

**RIO DELL CITY COUNCIL
REGULAR MEETING
FEBRUARY 20, 2018
MINUTES**

The regular meeting of the Rio Dell City Council was called to order at 5:00 p.m. by Mayor Wilson.

ROLL CALL: Present: (Closed Session) Mayor Wilson, Mayor Pro Tem Johnson, Councilmembers Garnes, Marks, Strahan, City Attorney Gans, and City Manager Knopp

Present: (Regular Meeting) Mayor Wilson, Mayor Pro Tem Johnson, Councilmember Garnes, Marks and Strahan

Others Present: City Manager Knopp, Chief of Police Conner, Community Development Director Caldwell, Water/Roadways Superintendent Jensen and City Clerk Dunham

Absent: Finance Director Woodcox and Wastewater Superintendent Trainee Purvis

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS

Public Employee Performance Evaluation – Title: City Manager (Pursuant to §54957)
The Council recessed into closed session at 5:00 p.m. to discuss the above matter.

The Council reconvened into open session at 6:30 p.m.

Mayor Wilson announced there was no reportable action taken in closed session.

PUBLIC PRESENTATIONS

Nick Angeloff, Rio Dell-Scotia Chamber of Commerce President addressed the Council regarding 2018 Christmas decorations and expressed the need to take advantage of after-Christmas sales. He commented that lights are currently on sale at one-third off the normal price. He said the goal is to extend garland and add 15-lighted stars that will hang off power poles. The quote for the additional lights and decorations was estimated at \$3,800. He said they will be seeking donations from businesses as well as the City and asked for Council's consideration to authorize the same \$1,500 donation as last year. Council directed staff to place the item on the next agenda for Council's consideration.

CONSENT CALENDAR

Motion was made by Johnson/Garnes to approve the consent calendar as presented. Motion carried 5-0.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Approve Budget Calendar for FY 2018/19

City Manager Knopp reviewed the proposed 2018/19 Budget Calendar and noted that the calendar is similar to last year's calendar with the exception of a series of study sessions scheduled for the week of April 23-26. He said staff would also be scheduling a tour of the public works corporation yard with the Council. The purpose of the tour is to allow the water and wastewater operators to demonstrate the operations of both the water and wastewater systems so the Council has a better idea of those operations. In addition, he said that staff would like to invite the State regulators to attend a Council meeting to talk about regulatory requirements.

He returned it to the Council for questions or suggested revisions to the calendar. He pointed out that there are five (5) Tuesdays in May and it is typical for staff or Councilmembers to schedule vacations after the second meeting of the month.

Mayor Wilson felt the schedule was too aggressive with four (4) study sessions in the same week and suggested two (2) of the study sessions be moved to another non-council meeting week.

Councilmember Garnes asked if the Council needed to schedule a time to tour the treatment plant at this time.

City Manager Knopp said the date could be worked out through email correspondence since councilmembers would probably want to check their schedules first.

A majority of the council supported breaking up the study session to two (2) different weeks.

City Manager Knopp said it would potentially push the calendar back one week but it wouldn't be a problem.

The consensus of the Council was to schedule two (2) study sessions for the week of April 23rd and two (2) during the week of May 7th (excluding May 7th as Councilmember Garnes would not be available on that day).

Public Works Projects and Related Requests for Proposals (RFP's)

City Manager Knopp said the purpose of this item is to provide an initial briefing to the Council on proposed RFP's going out for projects to occur over the 2018 construction season. He continued with review of the six (6) projects identified in the staff report that included the following:

- Habitat Parcel and Sidewalk Repair
- Water Plant Backwash Realignment
- Street Striping
- Drainage Culverts
- City Hall Lobby
- Northwestern Ave. Drainage Improvements

City Manager Knopp explained that staff is not involved in the Habitat project at this time except for coordinating with contractors to bid on the project. He said once bids are received staff would supply that information to Habitat for Humanity and wait for a response as to whether they can finance the repairs. If it is determined that they don't have the resources to take on the project it becomes a public works project and is handled through an abatement warrant. He pointed out that if this happens; it is likely the City will never collect on the lien and would be out those funds. In addition, prevailing wage requirements would apply making the project more costly.

Related to the Water Plant Backwash Realignment, Water/Roadways Superintendent Jensen explained that use of the old facility to backwash and clean the filters during winter months requires directing that water into the wastewater treatment plant making it difficult to pass certain wastewater tests. This project will use existing facilities to temporarily redirect the wastewater into a settling pond thereby reducing stress on the wastewater plant. He commented that it would benefit both the water and wastewater plants and reduce maintenance.

City Manager Knopp said all of these projects are included in the 2017/18 budget with the exception of the Northwestern Ave. Drainage Improvements, and now is a good time to get input from the Council while staff is still preparing the RFP's. He pointed out that with the exception of the Habitat project, the bids will all have to be approved by the Council before they can move forward.

Mayor Wilson asked if some of the projects could potentially end up occurring during the 2018/19 budget year.

City Manager Knopp indicated that it is likely that some of the projects could be carried over into the 2019 construction season.

Councilmember Strahan commented on the Street Striping project and potential add-on for maintenance of bicycle lanes and crosswalks in reference to the Safe Routes to School ATP Project.

City Manager Knopp explained that bike lanes are included in the ATP project but these particular areas are outside the scope of that project.

Councilmember Strahan said she would like a crosswalk at Painter and Riverside as part of the striping project.

City Manager Knopp explained that it would not be possible for this particular project because of ADA requirements however; staff would be applying for additional grant funding under the Active Transportation Plan (ATP) and would be assessing sidewalks throughout the City.

Councilmember Strahan asked for clarification on the ADA requirements for crosswalks.

City Manager Knopp explained that crosswalks could not be put in without ADA sidewalks and that no new infrastructure could be built without bringing it up to code.

Community Development Director interjected that the City Council could include the crosswalk project in the budget as a priority capital project.

City Manager Knopp said with regard to Drainage Culverts, there has been a long history of drainage issues in the Belleview/Ogle area and recently the need arose to install new culvert along Spring St. and crossing Belleview Ave. He said this should alleviate some of the drainage problems in the neighborhood. In addition, the plan is to also replace the culvert at Belleview and Pacific Avenues with the idea of avoiding emergency repairs in the future.

Councilmember Strahan said she thought the Belleview/Pacific Ave. culvert project was part of the ATP project.

City Manager Knopp clarified that the culvert is not part of the ATP project.

Next was review of the City Hall Lobby project. City Manager Knopp began by distributing to Council a handout titled "Attachment B: City Hall Improvements" (attachment 1 to these minutes). He said the intent is to modify the existing counter space in the front office and provide two (2) new security teller windows, a lower ADA compliant check writing counter, and a new security camera and monitor. He said the proposed improvements would help to make the lobby more ADA compliant however; there are many issues inside City Hall that need to be addressed but are very costly.

The last identified project was Northwestern Avenue Drainage Improvements. City Manager Knopp said the project proposes to remove approximately 100 cubic yards of material. He noted that this project is not included in the current budget so staff would be coming back to Council with a requested budget adjustment along with the bid approval. He commented that the Council has the authority to reject any or all bids thus stopping the project from moving forward. He pointed out that this contribution from the City however; would show good faith to the developers. He said that the developers would be required to make additional improvements as their sites develop.

Review Application for Measure Z Funding and direct City Manager to Submit Application

City Manager Knopp provided a staff report and said in the past the City has been successful in obtaining Measure Z funding for part-time clerical support in the Police Department. For this year, staff is proposing the submission of two grants, including the continued funding for the clerical position in the Police Department as well as a joint application for funding with the Ferndale Police Department in the amount of \$183,439; with \$100,481 going specifically to Rio Dell. He noted the funding would go towards updating the Records Management System in the Police Department to a modernized version in line with other local law enforcement agencies.

Mayor Pro Tem Johnson asked Chief Conner's thoughts on submitting a joint application with Ferndale.

Chief Conner said that Chief Smith's opinion is that they will have a better chance of obtaining funding, as the goal is to tie local law enforcement agencies together as much as possible. He said the new software would allow the District Attorney's Office to access reports and photos almost instantaneously, which would be beneficial to everyone.

Councilmember Garnes commented that if joining with Ferndale improves the chances of getting the application approved then it's a good idea.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Second Reading (by title only) and Adoption of Ordinance No. 364-2018 Amending the City's Medical Cannabis Regulations, Section 17.30.195 of the Rio Dell Municipal Code to Eliminate the Reference to Medical or Medicinal Cannabis and to Include Some New Definitions and Other Minor Changes Consistent with New State Regulations

Community Development Director Caldwell provided a staff report and said the ordinance was introduced at the February 6, 2018 meeting and is back before the Council for its second reading and adoption. He explained again that the ordinance amends the City's current commercial land use regulations to allow Adult "A" cannabis activities at the Humboldt Rio Dell Business Park. The Planning Commission and the City Council met at a study session on January 23, 2018 to discuss possible changes to the City's commercial cannabis regulations. After a lengthy discussion, staff was directed to incorporate a preamble in the Ordinance regarding the City's desire to foster medicinal cannabis research and development, to incorporate definitions of the various State licensing types, and to require that all operators/licensees hold a Medical "M" State license.

Mayor Wilson opened the public hearing to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Councilmember Strahan questioned the CEQA exemption and asked if there are safeguards written in the ordinance that protect the water and grounds at the business park.

Community Development Director Caldwell explained that there are safeguards in State law that protects the water and grounds. When the property was annexed into the city in 2009-2010, a full Environmental Impact Report (EIR) was done and what is before the Council tonight are minor amendments that will not have an impact on the water quality or ground water at the site. He further explained that any time an application does not fall under the CEQA exemption, the City is subject to Fish & Game filing fees of \$3,000.

Councilmember Strahan asked if there would be some sort of tracking and quality assurance measures followed.

Community Development Director Caldwell explained that all projects are referred to other regulatory agencies for comment such as Department of Fish & Game, State Division of Drinking Water, and Water Resources Control Board. He noted that with regard to the Wendt parcel, the law allows septic systems to be located 150 feet from a water supply. The State agencies had concerns so they had to redesign their system and now the septic system is located 250 feet away from the City's wells.

Councilmember Strahan commented that there has been a lot of discussion regarding the water supply to the business park coming across the bridge from the City's water system and asked what happens in the event of a drought and the State imposes water restrictions on the City.

Community Development Director Caldwell explained that agricultural water users are not subject to water restriction regulations for conservation purposes; it's actually the residents of the City that are required to reduce consumption.

Councilmember Strahan questioned the possibility of including provisions in the ordinance that gives residential water users priority over those agricultural uses.

Community Development Director Caldwell said water related matters are a separate issue and would have to be agenized and come back to Council later. He said another option would be to require that each operator at the business park drill their own well and use that except for fire suppression purposes.

Mayor Wilson pointed out that cannabis regulation is a big moving target but the City Council has the ability to amend any ordinance as necessary. He said the Council also has the right to protect drinking water for its citizens.

City Manager Knopp pointed out that the City only possesses Junior Water Rights so it is the State that dictates the use of water in the City. He pointed out that health and safety always comes first so in the event residents are limited to 50 gallons per day, residential use will always trump agricultural use.

Councilmember Strahan expressed the importance of sharing that information with the stakeholders.

Mayor Pro Tem Johnson thanked the Planning Commission for expeditiously and unanimously acting on the cannabis regulations and bringing a recommendation to the Council.

Motion was made by Johnson/Garnes to adopt Ordinance No. 364-2019 *Amending the City's Medical Cannabis Regulations, Section 17.30.195 of the Rio Dell Municipal Code (RDMC) to Eliminate the Reference to Medical or Medicinal Cannabis and to Include Some New Definitions and Other Minor Changes Consistent with New State Regulations.* Motion carried 4-1; Councilmember Strahan dissenting.

Second Reading (by title only) and Adoption of Ordinance No. 362-2018 Amending the Sign Regulations, Section 17.30.300, Repealing Outdoor Advertising Regulations Section 17.30.210 of the Rio Dell Municipal Code (RDMC)

Community Development Director Caldwell provided a brief staff report and said the proposed amendments to the sign regulations were presented to the Council at the February 6, 2018 meeting and the ordinance is back before the Council for its second reading and adoption.

He said provided there are no additional questions or concerns from the Council or the public, staff is recommending adoption of the ordinance as presented.

Mayor Wilson opened the public hearing to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Motion was made by Garnes/Johnson to accept the second reading (by title only) and adopt Ordinance No. 362-2018 *Amending the Sign Regulations, Section 17.30.300, Repealing Outdoor Advertising Regulations, Section 17.30.210 of the Rio Dell Municipal Code (RDMC).* Motion carried 4-1; Councilmember Strahan dissenting.

REPORTS/STAFF COMMUNICATIONS

City Manager Knopp distributed a written City Manager Update on recent activities and events. (Attachment 2 to these minutes). He reviewed the items outlined in the report and added that staff will return to the Council on March 20th seeking Council approval for the placement of the Eagle Sculpture donated by Dennis Wendt. He said staff would also be coming back to Council at one of the March meetings with approval of a landscaping plan for the City Hall Porch Project and associated budget amendment.

Councilmember Strahan questioned the possibility of the landscaping project becoming a community activity and asked if the Garden Club is still in existence.

Mayor Pro Tem Johnson commented that the Scotia Community Services District (CSD) indicated they would like to make a presentation to the City Council and questioned the status of that presentation.

City Manager Knopp stated that they indicated that it would be after the mid-year but he had not heard anything from them so would have to follow up.

Mayor Pro Tem Johnson also volunteered to help public works staff and Mr. McCauley with construction of the art pedestals in the medians. He also reported that he would be attending the League of California Cities Division Meeting in Cloverdale on March 9th and they likely will be discussing the legislation and propositions the City Manager mentioned that could greatly impact City services. He said that as a voting delegate Rio Dell would have a voice.

Community Development Director Caldwell reported on recent activities and events and said Wendt Construction (Greenheart Industries) made application for the shell of the building and since the structure is a metal building, the plans have already been engineered. As such, there is really no need to send them out to a third party for plan checking. He said there were some changes needed to the plans for the Glen White Group so submittal of those plans would be delayed until next week. He also reported that construction on the Fockaert 4-plex was on hold; possibly until after construction of the residence on Hilda Ct. He added that he attended a CEQA Workshop at the Aquatics Center in Arcata and that there were not a lot of changes to the guidelines that affect Rio Dell.

Mayor Wilson said he would like to see the Council receive regular updates for the developments at the Humboldt Rio Dell Business Park on future agendas. In addition, he would like to see an agenda item regarding staff priorities for the year.

Chief of Police Conner reported on recent activities and events in the police department and said that since the last meeting on February 6th they received 46 calls for service, made nine reports, three arrests, and issued four traffic citations. He said the most interesting case was the report they received that Cannabis CBD products were being sold at a business on Wildwood Avenue, potentially violating the City's Commercial Marijuana Ordinance. He said an officer went to the business and contacted the owners and was told the CBD's were derived from industrial hemp. He said to determine whether that was true, a sample of the products was purchased and tested. All of the results came back negative from containing THC so there was no violation of the City's ordinance.

In terms of hiring, he announced that one (1) of the top three (3) police officer candidates was selected for the full-time position and the background check is now underway. He said the other two (2) candidates were offered positions as Level II Reserves with the backgrounds to take place after the full-time background is further along. He noted that Officer Brady has still not made a determination whether he will be staying with Rio Dell or moving on to Willits Police Department.

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Water/Roadways Superintendent Jensen reported on recent activities and events in public works and said the Metropolitan Wells Project was expected to be 99.9% complete by Thursday noting they would be doing a little more testing for leaks. He commented that the department is currently short on staff due to injuries and is anxious to get back to full staff as soon as possible.

Mayor Wilson said that as he understands it, the Wendt septic system plans were revised to move the septic system further away from the City's wells.

Community Development Director Caldwell clarified that the setbacks for the septic system changed from 150 feet to 250 feet from the wells and staff is still waiting for final approval from County Environmental Health.

Mayor Wilson also asked who monitors the septic systems and if there are other sites with potential discharge.

Community Development Director Caldwell indicated the County would do unscheduled site visits on an as-needed basis.

Mayor Wilson questioned the possibility of chemicals from the extraction facilities being put down the drains and getting into the City's wastewater system and asked if there is a way to monitor our system to make sure those chemicals are not present.

Water/Roadways Superintendent Jensen clarified that those businesses would have no access to the City's wastewater plant since they will all have private sewer systems. He said the only way the chemicals could potentially get in would be through the City's wells and there was discussion about having the businesses doing their own testing to verify there were no contaminants going out of their system.

Community Development Director Caldwell commented that the Division of Drinking Water and the Health Department might want those businesses to put in monitoring wells.

Councilmember Strahan asked if the City could require monitoring wells for certain businesses.

Community Development Director Caldwell said it would be out of the City's jurisdiction and would rely on other regulatory agencies.

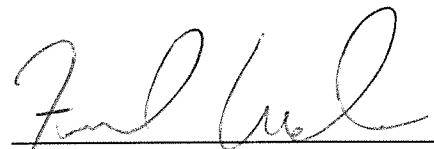
Mayor Pro Tem Johnson pointed out that the City put in monitoring wells as part of the Metropolitan Wells Project and continues to monitor at the site.

Councilmember Strahan asked Chief Conner about the sale of CBD products in the City and if he is in agreement with the ordinance.

Chief Conner explained that hemp is a type of cannabis plant but contains little or no THC. He said it is considered a food product and that it is possible to take CBD's out of hemp products. He noted that Fortuna has businesses that sale hemp products and they are not in violation of their ordinances.

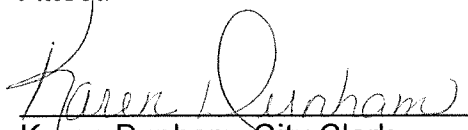
ADJOURNMENT

Motion was made by Wilson/Johnson to adjourn the meeting at 7:47 p.m. to the March 6, 2018 regular meeting. Motion carried 5-0.



Frank Wilson, Mayor

Attest:



Karen Dunham, City Clerk