,725.
- D. Adopt **Resolution 2013-212** Appropriating \$25,000 from the Fund Balance of Wastewater Operations Fund 720 to Wastewater Professional Services; and **Resolution 2013-213** Authorizing the City Manager to Execute the Contract for Services with Andregg, Inc. in the amount of \$55,000 for On-call City Surveyor, Map Checking and Field Services from Wastewater Operations Fund 720 Professional Services and Developer Funded Accounts Fund 248.
- E. Adopt **Resolution 2013-214** Approving Facilities Agreement No. 2521 Between the Placer County Water Agency and the City of Lincoln for Design and Construction of the Phase 3 Lincoln/Penryn Pipeline and Metering Station.

**ITEM(S) REMOVED FROM CONSENT AGENDA**

**6.2 ADMINISTRATIVE SERVICES DEPARTMENT**

- A.** Adopt **Resolution 2013-208** Declaring Surplus Property and Authorizing the Disposition of Said Property through the Marysville Police Department, Yuba Community College, Bar None Auctions and Simms Recycling.

This item was removed for discussion by Police Chief Marks. He asked that Attachment A of the staff report be amended by deleting two vehicles that had been assigned to Bar None Auctions. Units 263 and 265, 2003 Ford Crown Victoria's will be donated to Sierra College for use by the Police Academy.

Motioned by Councilmember Short and seconded by Councilmember Gilbert to adopt **Resolution 2013-208** Declaring Surplus Property and Authorizing the Disposition of Said Property through the Marysville Police Department, Yuba Community College, Bar None Auctions and Simms Recycling, *amending Attachment A (surplus list) by deleting Units 263 and 265 from the list and donating them to Sierra College for their Police Academy.*

**APPROVED BY COUNCIL**

**6.3 COMMUNITY DEVELOPMENT DEPARTMENT**

- A.** Adopt **Resolution 2013-209** Accepting Two Director's Deeds from the State of California for Portions of Former State Route 193 Identified as Parcel No. DD 033340-01-01 and Parcel No. DD 033341-01-01.

Councilmember Short removed this item for discussion, wanting to ensure that Caltrans wouldn't be coming back to the City after these Deeds are accepted.

Motioned by Councilmember Short and seconded by Councilmember Joiner to adopt **Resolution 2013-209** Accepting Two Director's Deeds from the State of California for Portions of Former State Route 193 Identified as Parcel No. DD 033340-01-01 and Parcel No. DD 033341-01-01.

**APPROVED BY COUNCIL**

- B.** Adopt **Resolution 2013-210** Authorizing the City Manager to Execute Amendment No. 2 to the Contract for Services with Vali Cooper & Associates,

Inc., in the amount of \$421,498 for Construction Management, Inspection and Plan Check Services.

This item was removed by Councilmember Short for discussion, wanting to ensure this included the regional sewer project given that the project was approved by Placer County today with a 5-0 vote.

Motioned by Councilmember Short and seconded by Councilmember Joiner to adopt **Resolution 2013-210** Authorizing the City Manager to Execute Amendment No. 2 to the Contract for Services with Vali Cooper & Associates, Inc., in the amount of \$421,498 for Construction Management, Inspection and Plan Check Services.

***APPROVED BY COUNCIL***

- F. Adopt **Resolution 2013-215** Approving Change Orders with Windsor Fuel Company in the amount of \$71,547 for the Pavement Crack Sealing Project, CIP 124, Fund No. 221 and 223.

This item was removed by Mayor Nader stating he has been asked why the City isn't repairing the streets in older parts of the City – seems like the concentration is on Sun City Lincoln Hills.

Motioned by Councilmember Gilbert and seconded by Councilmember Hydrick to adopt **Resolution 2013-215** Approving Change Orders with Windsor Fuel Company in the amount of \$71,547 for the Pavement Crack Sealing Project, CIP 124, Fund No. 221 and 223.

***APPROVED BY COUNCIL***

**7. CITIZENS ADDRESSING THE COUNCIL**

Vic Freeman, Lincoln resident, as a bicyclist, encouraged other bicyclists and motorists to practice common courtesy and share the road – please use common sense and common courtesy.

Bob Romness, CEO, Lincoln Area Chamber of Commerce, provided an update of upcoming Chamber events: Manufacturing Forum, Lincoln Leadership's second class, study mission field trip to Lodi, Economic Forum at Thunder Valley discussing the South Placer and Highway 65 Corridor.

**8. STAFF REPORTS**

**8.1 CITY MANAGER'S DEPARTMENT**

**A. Strategic Plan Follow-Up Process and Status**

Mayor Nader provided the Strategic Plan follow-up process and status.

**8.2 COMMUNITY DEVELOPMENT DEPARTMENT**

**A. Contracting Solid Waste Services**

Wes Heathcock, Solid Waste Supervisor, provided this staff report regarding the results of the Request for Proposal (RFP) process findings and seeking Council's direction on whether to suspend or move forward with the next tasks of contracting solid waste services. The City received no response to the RFP. On January 24, 2013, staff released an RFP for firms interested in preparing proposals for a solid waste consultant to perform a feasibility study to determine what criteria the City would use to make a determination to continue providing services in-house or to explore the feasibility of franchising solid waste-related services. The RFP was designed to give Council an opportunity, along the way, to determine whether or not to proceed with the next task or discontinue with the process. Task One was to analyze the feasibility and on May 25, 2013 Council directed staff to proceed with Task Two, which was to prepare a Request for Proposals for contracting out Solid Waste Services. An RFP was released with a mandatory pre-bid meeting on July 26, 2013. Eleven haulers participated in all three functions of the pre-bid meeting. Proposals were due on September 24, 2013. The City received no proposals on or before the deadline. A phone poll by R3 Consulting Group to prospective haulers indicated the general consensus was the marginal cost in capital and ongoing annual payments exceed the marginal benefit apportionment practice within their business models. Richard Tagore-Erwin stated that the only way any would submit a proposal was if the City lowered its asking price.

Councilmember Hydrick stated he was not in favor of moving forward with the process. Mayor Nader noted that the book value of the vehicles was used and not the actual value. Stating further that the City "tied the hands" of the proposers because of our criteria. Councilmember Gilbert agreed with Mayor Nader in that the City is "tying the hands" of the vendors. Councilmember Short pointed to the letter received from R3 and stated we have gone through the process and it didn't work out – agreed with

Councilmember Hydrick and supports suspending the project. Councilmember Joiner stated that the numbers have spoken and is in support of ending the process. Councilmember Gilbert and Mayor Nader argued that the process should continue.

Lincoln residents Byron Chapman and Harold Berman both addressed Council on this item.

After much heated discussion, motioned by Councilmember Hydrick and seconded by Councilmember Short to suspend the project of contracting out the City of Lincoln's solid waste services. Roll Call vote:

AYES:	COUNCILMEMBERS:	Hydrick, Short, Joiner
NOES	COUNCILMEMBERS:	Gilbert, Nader
ABSENT:	COUNCILMEMBERS:	

***APPROVED BY COUNCIL***

**9. PUBLIC HEARINGS**

**9.1 COMMUNITY DEVELOPMENT DEPARTMENT**

**A. Proposed Water, Wastewater and Solid Waste Rate Adjustments**

Steve Ambrose, Financial Analyst, presented this staff as well as a PowerPoint presentation. John Farnkopf and Sima Mostafaei, HF&H, consultants who conducted user rate studies for each of the City's three utilities: water, wastewater and solid waste.

Mayor Nader opened the public hearing 8 PM to receive public testimony.

Fred Gibbs, Lincoln resident, addressed Council regarding the proposed water rate increase.

Bob Flowers, Lincoln resident, suggested the City adopt a plan similar to PG&E's plans (CARE or FERA) offering lower rates/discounts on electric services. City Attorney Jonathan Hobbs explained why the City could not adopt such a program.

Lena Labosky, Lincoln resident, spoke about the “service charge” and said the 218 notice needs to be reworked – it’s just not ready for Prime Time – “no shame in admitting to a mistake.”

Bob Birdseye, Lincoln resident, voiced his concern over the water rate and encouraged Council to consider the letter received from McNeill Law Offices.

Pete Santana, Lincoln resident, expressed his concern with the proposed water rate increase and encouraged Council to review the Urban Water Management Plan and reconsider policy which was established 15 years ago and use more groundwater.

Shamus McClure, Lincoln resident and a representative from Carson Landscaping, representing the Catta Verdera HOA. Their focus was on irrigation for landscaping and the huge impact the increase will have on costs.

Several others spoke against the increase including residents: Hal Berman, Betty, Loretta Hayworth, Denise Lowe and Tony Manning.

Mayor Nader closed the public hearing at 8:38 PM. Councilmember Gilbert asked City Attorney Jonathan Hobbs to explain the Prop 218 process and legal requirements and asked staff to explain the duplication in mailings.

Mayor Nader asked the City Clerk to announce the number of protest letters received by the City – the City Clerk announced that 1,547 protest letters were received prior to the closing of the public hearing.

After much discussion and consideration, Council postponed the vote on this item. Motioned by Councilmember Gilbert and seconded by Councilmember Short to postpone a decision on the ordinance amending the Lincoln Municipal Code regarding water and wastewater until the next regular meeting of the City Council, October 22, 2013 when more information is provided in response to the many public comments heard tonight.

***APPROVED BY COUNCIL***

However, Council agreed to take action on the resolution for the proposed solid waste collection fees.

Motioned by Councilmember Gilbert and seconded by Councilmember Short to adopt **Resolution 2013-216** adopting Solid Waste Collection Fees.

***APPROVED BY COUNCIL***

Council instructed staff to provide more information on the website regarding the proposed water rate increase, including capital replacement fund balance; explanation of where the revenue is going; clear explanation of how/why the rates of PCWA affect the City's rates and how the revenue is being used and increase in staffing to address our maintenance issues.

Mayor Nader called for a short recess at 9:40 PM reconvening the meeting at 9:55 PM.

**10. COUNCIL INITIATED BUSINESS**

Councilmember Hydrick asked about the propane tanks and the burn off that was done. Chief Mike Davis stated all tanks will be emptied and are owned by Gladding McBean. There was miscommunication in notifying the City prior to the burn off and subsequently the City received several calls asking what was happening.

**11. COUNCIL COMMITTEE REPORTS**

Councilmember Joiner reported on PCTPA where the FY 2013/14 overall work plan and budget amendment number one was approved. Attended the Tahoe/Truckee Airport Commission meeting as a representative for Placer County. Councilmember Short reported on the RWA Executive Board meeting where the Powerhouse Education Program was discussed – using the old Powerhouse Education facility focusing on water, energy and solar. Councilmember Gilbert stated he attended the Placer County Office of Education meeting where the current trend in education shows a need to go back to basics.

With no further business, Mayor Nader entertained a motion to adjourn the regular meeting at 10:24 PM.

  
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Patricia Avila, City Clerk