



# MINUTES OF THE CITY OF GRIDLEY CITY COUNCIL

REGULAR MEETING  
7:00 P.M., MONDAY  
NOVEMBER 17<sup>th</sup>, 2014

CITY HALL  
685 KENTUCKY STREET  
GRIDLEY, CALIFORNIA

**Mayor, Jeff Draper**  
**Vice Mayor, Pedro Mota**  
**Council member, Frank Hall**  
**Council member, Jerry Ann Fichter**  
**Council member, Owen Stiles**

**A. CALL TO ORDER** - at 7:00 p.m. Mayor Draper called the meeting to order.

**B. ROLL CALL**

Council members

Present Mota, Hall, Fichter, Stiles, Draper

Absent None

Arriving Post Roll call None

Staff present

Dean Price, Chief of Police  
Bruce Nash, City Engineer  
Matt Michaelis, Finance Director  
Nicole Delerio, City Attorney  
Elisa Arteaga, Recording Secretary

**C. PLEDGE OF ALLEGIANCE** – Councilman Hall led the pledge of allegiance.

**D. COMMUNITY PARTICIPATION FORUM**

Gridley resident, Dan Lofing, 1855 Nevada Street, announced he had a question for Councilman Stiles. He asked when it was decided that Stiles would be the next Mayor of Gridley. Councilman Stiles replied that it would be decided when the new council is appointed and the members vote. Lofing further inquired why did Council member Stiles mention that he would be the next Mayor at the VFW meeting and it had already been decided. Councilman clarified he loves the City of Gridley and would like to have the opportunity to be the next Mayor however it has not been decided and if at the next meeting that votes are not there, he will not be the Mayor. Dan Lofing thanked Council.

**E. CONSENT CALENDAR**

1. **City Council minutes for November 3, 2014.**
2. **Building Department Project Report for October, 2014.**
3. **City Engineer Project Report for October, 2014.**
4. **Electric Department Project Report for October, 2014.**
5. **Recreation Department Project Report for October, 2014.**
6. **IT Department Project Report for October, 2014.**
7. **Feather Flyer Transit Activity Summary Report for October, 2014.**
8. **Fire Department Project Report for October, 2014**
9. **Public Works Department Project Report for October, 2014**

**Motion by Fichter, to approve consent calendar items#1-9, seconded by Councilman Stiles.**

**ROLL CALL VOTE:**

**Ayes: Mota, Hall, Fichter, Stiles, Draper Noes: None Motion passes 5-0**

**F. REPORTS AND MISCELLANEOUS**

## 10. Approval of Interim City Administrator Contract

City Attorney, Nicole Delerio opened the item by providing a background. She explained it was the same form of contract used for the previous Interim City Administrator, Randy Johnson in 2008 with the exception of a few minor changes, one being the hourly rate fifteen dollars less, a confidentiality clause, NCPA Utility Director function was added to the agreement. Rob Hickey would remain as an Interim City Administrator with a 2 week notice of cancellation of the contract, retro effective November 13, 2014.

Councilman Frank Hall reported that in all his tenure with the City of Gridley there has never been a contract indemnifying a contract employee and asked why is it in this contract. Ms. Delerio responded this has been done before because the contract form was similar to the one approved previously by Council when hiring Randy Johnson. He explained he did not remember approving such a contract nor he believes Brant Bordsen would ever agree to the indemnity clause. Ms. Delerio explained both contracts were prepared by Brant Bordsen. Hall expressed that he felt Bordsen did a disservice to the City of Gridley and upcoming Council. Ms. Delerio explained that the indemnity language can be further examined however, it is the same contract previously approved. Councilman Hall further stated that he did not understand how a person can be fired but then rehired as an interim and it could be considered a gift of public funds. Ms. Delerio clarified that this cannot be considered a gift of public funds because the severance package agreed to was per a previous contract and this agreement would be moving forward and would be no different than hiring a another interim director for the same services.

Mayor Draper entertained public comments.

Roy Shephard, 2035 Eagle Meadows, Gridley, inquired from the Council if Hickey was discharged and if so why would the City want to rehire someone that was fired.

Mike Trainer, 755 Berry Patch Court, Gridley, former City of Gridley Planning Commissioner 2007-2011 stated that it he heard that some people believed Hickey was doing a good job. He asked if someone is doing a good job then why are they dismissed. There should be reasons and explanation of taking such an action as firing and then rehiring and also why is it retroactive. There is some discrepancy and illogic. He closed with stating that there are a lot of rumors about contracts, severance pay and recent elections and it would be nice for the Council to provide an explanation on matter.

Jim Roberts, twenty-one year employee as police officer and Gridley Police Officers Association President, presented a letter to Council and read verbatim and submitted to City Council. The letter expressed the GPOA opposition to Rob Hickey being appointed as Interim City Administrator and a letter of unanimous Vote of No-Confidence when it comes to demonstrating honesty, integrity and confidence in regards to his administrating at the City of Gridley. There were concerns of actions taken by Hickey such as when prior employee Allen Byers wished to donate sick leave for maternity leave for two dispatchers upon his separation from the department and was denied to do so. However, upon his separation, Hickey donated his sick leave to two employees (violation of Employee Rules 13.2,d). Another example was when retired Police Chief Gary Keeler's administrative compensation time was cashed out on a pro-rated basis, but when Hickey was terminated he received that entire amount not on a pro-rated rated basis. He closed that the GPOA felt it would be unethical to fire, pay out severance pay and rehire him at the same time and pay him for interim City Administrator work. They recommended taking other actions for filling the City Administrator vacancy.

Dani Brinkley, 206 Tonea Way, Chico, approached council and expressed disdain for the actions that the City Council (except Councilman Hall) has taken to pay Rob Hickey severance pay and then attempt to rehire him as Interim City Administrator. The Gridley residents should be offended that the Council would approve such an action and use tax dollars for severance pay of over seventy thousand dollars. She added that actions such as these add to public distrust of public officials. She further added this is an action of not public service but self-service by Hickey. She urged Council to vote no on the contract.

Joe Fontes, 1617 Ban Drive, Gridley, inquired if the City Administrator is fired and receives severance pay does he receive another one on the second contract and does he elect who takes his position. Council informed him no on both inquiries.

Bruce Johnson, 1895 Magnolia Street, Gridley, approached Council stated that it was his understanding that after this current election, four Councilmembers were disgruntled on the election results and fired Rob Hickey to allow for payment of severance pay and this is a way to

protect him. He expressed that he believed it was wrong to take out what the voters have done, they wanted himself and Ray Borges elected and there is no reason to take it out on them by giving away approximately a hundred thousand dollars for no reason. He asked Council to reconsider and examine their actions because it was wrong and it is taxpayers' money.

Mayor Draper thanked Johnson for attending a Council meeting and addressed his concerns with election results. He reported that some elections sometimes are won with misinformation to the public. The public may be promised or provided with misinformation. He has been on the Council for two years and prior to that on the Planning Commission. Johnson pointed out he was not elected but appointed, Draper concurred but added no one ran for the position, and he believe in telling the truth when being involved in elections and the public. He added that there are some good people coming to Council and hoped they approach the table with an open mind and work with the City and investigate, seek the truth to move the City forward. He urged the public to attend and participate in meetings so that they can be informed. He added when he was appointed to Council he was approached with the same allegations, but he researched, worked with the City and had an open mind and searched for the truth. He is not seeking power and it does not matter who is Mayor, nor did he campaign to be Mayor but was appointed.

Draper continued that under the direction of Rob Hickey, they have accomplished a lot in the last two years. He expressed gratitude and thanked Staff for attending all the meetings. He mentioned that it would not be good to make statements about City business when the person is not attending any City Council meetings or is directly involved with City Staff. Draper explained that current council has one member that did not want Hickey as City Administrator, a couple of the elected had campaigned a certain way, so he called a closed session and in the session found out there were three other members that felt the same as him. In order to move the City forward, they made the decision to move forward and cancel the (employment) contract because it would be difficult for a City Administrator to work under those bad conditions. A City Administrator could not perform well under such conditions. Hickey was not doing a bad job it was that he would not be able to function under the new Council, it is not beneficial for the City Staff or the citizens. Sometimes the City Administrator will take a lot of the blame for policies and procedures set by the Council. Therefore, the contract was terminated without cause (4-1) and a new contract was also brought back because Hickey had a lot of experience with the energy commission position and responsibilities. It was important to move the City forward.

Graciela Gutierrez, 2030 Jay Drive, Gridley explained she understands that it may not be a gift of public funds but in essence is it considered double dipping and utilizing taxpayers monies. If Council offers a severance package, which is perfectly understandable, it is intended to carry them until they find a new job; you do not turn around and re-hire the person as a contractor. If you need his services today, you terminate the contract until you no longer need him; it is improper expenditure of taxpayer monies.

Mayor Draper responded that the expense would still be the same to turn around and re-hire another contractor and most likely it would be more of an expense.

Councilman Frank Hall announced that he was the Council person that Draper referred to that did not care for Hickey. He expressed concern that the emergency was called and a closed session was scheduled and a closed session to terminate the contract did not constitute as an emergency because the contract could have been put on this agenda for this meeting. Hall proposed that this item be placed on the December Council meeting and allow the new Council to vote on it.

Mike Trainor, 755 Berry Patch Court, Gridley, announced that he has had the opportunity to work with Mayor Draper while serving on the Planning Commission. Furthermore, he has found that Draper is fair and always listens to both sides of an argument and makes decisions to the best interest of the City. From what he has heard, Draper has carried on in the same demeanor since 2011. He is concerned with the point made by Ms. Gutierrez, that this action could be considered double-dipping. He inquired as to who originated the idea to have the closed session meeting (Wednesday) and also there are rumors going around that the December meeting was canceled which would postpone the two new Council members being sworn in at that meeting. According to the office of elections they anticipate having the election results before Thanksgiving. Mayor Draper reported that again it was hearsay and misinformation there is no plan to postpone the meeting unless there is a problem with the election results. There was no secret meeting it was called and furthermore was properly agendized. City Attorney Nicole Delerio, concurred it was properly noticed.

Jennifer Ryan, 1845 Ohio Street, Gridley, resident expressed concern that there was a previous statement made that the reason that the closed session was scheduled because of a volatile

emergency situation where Hickey believed he would be terminated. She inquired if it was that type of a volatile situation that an emergency meeting needed to be scheduled because Council felt the need to terminate his employment and give him severance pay and rehire him. She inquired as to how this action in the best interest of the City. Mayor Draper stated it is not one issue he looks at the overall best interest of the City. Draper added that he was interviewed by the media, and his interview was not aired the only thing on the news was that something suspicious was going on in Gridley.

Roy Shephard, 2035 Eagle Meadows, Gridley, inquired as to why this Council did not give the new Council an opportunity to make the determination for themselves, why fire Hickey before they come on the board. It does not make sense to make decisions before the new council is on, give them the opportunity to deal with the issues.

Dean Price, Chief of Police, addressed Council. He explained that he is a staff member (one of three being appointed by Council) felt insulted and what was difficult for him was that as a staff member he was not consulted or informed of what the change or direction. And there needs to be more conversation. He finds problems with indemnification clause and what type of contractor, and what required licensing is required, etc. Price also inquired as to who was in charge of the City since the prior contract was terminated? He would like to see the directors able to continue to do their work and Council with their direction move forward, however as it stands, there has been no clarification as to who is in charge since Hickey's termination and is frankly embarrassed as a staff member.

Mayor Draper thanked Price for his input and clarified that he did speak with Price prior to the closed session. As far as reporting, Price reports to the Council and is in charge of the police department. He complimented Price in doing a good job. Draper explained Daryl Dye is in charge of the Electrical department, Randy Davis is in charge of Public Works department and Matt Michaelis is in charge of the Finance Department.

Chief of Police Price clarified that there was no discussion with him after the contract was terminated. Price clarified there is no question as to who his boss is because he is well aware that it is the Council and above Council the People. Price reviewed the action he has taken since City Administrator's termination and he also had sent a letter to Council with concerns. He reported he did get satisfaction with some discussion with City Attorney Brant Bordsen's office. Price stated he was not trying to be adversarial but what has happened is that there is no clear direction, and if there is an interim there needs to be clarification as to what duties he will do. The contract is vague. He explained the only other director left under the City Council's direction is the Chief of Police. He brought attention to Council that without his participation in the matter, the governance of the City has been changed being that the only directors under the Council are Chief of Police and City Administrator. Historically, all department heads have been appointed by Council. There needs to be clear direction as to who is in charged. Hall concurred and added the Council not only terminated Hickey but allowed him to sit in his office for three days.

There was continuing discussion with the action taken in the termination of the contract. Dani Brinkley reported if the (employment) contract is approved, the Council should include a clause that would not allow Hickey the ability to demote, promote, dismiss or discipline any employee. She also asked why the City Attorney is not listed as approved as to form. City Attorney, Delerio reported that the contract was prepared by the City Attorney (after the closed session) which is the same form as the previous contract used for the prior Interim City Administrator. Hall reported all contracts should have approved form content signed by the City Attorney.

There was brief discussion between the differences of contracts and Interim City Administrator and City Administrator, termination of contract actions and severance packages.

Councilmember Stiles explained currently he is the City's Electrical Commissioner and he felt the need to have Hickey assist in the utilities director and NCPA electrical matters (pending electric projects, wastewater treatment plant, prop 39). He explained that there are problems with funds and issues with other agencies with utility matters. There are problems and which resulted in the electrical rates needing to be raised. He expressed concern with closed session matters being leaked out and reported he too has been approach by citizens in this this town that have been poisoned with rumors. Stiles expressed the much needed assistance with the NCPA utilities, included in the contract. He suggested people read his letter to the editor in the Gridley Herald. The Council did the best that they could do in moving the City along and hoped to have the interim contract approved.

Richard Carson, 528 Ohio Street, Gridley, reported that the Council should not have made the assumption that the new council would terminate Hickey.

Robert Miller, 2367 W. Biggs Gridley Rd., Gridley, reported he was aware the City Administrator had been terminated from Live Oak and suggested the City should have conducted a thorough background before hiring him.

There was additional suggestion and dialog from the public for the Council to withdraw the contract and also withdraw severance pay. Mayor Draper summarizing how it was vital the public not be misinformed and suggested citizens attend meetings and become familiar with issues in the City.

Motion by Hall, to continue the item until the first meeting in December; with no second the motion did not continue for vote.

Councilmember Fichter inquired from Chief of Police, as to whether he was not having been properly informed and receiving direction as to who was taking the lead after Hickey's contract was revoked. Price summarized it as a lack of communication and encouraged Council to work with Department staff and provide clarity on the direction and leadership after the contract was revoked. He expressed the concern for the change of governance in the City and how Council needs to recognize the order of the governance in order to run City operations. Councilmember Fichter concurred and added in her years of service to the City it was her understanding that if the City Administrator was dismissed or absent the next Staff member in charge would be the Chief of Police. In this case, the proper notification or direction to Staff was the prime concern being expressed on behalf of Price.

After lengthily discussion of the timeline of events after the discharge of the City Administrator and lack of communication, and Price clarifying he did not care for the compensation, and modification of contract for NCPA Consulting provided by Hickey, the following motion was made:

**Motion by Councilwoman Fichter to appoint Dean Price as Interim City Administrator and contract Rob Hickey as a consultant to assist with NCPA functions only, seconded by Stiles**

**ROLL CALL VOTE:**

**Ayes: Mota, Fichter, Stiles, Draper**

**Noes: Hall**

**Motion passes 4-1**

**Councilman Hall clarified that he voted no because he was not in agreement with the vague terms of allowing Rob Hickey serving as a consultant.**

**11. Approval of sale of computer and monitor to Rob Hickey**

Graciela Gutierrez, 2030 Jay Drive, Gridley, spoke against selling computer property to a terminated employee. She cautioned the Council not to sell the computer due to an internal control problem.

Bruce Johnson, 1895 Magnolia Street, Gridley, suggested having City have the IT personnel remove any information pertaining to City of Gridley.

Mayor Draper inquired from IT personnel as to possibly cleaning the computer before it is sold. Mike Hensley concurred.

Jerry Davis, 154 Sycamore Street, Gridley inquired as to the price, age of computer and if it was subject to public bid. He further expressed content for remarks made earlier regarding citizens not being involved in City business. He informed the Council he was a longtime resident of Gridley.

**Motion by Stiles to table the item, Mayor concurred and the item was tabled.**

**12. Council approval of five year extension for Community Garden**

Councilman Fichter provided a verbal update on the Community Garden and recommended council approve the garden because it is an asset to the community and families.

Stiles concurred and had some experience with some out of are gardens and they are assets.

**Motion by Stiles, second by Mota, to approve a five-year extension for Community Garden.**

**ROLL CALL VOTE:**

**Ayes: Mota, Hall, Fichter, Stiles, Draper**                      **Noes: None**                      **Motion passes 5-0**

**13. Gridley IBEW Addendum establishing an Electrical Ground Support Worker**

Electric Superintendent provided a verbal update summarizing the staff report. The groundworker will be assisting line staff.

**Motion by Stiles, second by Fichter, for approval of the Gridley IBEW Addendum establishing an Electrical Ground Support Worker.**

**ROLL CALL VOTE:**

**Ayes: Mota, Hall, Fichter, Stiles, Draper**                      **Noes: None**                      **Motion passes 5-0**

**14. Proposal for Second Transfer Relay at the Gridley Electric Substation**

Staff report was cited by Electric Superintendent, Daryl Dye. He provided a background of use and added this is a budgeted item and asked Council to accept proposal as submitted.

**Motion by Fichter, second by Mota, for approval of the proposal for second transfer relay at the Gridley Electric Substation.**

**ROLL CALL VOTE:**

**Ayes: Mota, Hall, Fichter, Stiles, Draper**                      **Noes: None**                      **Motion passes 5-0**

**15. Mayor appointment of Ad Hoc Committee to review future City Administrator Applications**

Councilmember Hall suggested Council oversee the employee application process for City Administrator.

Councilmember Stiles announced he previously received a letter from IBEW to be on the Ad Hoc Committee and would like to see that they are involved. Councilmember Hall disagreed. Elisa Arteaga, IBEW reported that in light of the new appointment (of Chief Price) the letter could be withdrawn, it was left to the discretion of the Council.

After brief discussion of the Council being the body that approves and appoints the City Administrator and discussion among council as to who should be involved in the Ad Hoc Committee the following motion was made. Mayor Draper and Councilmember Stiles express interest in being involved in the Ad Hoc Committee.

Matthew Michaelis, Finance Director reported if the City does hire a City Administrator sooner than anticipated and in light of the previous severance payout, a budget adjustment will have to be made.

James Robert, GPOA President requested to be placed on the Ad Hoc Committee.

Chief Price expressed his support and provided background that historically the GPOA has been involved in the Ad hoc Committee for hiring the prior Chief of Police.

Elisa Arteaga, IBEW Shop Stewart clarified the unions participation would merely be input she added staff and employees will be working with this individual, it would be an asset to have input. However it is evident that the Council will ultimately hire and appoint the new City Administrator, again it was to their discretion.

Mayor Draper concurred and invited IBEW to be on the Ad hoc committee with GPOA and the Interim City Administrator.

**G. RESOLUTIONS AND ORDINANCES**

**16. Resolution No. 2014-R-040, "A RESOLUTION OF THE GRIDLEY CITY COUNCIL AUTHORIZING SUBMITTAL OF APPLICATIONS FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF GRIDLEY IS ELIGIBLE," by reading of title only.**

Donna Decker, Planning Consultant provided a verbal update as submitted on the staff report and closed with recommendation as listed on the staff report. Councilmember Stiles inquired if some material could be used for Railroad Park. Donna concurred and reviewed the proposed areas to use for the project.

**Motion by Fichter, second by Stiles, for approval of Resolution No. 2014-R-040, "A RESOLUTION OF THE GRIDLEY CITY COUNCIL AUTHORIZING SUBMITTAL OF APPLICATIONS FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF GRIDLEY IS ELIGIBLE," by reading of title only and approval of Finance Director executing applications.**

**ROLL CALL VOTE:**

**Ayes: Mota, Hall, Fichter, Stiles, Draper                      Noes: None                      Motion passes 5-0**

- 17. Resolution No. 2014-R-041, "A RESOLUTION OF THE GRIDLEY CITY COUNCIL ESTABLISHING AN ENVIRONMENTALLY PREFERRED PURCHASING POLICY (EPPP)," by reading of title only.**

Donna Decker, Planning Consultant reviewed the staff, criteria and recommendations.

**Motion by Stiles, second by Mota, for approval of Resolution No. 2014-R-041, "A RESOLUTION OF THE GRIDLEY CITY COUNCIL ESTABLISHING AN ENVIRONMENTALLY PREFERRED PURCHASING POLICY (EPPP)," by reading of title only.**

**ROLL CALL VOTE:**

**Ayes: Mota, Hall, Fichter, Stiles, Draper                      Noes: None                      Motion passes 5-0**

- 18. Resolution No. 2014-R-042, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY CHANGING THE MEETING TIME FOR REGULAR COUNCIL MEETINGS," by reading of title only.**

No public comments or Council concerns were reported.

**Motion by Fichter, second by Mota, for approval of Resolution No. 2014-R-042, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY CHANGING THE MEETING TIME FOR REGULAR COUNCIL MEETINGS," by reading of title only**

**ROLL CALL VOTE:**

**Ayes: Mota, Hall, Fichter, Stiles, Draper                      Noes: None                      Motion passes 5-0**

- 19. Resolution No. 2014-R-043, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY AUTHORIZING THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH WELLS FARGO FOR GENERAL BANKING SERVICES, AND AUTHORITY FOR CERTAIN ELECTED AND STAFF MEMBERS TO SIGN ALL OF THE CITY'S WELLS FARGO CHECKING ACCOUNTS", by reading of title only.**

Mathew Michaelis, Finance Director cited staff report and summarized recommendations. There were no questions or comments.

**Motion by Stiles, second by Mota, for approval of Resolution No. 2014-R-043, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY AUTHORIZING THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH WELLS FARGO FOR GENERAL BANKING SERVICES, AND AUTHORITY FOR CERTAIN ELECTED AND STAFF MEMBERS TO SIGN ALL OF THE CITY'S WELLS FARGO CHECKING ACCOUNTS", by reading of title only and amend signatory signatures.**

**ROLL CALL VOTE:**

**Ayes: Mota, Fichter, Stiles, Draper                      Noes: Hall                      Motion passes 4-1**

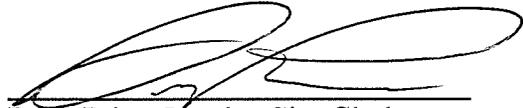
**H. COUNCIL COMMITTEE REPORTS**

Councilmember Fichter reported she attended the Vector Control meeting.

Councilmember Stiles did not attending any meetings but anticipate attending an upcoming NCPA meeting and will provide more information as to who the next Executive Director of NCPA will be.

Mayor Draper reported he attended a Sutter Buttes Flood Control meeting and would like to have on the next agenda a section for department head verbal report for Staff that would like to provide a verbal update.

- I. **ADJOURNMENT** – at 9:48 p.m the Council adjourned to the next regularly scheduled meeting at 6:00 p.m. on December 1<sup>st</sup>, 2014



Dean Price, Interim City Clerk