

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

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

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

Absent: Councilmember Garnes

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

Absent: Councilmember Garnes

Others Present: City Manager Knopp, Finance Director Woodcox, Community Development Director Caldwell, Water/Roadways Superintendent Jensen, Wastewater Superintendent Trainee Purvis and City Clerk Dunham

Absent: Chief of Police Conner

CLOSED SESSION

Conference with Labor Negotiator – City Manager – Employee Organizations: Rio Dell Police Officers Association, Rio Dell Employees Association, and all Contract Employees

Conference with Legal Counsel – Potential Litigation – Initiation of Litigation – One (1) Potential Case – Facts and Circumstances Unknown to Adverse Party

Public Employee Performance Evaluation – Title: City Manager

The Council recessed into Closed Session at 5:00 p.m. to discuss the above matters.

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 and reported on the Chamber meeting held earlier in the day with the City Manager and a representative from Caltrans. He said there was discussion regarding the impacts to local

businesses because of the bridge closure. He commented that the representative went to each of the downtown businesses to explain why the City or the businesses were not notified about the scheduled repairs beforehand. He said the Chamber will be working on ways to make it right and will continue to address the issues on behalf of the businesses.

On the subject of Christmas decorations, he thanked the City for the \$1,500 contribution and reported that they committed to spending \$3,000 on lights and decorations this year. He said they would be ordering shooting stars with interchangeable bulbs so red, white and blue bulbs could be turned on for the July 4th holiday.

CONSENT CALENDAR

City Manager Knopp withdrew item 3 from the Consent Calendar, amending the Position Allocation Table to include the position of Police Corporal.

Motion was made by Johnson/Marks to approve consent calendar items 1, 2 and 4 as presented. Motion carried 4-0.

REPORTS/STAFF COMMUNICATIONS

City Manager/Staff Update

City Manager Knopp referred to the staff update provided in the Council packet and noted that staff was available at this time to answer any questions from the Council.

He provided an update under the title of **Human Resources, Risk & Training**, and said the reason for withdrawing item 3 from the Consent Calendar was because Officer Brady submitted his 2-week notice and would be leaving the department to take a job in Willits.

Mayor Wilson asked that staff let him know on behalf of the Council that he will be missed on the force.

Mayor Wilson questioned staff regarding upgrade of the chlorine system.

Wastewater Superintendent Trainee Purvis explained that the repairs were part of the budget adjustment recently approved by the Council. Telstar analyzed and performed necessary repairs to the system and determined that a chlorine cell will need to be replaced for proper operation of the system and further reduction of chemical costs. He noted that the existing cell has two years left on the 7-year warranty so the cost of the new cell will be pro-rated. He added that Telstar would be performing annual inspections of the system.

Mayor Wilson also questioned the status of the Metropolitan Wells Project.

Water/Roadways Superintendent Jensen reported that the wells have been operational since the weekend.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Approve Placement of Eagle Sculpture

City Manager Knopp provided a staff report and said last year the artist, Bryan McWaters and Dennis Wendt approached the Council regarding an offer from Wendt Construction to gift the City an Eagle Sculpture. He noted that Dennis requested the sculpture be placed on or near City Hall grounds but no final location was determined. He said the sculpture was estimated to be five (5) feet tall with a wingspan of ten (10) feet. He noted that because of the size of the sculpture, staff could not recommend that it be placed in one of the medians. As such, three (3) potential locations on City Hall grounds were identified for Council's consideration. He noted that there are a couple of details to work out with the artist and recommended the Council either choose one of the three (3) suggested locations, or wait to see photos of the sculpture first.

Mayor Pro Tem Johnson reminded the Council that the Sculpture Committee was established over a year ago and it was his understanding part of the committee's responsibility was to review things such as this and come back to the Council with a recommendation. As such, he would like to see the matter referred to the Committee for recommendation to the Council.

Mayor Wilson said as a member of the Sculpture Committee, this is the first time this issue has come to his attention. He added that his understanding is that Dennis preferred the sculpture to be placed on the front lawn of City Hall.

Councilmember Strahan said she preferred the sculpture be placed on the south corner of the lawn (identified as location C on the map) so as not to detract from the City Hall sign on the north side of the lawn.

Consensus of the Council was to refer the matter to the Sculpture Committee for recommendation to the Council at a subsequent meeting.

Community Development Director Caldwell agreed to schedule a meeting of Sculpture Committee.

Approve Display of the Motto "In God We Trust" in City Council Chambers

City Manager Knopp provided a staff report and said at the October 17, 2017 meeting the Council approved the display of the motto above the City seal in the City Council Chambers. He said the final motto, donated by Councilmembers Johnson and Marks has been completed and delivered to the City. Staff is asking for direction from the current Council to confirm the placement above the City seal or an alternate location in the Council Chambers.

Consensus of the Council was to place the motto above the City seal as previously agreed.

Discuss and Set Priorities for 2018

City Manager Knopp provided a staff report and said at the March 6, 2018 regular meeting, staff held a priority setting session to discuss the priorities of the City Council for 2018. He said the top five (5) priorities fell under the topical headings of Public Works, Public Safety, and City Transparency. Specific priority projects included the following:

- Street Work
- River Access
- Habitat Parcel
- Code Enforcement
- Access Humboldt

He provided a review of some of the specific details of each of the selected priority projects and asked for direction from the Council on whether they accept the prioritization process as presented or want to amend it. He noted that staff would include project updates in the regular bi-weekly staff reports to keep the Council apprised on the status of the projects.

Mayor Pro Tem Johnson thought the bi-weekly update was a good idea.

City Manager Knopp said related to Street work, staff's recommendation is to bring back to Council a list of potential road repair options for incorporation into the FY 2018-19 budget. He suggested looking into the possibility of "piggy-backing" on with other local agencies to get some slurry sealing done which may require a budget amendment if the work occurs before the end of the fiscal year.

Mayor Wilson asked if staff is looking for a long-range solution related to Police Department staffing due to the recent resignation of Officer Brady.

City Manager Knopp commented that the resignation was not positive news for the department since the background on the other police officer position is still underway, noting that it takes time to go through the recruitment process. He said when Chief Conner returns from training he will discuss the situation with him and see if he would like support from the City Council to address the issue.

Mayor Wilson called for public comment related to priorities for 2018.

Sharon Wolfe expressed appreciation for the Council's willingness to make transparency a priority and possibly bring in Access Humboldt to video tape meetings. She encouraged the Council to make the investment in the necessary equipment to make it work.

Motion was made by Johnson/Marks to accept the 2018 priority list as presented. Motion carried 4-0.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Introduction/First Reading (by title only) of Ordinance No. 365-2018 Amending the City's Commercial Cannabis Regulations, Section 17.30.195 of the Rio Dell Municipal Code to Eliminate the City's Requirement for Background Checks

Community Development Director Caldwell provided a staff report and explained that the City was recently contacted by Attorney Paul Gallegos regarding the differences between the City's and the State's regulations related to disqualifying offenses for owners, operators, officers or directors. He said staff consulted with the City Attorney and the Police Chief and everyone feels that it would be in the best interest of the City to defer the determination of disqualifying offenses to the State, as it could be problematic or potentially litigious if the City made a disqualification determination and the State did not. As such, staff is recommending that Section 17.30.195(9)(j) be eliminated thereby relying on the State to make the determination of disqualifying offenses.

He provided a handout of the City Attorney's comments to the Council for review.

Mayor Wilson commented that the State is still under emergency rules and is not expected to have new regulations in place until July 1, 2018. He expressed concern that in the last round there was going to be a 1-acre cap on cultivation, which everyone had a good feeling about then at the last minute, it changed, and the 1-acre cap was lifted. He suggested the Council wait to see what the State is going to do before amending the ordinance. He added that he does not want to run the risk of being bound to what the State is ultimately going to do down the road.

Community Development Director Caldwell said one concern is that if the Chief of Police were to make a determination of a disqualifying offense and the State did not make the same determination, it could potentially put the City in litigation. He noted that the County of Humboldt eliminated the background check requirement and will be relying on the State.

He pointed out that revisions to most ordinances occur regularly due to changes in State law and this is an evolving process and 90% of it is predicated on what the State does.

Mayor Pro Tem Johnson said the Council needs to protect the Police Chief and the City and agreed with the recommendation of the City Attorney and revision of the Ordinance amendment as presented.

Councilmember Garnes arrived at this time, 7:05 p.m.

Motion was made by Johnson/Garnes to approve introduction and first reading (by title only) of Ordinance No. 365-2018 *Amending the City's Commercial Cannabis Regulations to Eliminate the City's Requirement for Background Checks Subsequent Determinations of Disqualifying Offenses and Rely on the State to Make Such Determinations*, and to continue consideration and approval of the proposed amendment to the April 3, 2018 regular meeting. Motion carried 4-1; Mayor Wilson dissenting.

Discussion and Possible Action Regarding Agenda Publication Deadline

The staff report was included in the Council packet but the item was inadvertently omitted from the agenda. As such, the item was continued to the meeting of April 3, 2018.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Pro Tem Johnson reported on his attendance at the first Quarterly League of California Cities meeting in Cloverdale on March 9th and said the legislative committee took action on two Senate bills. The first was a Planning/Zoning bill that would give a great deal of power to private developers and take away a great deal of power from cities. In transit-rich areas, it would disregard local planning and zoning with regard to adopting such things as height limitations, density, parking and design review guidelines. He said the committee voted unanimously to oppose that bill.

He reported that the committee also took action on a bill proposed by Senator McGuire because of the fires last October. He said the process for notifying people to get out of their homes was a disaster because the phone lines and cell towers were down. He said the bill proposes to establish a uniform, consistent emergency notification standard, which the commission unanimously supported.

He added that Assemblyman Wood took an hour to listen to the Cities concerns and pointed out that since he has represented the City on the League both he and Senator McGuire have been very responsive and are two very hard working representatives at the State level.

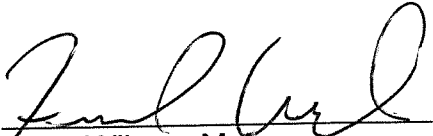
Mayor Wilson reported on his attendance at the Humboldt Waste Management Authority (HWMA) meeting and said the board approved moving forward with Requests for Proposals (RFP's) for Regional Curbside Recycling. He noted that recycling has taken a big change over the last year and many items thought to be recyclable are no longer recyclable. The problem with that is that the State is still requiring cities to meet certain waste reduction levels and reduce the landfill footprint but is actually telling cities to put items that are no longer considered recyclable into the landfill. As such, the process is not working as originally designed.

Mayor Pro Tem Johnson then announced that he would be attending the bi-monthly LAFCo meeting and one of the items in the packet was facts about how the footprint of usable agricultural land is shrinking. He said that one of LAFCo's requirements is to keep agricultural land in California yet approximately one square mile of high-value agricultural land is converted to residential uses each month.

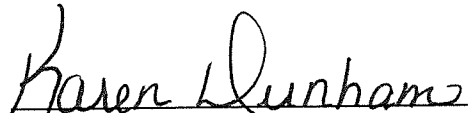
He also reported that there will be a number of vacancies coming up on the LAFCo board in June as well as his position at the end of the year should anyone be interested in applying.

ADJOURNMENT

Motion was made by Johnson/Garnes to adjourn the meeting at 7:16 p.m. to the April 3, 2018 regular meeting. Motion carried 5-0.


Frank Wilson, Mayor

Attest:


Karen Dunham, City Clerk