

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
JANUARY 3, 2017  
MINUTES**

The closed session/regular meeting of the Rio Dell City Council was called to order at 6:00 p.m. by Mayor Wilson.

ROLL CALL: Present: (Closed Session): Mayor Wilson, Mayor Pro Tem Johnson, Councilmembers Garnes, Marks and Thompson

Others Present: City Manager Knopp

(Regular Meeting): Mayor Wilson, Mayor Pro Tem Johnson, Councilmembers Garnes, Marks and Thompson

Others Present: City Manager Knopp, Finance Director Woodcox, Water/Roadways Superintendent Jensen and City Clerk Dunham

Absent: Chief of Police Hill, Community Development Director Caldwell, and Wastewater Superintendent Trainee Yaple (excused)

**ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:**

Conference with Labor Negotiator – City Manager Concerning Labor Negotiations with Rio Dell Employees Association, Rio Dell Police Officers Association, and all Contract Employees

The Council recessed into closed session with the City Manager at 6:00 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 closes session.

**CEREMONIAL MATTERS**

Swearing in and Seating of Newly Elected Councilmembers Sue Strahan and Frank Wilson  
City Clerk Dunham administered the Oath of Allegiance to the two newly elected councilmembers.

Councilmember Thompson said as the City Council is aware he pursued on numerous occasions the idea of establishing a bottled water enterprise for the City's springs. He said although it never materialized he wanted to introduce to the public the first bottled water. He held up a bottle of water that was presented to him by the City to commemorate his efforts.

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The label read: "Monument Springs Bottled Water Co., Rio Dell, CA., The World's Finest Natural Spring Water, and Trademark by the Honorable Jack Thompson."

He continued by stating that it has been a pleasure serving the citizens of Rio Dell but there is still a lot to be accomplished. He said the Council did their best and hopefully in the future the City will continue to improve. He specifically thanked the City Council, City Manager, Finance Director, City Clerk and Water/Roadways Superintendent for all their help.

With that he stepped down and relinquished his seat to Councilmember Strahan. He received a round of applause from the public.

Election of Mayor and Mayor Pro Tem

City Clerk Dunham reviewed the procedures for selecting the Mayor and Mayor Pro Tem as set forth in Resolution No. 1127-2011 and pointed out that all councilmembers are considered to be nominated unless a councilmember chooses to decline nomination for one or both positions. There were no members who declined. She stated that each term will be for two years ending with the 2018 General Election and called for questions from the Council or public regarding the selection process. There were no questions or comments at this time.

Beginning with the position of Mayor, followed by the position of Mayor Pro Tem, each Councilmember was presented with a written ballot and asked to vote for the candidate of their choice.

Jack Thompson addressed the Council and said as the Council considers their vote he would like to personally recommend Councilmember Johnson for the position of Mayor. He commented that he has served as Mayor Pro Tem for the past two years and has served on various committees including LAFco and has earned tremendous respect from his colleagues.

The ballots were passed to the City Clerk who announced the results. With Councilmember Wilson receiving three votes and Councilmember Johnson receiving two votes for the position of Mayor, Councilmember Wilson was selected as Mayor for two more years. Councilmember Johnson received four out of five votes and was selected as Mayor Pro Tem for two more years.

Proclamation Acknowledging and Thanking Jack Thompson for his Extraordinary Service to the Citizens of Rio Dell

Mayor Wilson read a proclamation expressing sincere thanks to Jack Thompson for his extraordinary service to the citizens of Rio Dell for the past 16 years, serving on the Planning Commission, City Council as both Councilmember and Mayor as well as representing the City on various committees throughout the County. His dedication to public service, fairness, kindness and good humor will truly be missed. He was then presented with a framed proclamation signed by the Mayor.

## **PUBLIC PRESENTATIONS**

**Sean Molyneux**, 1013 Pine St. addressed the Council regarding an ongoing drainage problem on Pine Street that he has been dealing with over the past 6 years. He said he currently has 8 inches of standing water in his back yard. He commented that he talked to City staff on numerous occasions about the problem but nothing has been done. As such, he said he had no choice but to consult an attorney. He said at the advice of his attorney he presented a Public Records Request to the City asking for a substantial completion date for fixing the drainage problem on his property as well as the street. He commented that he received a letter from the City today saying that all of the documents he requested are not yet available and that it would take approximately 2 more weeks to compile the information.

He said he understands part of the problem is that those parcels on that block were created by lot line adjustments but regardless, it is causing major issues for him. He noted that he spends an hour every day pumping water out of his yard and the neighbors. He said he had a realtor come out who said his property is worth at least \$5,000 and probably closer to \$15,000 less because of the drainage issue. He noted that he had to dig a trench to get water off of his foundation.

He said he feels like the City is turning their back on the situation and the problem with the drainage is that it was obviously not engineered properly. He said that he was told that the developer/owner of the property, Andy Albin was supposed to install drainage improvements years ago but apparently proper drainage was not installed. He said he is here to let the City Council know that he is trying to solve this problem amicably because it would be better for him and the City to resolve the issue without attorney fees.

**Julie Woodall** addressed the Council regarding the election of Mayor and pointed out that most citizens have the perception that the Mayor has more authority than councilmembers do but in Rio Dell the Mayor basically facilitates the meetings and ceremonial matters; other than that, that position is merely one vote among a five-member council. She said she would like to know that the Mayor treats everyone with the same respect no matter who they are related to or who they know and he should also treat fellow councilmembers with the respect they deserve and encourage dialog even if there is a disagreement. She reminded the Council that the City Council directs staff as a City Council rather than individual Councilmembers.

## **CONSENT CALENDAR**

Motion was made by Johnson/Garnes to approve the consent calendar including approval of minutes of the December 6, 2016 regular meeting; adoption of Resolution No. 1316-2017 accepting the Certification of Votes for the November 8, 2016 General Election; approval of a letter of support for Jack Thompson for appointment to the Citizens Advisory Committee on Measure Z authorizing the Mayor to sign; and adoption of Resolution No. 1318-2017 amending

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and adopting a Master Salary Table and approving employee contracts for Rio Dell Employees' Association and the City Clerk. Motion carried 5-0.

**SPECIAL CALL ITEMS/COMMUNITY AFFAIRS**

2017 Asphalt Paving Plan and Micro-Sealing with Related Authorization for the City Manager to Draft and Issue Proposal

City Manager Knopp provided a staff report and said in the current budget the Council authorized an \$80,000 General Fund subsidy of the Streets Fund to cover some small paving projects in areas that have been problematic to the City.

He referred to the photos identifying the proposed projects which included repairs to Davis Street in preparation for slurry sealing in the near future; work on the bridge interface with the Highway 101 overpass; repairs to the asphalt curb in Belleview; repairs to various failing utility cuts along Belleview Avenue; an overlay at the intersection of Webster Street and Belleview Avenue and crack sealing along specified sections of Monument Road. He said in addition the City would pursue micro-sealing along Davis Street from Rigby Avenue to Pacific Avenue through a regional contract with neighboring jurisdictions.

He further reported that staff is working with GHD to develop more accurate cost estimates but at this point it seems likely that the estimates will exceed the available funding for the projects. He noted that funds from the Water and Sewer funds could be used to cover specific costs related to the failed utility cuts and the project could be scaled down to better fit the available funding.

Staff requested authorization from the City Council to further pursue the project and develop bids, send out RFP's then once the costs are more defined bring the item back to Council for authorization including modification of the project or a possible budget amendment if needed.

Mayor Pro Tem Johnson stated that he discussed the various projects with the City Manager and one of his concerns is that some of these utility intrusions may have been caused by PG&E so they could have some liability if there needs to be further repairs to patches they put in, even though it may have been years ago. Also, related to the Belleview Avenue Drainage and Curb Replacement work, when it was originally built there should have been a high side super ditch and the City wouldn't be having this problem if it was built correctly. He was concerned that anything short of a high side ditch it is not really going to solve the problem over the long term.

Councilmember Garnes asked if that means that it would be a waste of money to proceed with the work as proposed.

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Mayor Pro Tem Johnson commented that this area is in close proximity to the Active Transportation Planning (ATP) grant project and it would be good if it could be rolled into that project which will take place over the next two years or so.

City Manager Knopp explained the bulk of the ATP project is up the street about 300 yards at the off ramp from southbound 101 and Wildwood Ave. which will reconfigure that off ramp.

Mayor Wilson said he understood the original ATP plan included construction of sidewalks for kids walking to school.

City Manager Knopp agreed to double check the plans but believes in this particular area there were to be some changes to the roadway striping to create bike lanes.

Councilmember Garnes questioned the practicality of slurry sealing the area from an engineering standpoint versus doing the job properly.

Mayor Pro Tem Johnson said he would absolutely opt to not slurry seal in order to do it right and said if money is short he would probably opt for not doing some other area in order to do this area properly. He explained that in order to do it correctly it means going out and doing some excavation work and grinding off and removing the existing shoulder and putting in a ditch at perhaps a minus 5 percent in order to have a defined flow line with a dyke on the backside in order to send the water down the edge of the road rather than having it go across the road which is what it has been doing for 35 years.

City Manager Knopp reiterated that the Council will have the option at a later time to either modify the scope of work to fit the budget or allocate additional resources or complete the scope as represented.

Councilmember Strahan questioned how these particular projects were selected and if Sean Molyneaux's drainage problem on Pine Street was looked at.

City Manager Knopp explained that they looked at main arteries both in and out of the City as well as bus routes. Staff also looked at Rigby Ave. which is another area of concern but ultimately staff decided to remove it from the list due to available funds (\$80,000). He said the idea was to try and identify areas where there would be the most gain with the limited amount of funds available.

Councilmember Strahan asked if the idea is to complete all aspects of the Belleview project so it doesn't happen again.

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City Manager Knopp explained in this particular instance it would involve replacing an already existing but broken asphalt dyke and would not necessarily be a permanent fix.

Councilmember Marks referred to the Davis Street Bridge Interface project and asked where Caltrans responsibility lies with regard to these approaches.

City Manager Knopp said staff has been working with Caltrans on that particular issue but his understanding is that the City is responsible for the approach. He said obviously if it is determined otherwise, the scope would be amended.

Mayor Pro Tem Johnson commented that historically there would be a pre-dated agreement from the late 60's or early 70's when the project was first designed and is likely in the City's archives and certainly in Caltrans files that will define the responsibility of each party.

City Manager Knopp pointed out that the neighboring cities are moving forward and trying to select a contractor for the micro-sealing and are looking at a timeframe of June or July. In order for the City to save money and utilize the same contractor, the projects would need to be identified soon. He noted that if the project is postponed even for a couple of years, the road surface will deteriorate to the point where the project would no longer just be reconstruction of the ditch but actually reconstruction of the whole roadway in that particular section.

Councilmember Garnes asked if when the City goes out for an RFP if a cost comparison can be done to do a complete job or as a temporary fix as proposed on the Belleview work.

City Manager Knopp said that is a possibility although the cost would be significantly more to do a complete project.

Water/Roadways Superintendent Jensen agreed that the ultimate fix would be to construct a new ditch and valley gutter but a cheaper option would be to go on the backside and excavate some of the material and put in a pipe (basically a French drain) 3 to 6 inches below to catch the runoff taking it down to the drain on Belleview and Wildwood. The point he was making is that there are lower cost projects that could be incorporated with the asphalt berm so at least what's there now can be preserved.

Mayor Wilson asked for clarification that it is possible for staff to get costs for both options; City Manager Knopp confirmed that it is.

Mayor Wilson called for public comment on the proposed project.

**Mike Strahan** addressed the Council and stated that Mayor Pro Tem Johnson is a civil engineer and he worked with him for years on Caltrans projects and that he thinks his idea is a far better idea. He said putting in a French drain behind the dyke will be a higher cost than a high side super ditch and a new dyke. He said putting in a new dyke by itself would cost

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around \$10 or \$12 a lineal foot and it's going to fall apart because of the moisture that exists coming through there. Basically the City will be throwing money away. He expressed support for Mayor Pro Tem Johnson's idea as a person who has done this kind of thing for 40 years.

Mayor Pro Tem Johnson suggested staff move forward and get both estimates for the Belleview area as discussed. Council concurred.

Discussion Regarding California Public Resources Code §42700 on the Use of Recycled Materials in Public Works Projects

City Manager Knopp provided a staff report and explained that State law requires local agencies to either adopt standards developed by Caltrans related to the purchase of paving materials, base, subbase, pervious backfill to include provisions for the use of recycled materials or at minimum, discuss the matter at a regularly scheduled meeting why the standards are not being adopted.

He said the requirements are quite extensive and include targets for how many tons of various materials Caltrans will use in their projects as well as developing a means to determine whether use of those materials are cost effective.

He noted that the City does a relatively small amount of paving and earthwork projects in any given year and in some years do none. Adopting standards that require evaluating the cost effectiveness of using recycled materials would take a significant amount of staff time to analyze and implement. Also, the City currently makes use of recycled materials and utilizes a small stockpile of asphalt grindings for filling pot holes and various other projects.

Staff's recommendation was to forego adopting these recycling standards.

Mayor Pro Tem Johnson shared a story that happened about 15 years ago when he was working for Caltrans who is probably the biggest paving organization in the United States. He said they wanted to use some recycled rubber in their concrete so they wrote up a contract to incorporate it in and everything was fine until it came time to bid the project. Apparently Mendocino County said they would not site a rubber asphalt plant in their County so the contractors had to go over to Lake County to site the plant which resulted in the project costs almost doubling from what the engineers had estimated. The point he was trying to make is that a company better be big or have a lot of money if they want to get into recycled asphalt products.

Mayor Wilson asked for a consensus of the Council.

Mayor Pro Tem Johnson made the statement: "we've heard it, we've discussed it, and we're not doing it." Council concurred.

Consider River's Edge RV Park Sign Request

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City Manager Knopp provided a staff report and said staff was recently contacted by the owners of the River's Edge RV Park inquiring about the possibility of placing a directional sign below the existing "Not a Through Street" sign at the corner of Davis Street and Rigby Avenue. Apparently a number of potential guests of the RV Park see the sign and turn around thinking there may not be a place to turn around or not realizing the RV Park is at the end of Davis Street.

He said the matter was discussed with the Police Chief who is the City's Traffic Specialist and he felt this request fell outside the purview of the Traffic Committee. As such, staff is presenting the request to the Council for consideration.

Staff further stated that the owners have prepared a draft sign and that the owners would be responsible for all costs including staff time, estimated at \$150 - \$200.

A representative of the RV Park was present to address the Council. She presented the actual sign they were proposing to have installed which read "River's Edge RV Park Straight Ahead" with an arrow pointing up. She indicated that the sign is really necessary as the existing "Not a Through Street" caused confusion for travelers trying to get back on Highway 101 South. She also commented that the existing sign with the new sign attached above it should probably be moved further down on Davis St.

Mayor Wilson suggested she work with staff on placement of the sign and called for public comment on the item.

**Julie Woodall** asked what will happen when other businesses come in and want to advertise their business on City municipal signs. She said it may sound petty but she thinks allowing the RV Park's sign on a City sign opens up a can of worms. She also commented on the sign for the Community Resource Center that was attached to the back of the Stop sign across from the new coffee shop on Wildwood Avenue which she said is not the best idea. She added that she thinks the sign post should be used for its intended use only and if a business needs signage they should not be allowed to put it on the same post as a municipal sign.

Mayor Pro Tem Johnson commented about 20 years ago, Caltrans realized they needed to give more information to the traveling public on freeways so they started putting in the blue signs that tell travelers there are such things as food, gas and lodging ahead. He said the reason for doing this was because people were taking the wrong exists and getting confused and causing accidents. As a traffic engineer you don't want to have people confused about where they are going. He said the location of the sign as proposed is in the right location as far as a traffic engineer would be concerned because it's the last opportunity to deviate from going east on Davis Street and taking either a right, left or U-turn. He commented that the last thing you would want to happen is to have a 48 foot 18-wheeler going down Davis Street and realizing there is no way to turn around. He expressed support for the proposal as submitted.



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Motion was made by Johnson/Garnes to approve the request from the owners of River's Edge RV Park to work with staff on placement of a sign below the "Not a Through Street" sign at the corner of Davis Street and Rigby Avenue as proposed. Motion carried 4-1; Councilmember Strahan dissented.

Discussion Regarding Future Priority Setting Agenda for 2017

City Manager Knopp said this item comes before the Council at the request of Mayor Wilson and the recommendation is to discuss setting a date for a future priority setting agenda for 2017 either on a regular meeting night or at a special study session. He noted it will also provide an opportunity for individual Councilmembers to discuss priority issues they would like to see addressed over the next year.

Mayor Wilson said because of the Brown Act the Councilmembers can't get together and discuss matters as a group outside a public meeting so he suggested the Council set a time to discuss priorities for the year. He said he has some issues that he feels are pressing such as the need to address recreational cannabis, finances and update of the Employee Handbook. He commented that he would like to set up a calendar so everyone knows what is planned for the year. He said last year the Council got side tracked in an area with a so called big elephant in the room and other things got pushed aside. He said some of those things are starting to surface so the Council needs to identify priorities and keep focused on those items.

Discussion continued regarding a potential date for the meeting.

The consensus of the Council was to have a study session on a separate night from the regular City Council meeting.

City Manager Knopp suggested staff poll the Council and set aside a day with the meeting starting at 5:00, potentially on January 16<sup>th</sup> or 18<sup>th</sup> if possible. He said he would follow up with an email to Councilmembers.

**ORDINANCES/SPECIAL RESOLUTIONS**

Second reading (by title only) and Adoption of Ordinance No.352-2016 amending Chapter 15.05 "Construction Codes" Sections 15.05.020 and 15.05.050 of the Rio Dell Municipal Code (RDMC)

City Manager Knopp provided a staff report and explained it is routine for staff to bring to the Council every three years, update of the new building codes. He said the proposed ordinance amends Chapter 15.05 of the RDMC and adopts the 2016 California Building Codes.

He said included with the adoption of the California Building Standards Code is the 2015 International Property Maintenance Code which provides the City authority to abate structures that are imminent hazards to the public in a quick and efficient manner. Staff also is recommending amending the penalty provisions, Section 15.05.050 of the RDMC increasing

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the penalty from \$500 to \$1,000 to be consistent with the penalty provisions of the Nuisance and Zoning regulations.

A public hearing was opened to receive public input on the proposed ordinance.

There being no public comment, the public hearing was closed.

Motion was made by Johnson/Garnes to approve the second reading (by title only) and adopt *Ordinance No. 352-2016 amending Chapter 15.05, "Construction Codes". Sections 15.05.020 and 15.05.050 of the Rio Dell Municipal Code (RDMC)* and direct the City Clerk, within 15 days after adoption of the Ordinance, to post an adoption summary of the Ordinance as required.

### **REPORTS/STAFF COMMUNICATIONS**

City Manager Knopp began by proposing a joint study session be scheduled on January 10, 2017 with the City Council and Planning Commission to discuss future Economic Development opportunities in the City including an overview of the proposed development at the former Eel River Sawmill Site. The study session was scheduled for January 10, 2017 at 5:00 p.m. prior to the Special Planning Commission meeting scheduled for 6:30 p.m.

City Manager Knopp distributed a written City Manager update of recent activities and events (Attachment 1 to these minutes), and said staff is working with attorneys at Downey Brand to assist staff with the National Pollutant Discharge Elimination System (NPDES) Permit permitting process which is required to be updated every five years; reported the State has issued its draft Notice of Rescission for Cease and Desist orders that were issued to the City in 2003 for chronic violations at the Wastewater Treatment Plant; the EV Charging Station signs have been installed; staff continues to work with the contractor in preparation for work to begin on the Old Ranch Road water line project; said the Department of Housing and Community Development has approved the City's request to sole source the architecture/engineering of the CDBG Architectural Barrier Removal project; and the traffic study for the interface of Northwestern Avenue and Highway 101 has been signed by the City Manager and W-Trans and the study that has been funded by the developers is underway.

Mayor Pro Tem Johnson said as the City Manager pointed out the NPDES permit is updated every five years and is a huge deal for the City. He reminded the public that some of the requirements they impose are certainly negotiable and the City needs to negotiate for the best possible deal as the permit will be in place for a long time. He said in that respect he is glad to see the City working with a legal firm to get the best possible deal.

City Manager Knopp stated that he feels good about the process and that staff wasn't going to use outside consultants but Fortuna convinced staff that it was a good way to go. He said they will be questioning some of the fundamental assertions the State has put on the City since

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some of the requirements are pretty stringent considering there are no municipal users pulling out of the river below Rio Dell.

Mayor Pro Tem Johnson commented that it seems there should be two sets of discharge requirements; one for the wet season when stuff is being significantly diluted and one for the dry season when irrigation actually occurs in the field where nutrients are taken up by the grass. He commented that he feels the City is in a very strong negotiating position as far as the State Board and where the City is.

He also asked if there is a start date for the Old Ranch Road waterline project; City Manager commented that no definite date has been determined.

Finance Director Woodcox reported on recent activities in the finance department and said the auditors will be here on January 19<sup>th</sup> and 20<sup>th</sup> to look at the information for FY 2015-2016. She also reported on the scheduled water rate increase effective at the end of the month resulting in an increase of \$6/month to the base rate and \$.40 increase on the unit charge for an overall average increase of \$8.00 to \$10.00 a month for the normal household as well as a \$25.00 increase to the Dinsmore Zone customers on top of those rates. She also said she will bring the mid-year budget review to the Council in February.

City Manager Knopp reported that the public works crew was called out at 3:00 p.m. on Thursday to address a huge water leak on the Dinsmore Plateau and wanted to point out that the crew got called out and had to work under adverse conditions with limited staff and people don't always notice how hard they work to keep the system running. He thanked Water/Roadways Superintendent Jensen and the public works crew for everything they do.

Water/Roadways Superintendent Jensen stated that a customer was doing some earthwork with a backhoe and broke the 6 inch main draining half of the water in the 100,000 gallon tank. He said they were able to do a temporary patch to the line and Wendt Construction would be doing the permanent fix on Thursday.

Mayor Pro Tem Johnson asked if the property owner will be responsible for the cost of the repairs.

Staff responded that the property owner will be billed staff was working on putting the charges together.

**COUNCIL REPORTS/COMMUNICATIONS**

Mayor Pro Tem Johnson reported that the League of California Cities watches over legislative bills and said there are approximately 2,000 bills submitted in a typical cycle between the

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Senate and Assembly. The League reviews those bills to see how cities would be impacted and of those bills, there are probably 100-150 that are of real interest to the League.

He said a couple bills of interest to him and should be of prime interest to the City is AB-1 introduced by Assemblyman Frasier and SB-1 introduced by Senator Beal. He said they are parallel bills and have to do with funding for streets and roads. It was estimated that Rio Dell would receive \$116,000 a year in funding if the bills are passed and signed by the Governor. He expressed the importance of sending letters encouraging approval of those bills as it gets closer to the time of getting the bills in committee.

Councilmember Garnes thanked staff for everything they did during the year and wished everyone a very happy new year.

She also asked if staff was going to respond to Sean Molyneaux drainage complaint.

City Manager Knopp noted that the City received an information request in writing and staff is working on compiling the documents and also working with the City's risk group and the City Attorney on what, if any liability the City has with regard to this issue.

**ADJOURNMENT**

Motion was made by Johnson/Garnes to adjourn the meeting at 7:50 p.m. to the January 10, 2017 Joint Study Session. Motion carried 5-0.

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Frank Wilson, Mayor

Attest:

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Karen Dunham, City Clerk