

**RIO DELL CITY COUNCIL
REGULAR MEETING
JUNE 6, 2017
MINUTES**

The closed session/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 and Strahan, City Manager Knopp and City Attorney Gans

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

Others Present: City Manager Knopp, Finance Director Woodcox, Community Development Director Caldwell, Chief of Police Hill and City Clerk Dunham

Absent: Water/Roadways Superintendent Jensen and Wastewater Superintendent Trainee Yaple (excused)

CLOSED SESSION

The Council recessed into closed session at 5:00 p.m. to discuss the following matters: ***Conference with Labor Negotiator – City Manager. Employee Organizations: Rio Dell Employees Association, Rio Dell Police Officers Association and all Contract Employees (Pursuant to §59457.6 of the Government Code)***

Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation (Pursuant to paragraph (4) of subdivision (d) of §59456.9 of the Government Code) (one case)

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

None

CONSENT CALENDAR

Councilmember Strahan requested items (3) and (7) be removed from the *Consent Calendar* and placed under *Special Call Items* for separate discussion. Likewise, Councilmember Marks asked that item (8) be removed.

Motion was made by Johnson/Garnes to approve the consent calendar including approval of minutes of the May 16, 2017 regular meeting; approval of Resolution No. 1336-2017 adoption the Gann Appropriations Limit for FY 2017-18; approval of a rate adjustment with Eel River Disposal accepting it as an amendment to the Solid Waste and Recycling Franchise Agreement effective July 1, 2017; approval of a letter of opposition to the Governor's Trailer Bill associated with the Adult Use of Marijuana Act (Prop 64) authorizing the Mayor to sign; and approval of a letter of opposition to the Trailer Bill associated with the Community Development Block Grant (CDBG) Program authorizing the Mayor to sign. Motion carried 5-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Approve Resolution No. 1339-2017 Adopting Billable Rates for staff time for FY 2017/18 and Rescinding Resolution No. 1300-2016

Councilmember Strahan asked for an example of activities and projects requiring cost recovery for staff time.

Finance Director Woodcox provided an example where a water line break occurred on the city's main water line that was caused by a resident requiring city resources to repair. Another involved the police department and the abatement process.

Community Development Director Caldwell commented that with regard to Planning projects, the applicant pays for actual costs for staff time.

Motion was made by Strahan/Johnson to approve Resolution No. 1339-2017 adopting billable rates for staff time for FY 2017/18 and rescinding Resolution No. 1300-2016. Motion carried 5-0.

Approve Letter of Opposition to AB 1250 Pertaining to Public Contracting and Authorize Mayor to Sign

Councilmember Strahan stated for the record that she disagreed with the letter of opposition to AB 1250 and would be voting against it.

Motion was made by Johnson/Garnes to approve letter of opposition to AB 1250 pertaining to Public Contracting and authorize the Mayor to sign. Motion carried 3-2.

Approve Proposed Revisions to the Wildwood Avenue Sculpture Guidelines

Councilmember Marks questioned the City's responsibility with regard to assisting the artist in installing and removing the sculpture from the City's pedestal and asked to what extent the City will go.

Community Development Director Caldwell stated that since no one has requested assistance yet it is unknown how much involvement there would be but basically it would go back to the billable rates for staff time so the City would recover those costs.

Councilmember Strahan questioned the last sentence on the first page of the Sculpture Guidelines where “must” was changed to “should” related to reflective devices and/or reflective paint coatings and said she thought it should remain as “must.”

Community Development Director Caldwell explained the sculpture may have some reflective characteristics and may not create a traffic hazard and that’s where the discussion comes in between the committee and the Council.

Motion was made by Garnes/Johnson to approve the proposed revisions to the Wildwood Avenue Sculpture Guidelines as proposed. Motion carried 4-1 with Councilmember Strahan dissenting.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Architectural Barrier Removal (ABR) Project Update

Community Development Director Caldwell provided a staff report and said as the Council is aware staff has been pursuing possible ADA access improvements to City Hall. He said at the May 16, 2017 meeting, staff presented the bid from DCI Construction and after review of the bid, the Council directed staff to contact DCI in an attempt to negotiate some cost savings. He said DCI provided some suggestions which could reduce the cost of the project by approximately \$29,000 including eliminating the wood grain stamped wall panels, not painting the hand/guardrails, and modifying the ramp design and handrail to eliminate the planting area between the upper deck and ramp. He explained that removing the elective costs in addition to DCI’s suggested changes would bring the cost of the project down to about \$233,000 and the City’s contribution to approximately \$18,000.

Community Development Director Caldwell pointed out that the FY 2017/18 budget that was recently adopted included \$90,000 for the ADA project which would allow the project to be constructed as originally proposed. As such, he said staff’s recommendation is to approve the project as originally presented. He reminded the Council that the City has approximately \$215,000 in CDBG Program Income and PTA grant funds and has until September of this year to spend down the Program Income (PI) fund and utilize the grant funds.

He commented that Dennis DelBiaggio (DCI Construction) was present to answer any questions.

Mayor Pro Tem Johnson thanked staff for going back to the contractor and attempting to negotiate some cost savings on the project and providing the Council with options to consider.

Councilmember Garnes commented on the ten accent lights along the ramp and said although its minutia questioned the need for the lights.

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Community Development Director Caldwell referred to DCI's list of options for reducing costs and said they actually suggested eliminating the ten lights and replacing them with four 15-foot pole lights which would reduce the bid somewhat. He noted that the four lights would be higher and provide a little more intensity than the ten lights would provide.

Councilmember Garnes questioned the cost of the changes and if they were already designed or if they would have to go back to the engineers.

Dennis DelBiaggio explained the plans would not have to go back to the engineers as most of the changes are not engineered changes. He said the idea with the lighting was to try and get them higher so when someone is looking out to the parking lot, they won't be looking into the lights.

Mayor Wilson stated that the bid came in at \$296,000 and without the electives it would reduce that amount to \$261,000. Now staff is coming back with options to reduce the project by another \$29,000. He said of the \$215,000 available from CDBG Program Income and grant funding and the \$90,000 City share there is essentially enough to fund the project as originally proposed so the matter is whether the Council wants to proceed with the project as originally proposed or eliminate particular options.

He commented that he did question the need for the ten accent lights along the ramp at the last meeting and asked what the ramp accent lights are actually designed to do.

Community Development Director Caldwell explained that the accent lights would be placed along the front of the ramp and basically provides additional lighting of the ramp itself as well as some back lighting of the landscaping area between the two ramp levels.

Councilmember Garnes asked if the lights light up the ramp and actually help people see to walk.

City Manager Knopp said he didn't think they would assist in lighting of the ramp itself but rather the walkway from the sidewalk.

Mayor Wilson called for public comment on the subject. There was no public comment received.

Mayor Wilson said he would prefer to go with four 15-foot parking lot lights as opposed to ten 12-foot lights.

Community Development Director Caldwell noted that the cost savings would be minimal.

Dennis DelBiaggio stated that the overhead poles would be about the same cost but the cost on the accent lights could possibly be reduced.

Motion was made by Johnson/Garnes to direct staff to pursue the Architectural Barrier Removal (ABR) Project at City Hall as proposed with the modification of four 15-foot parking lot pole lights in place of ten 12- foot lights. Motion carried 5-0.

Discussion/Possible Action on Proposed Removal of Median Island on Wildwood Avenue

City Manager Knopp provided a staff report and said the City received a request from the owner of Root 101 Nursery, Mr. Harry Smith to remove the median island along 770 Wildwood Avenue in order to facilitate truck traffic to his business.

He explained that when the medians were installed in 2004, this particular median was the subject of a change order during the construction to accommodate similar concerns of the current property owner at that time of Wildwood Feed. He said the Council was presented with multiple options and chose the modification that resulted in the least impact to the island. At some point between 2012 and 2015, the owner of the adjoining property (Kreations Body Shop) had a survey done and adjusted the fence line between the two properties by 32 feet to more accurately reflect the actual property boundaries. He said that this reconfiguration has further complicated the ingress and egress issues for 770 Wildwood Ave.

He further reported that Mr. Smith has agreed to bear all costs associated with removal of the island, pending approval of the City Council. He said if the Council were to authorize the removal of the island, staff would then proceed with processing of the encroachment permit application, require an engineered plan from the applicant and have that plan reviewed by the city engineer, and stipulate a performance guarantee for the project to ensure its proper construction.

He said staff is looking for direction from the Council to ask for additional information and continue the item to a future meeting; approve the proposal; approve modifications of the proposal; or deny the proposal and table the item indefinitely. He said Harry Smith from Root 101 Nursery was present to answer any question regarding his proposal.

Harry Smith addressed the Council and explained that with the island in front of their store, the larger delivery trucks are having difficulty entering from northbound, as well as exiting, with no option to go southbound. He said another issue is that customers have to turn right and go north when leaving the store and have to make a U-turn or otherwise miss visiting other businesses in the downtown area. He commented their hope is to have the project completed before Wildwood Days for the ease of traffic flow along with allowing their business to stay open during the 4-day event. He noted that they have had some discussions with the fire department and they seem to be on board with the project because of the blockage of their northbound driveway on Wildwood Avenue.

He said they explored options for removing a portion of the island but because there would be no center turn lane felt that the overall traffic flow and public safety would benefit most from

removal of the entire median. He added that the business is doing very well which also benefits the city and having the median remain could impede what they do in the future.

Councilmember Strahan asked about plans for a drive-thru waffle shop.

Harry said they are going to put in a waffle shop but it doesn't really have anything to do with this issue. He said the plan is to replace the median with a center turn lane so it won't impede traffic as they will have a turn lane to safely wait before turning into their business. He indicated that they had already received approval from the County to move forward with the waffle shop and actually ordered sinks etc. He said they will have a drive-thru window and when that happens they will address any additional traffic flows. He noted that they currently have parking in front and will be putting in parking in the back as well.

Mayor Pro Tem Johnson referred to the rendering leaving a small portion of the median remaining and said if he heard Mr. Smith correctly the request is to remove the entire median. He asked if leaving a portion of the median was still an option.

Harry said that is definitely something they would consider as long as the turn lane is big enough for a truck with a semi-trailer to pull into that turn lane safely and wait for ongoing traffic to go through to pull into the lot.

Councilmember Marks asked for Chief Hill's opinion on the proposal for a turn lane.

Chief Hill commented that he felt it would be better to have a turn lane and without looking into the issue more thoroughly his first initial thought based on Mr. Smith's argument is that it makes more sense to have more room for trucks to get in and out of the business. He said there was a recent problem with a truck getting stuck but he would really need to look into the situation more extensively to answer the question fairly.

Discussion continued regarding possible adjustment to the existing parking lot at Root 101 Nursery, preservation of the existing trees in the median, the need for bike lanes, the length of delivery trucks; and potential commercial development at Wildwood and Painter.

Harry explained their plan for the grassy spot in the front of the lot is to put in a 3-foot retaining wall to provide for more parking. In addition they will be paving the parking lot and at that time they will reduce some of the slope of the driveway so they will be doing some improvements on their side to make things better but they still need the turn lane coming into the parking lot.

Mayor Wilson called for public comment on the proposal.

Travis Wildgrube addressed the Council and said that he has his own hauling business and that it is hard to get in and out of that driveway. He said because he grew up here he knows his way around and he can manage it but having drivers not familiar with the area, there will

definitely be trucks high centered in the median. He commented it is an inconvenience the way it is now and noted that although there is a size restriction on trucks coming through the Avenue of the Giants, 53 foot trucks can come through if they are towed through that section of roadway.

Julie Woodall stated that the Gateway Project is near and dear to her heart and although she hates to see the median torn up, she understands why they want to remove it.

She said with regard to making U-turns to go south, there are a lot of areas in Fortuna where motorists have to do that same thing. She said if the Council approves the proposal, she would like to see a stipulation that they be required to landscape the front portion of the property.

Harry stated that they will definitely be landscaping with trees and flowers. He then reiterated that they will be footing the entire bill on the project, so there will be no financial burden on the City or the citizens of Rio Dell.

Motion was made by Johnson/Garnes to approve the proposal with the modification to preserve the existing five trees in the median.

Mayor Wilson called for public comment on the motion on the floor.

Harry Smith agreed to save the trees as requested.

Motion then carried 5-0.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Reconsideration and Possible Approval and Adoption of Ordinance No. 355-2017 Amending Section 17.30.020 "Accessory Uses and Buildings" of the Rio Dell Municipal Code (RDMC) to Include Cargo/Shipping Containers used as Accessory Structures

City Manager Knopp stated for clarification that with the City Clerk assisting him in this process, verified that according to the City Council Protocols the Council can at this meeting have a motion to reconsider this item without a 4/5 vote requirement. He noted that in the City Code, the City Council Protocols take precedence over Rosenberg's Rules of Order or Robert's Rules of Order and as such, the Council does not need to suspend the rules. He said the other stipulation is that it has to be one of the councilmembers who voted in the majority position. In this case, there was a 2-2 vote so in the event of the failure of a motion those voting negative are considered the majority. He said in this particular case it would be Mayor Wilson or Councilmember Marks who can make the reconsideration motion.

Motion was made by Marks/Wilson to reconsider Ordinance No. 355-2017 which was considered and rejected by a vote of 2-2 at the May 16, 2017 regular meeting.

Mayor Wilson called for discussion on the motion to reconsider beginning with Councilmember Marks.

Councilmember Marks had no comment at this time.

Mayor Wilson explained his reason for reconsidering the motion was because once the ordinance was voted down, essentially took it back to how it was before, having no regulations on storage containers at all. He said as it stands, if someone wanted to place a couple of storage containers in the Town Center or in the front yard of a residential neighborhood and paint them purple, they could do so.

Community Development Director Caldwell commented that they could, provided they meet setback requirements for that particular zone

Mayor Wilson said he doesn't believe the intent of the Council was to end up without any regulations. He said the issue they were debating had to do with certain restrictions with regard to storage containers in residential zones but in the process of voting it down on the way it was proposed, it killed the entire ordinance ending up with no regulations at all. He said he would like it to come back for reconsideration in order to have some type of regulations.

Mayor Wilson opened public comment on the motion to reconsider.

Julie Woodall stated that she would like to see the Council reconsider the ordinance.

Bryan Richter stated that he doesn't think the Council should reconsider the ordinance. He said to reconsider it and discuss it again after already discussing it for 10 months is discussing something that should have been settled a long time ago or not even brought up in the first place. He said if the Council is going to regulate these containers as accessory structures then they need to also regulate how someone puts in a Junior Barn or any other type of shed on their property. He commented that the Council will simply be adopting another ordinance to enforce when the City can't even enforce the ordinances they already have on the books.

Tim Roscoe agreed with Bryan Richter and stated that he is against overbearing regulation and that this seems to be a little unnecessary. He said he could see it if there was an issue with an excess number of cargo containers in the City but currently there are probably only six residential properties with existing containers. He said there are so many other positive things the City could look into and this doesn't seem positive to him. He stated that he doesn't think there should be any regulations at all on cargo containers used as storage containers in the City.

Kathleen Kemp spoke in support of regulations and said the existing containers throughout the City are fine but the situation could get out of hand without some kind of regulations.

There being no further public comment, Mayor Wilson called for a vote on the motion to reconsider. Motion carried 5-0.

Community Development Director Caldwell provided a staff report and noted that this is the eleventh or twelfth meeting on the subject between the Council and the Planning Commission. He said as Mayor Wilson explained there were only four councilmembers present at the May 16, 2017 regular meeting and the motion to adopt the ordinance died on a 2-2 vote. As such, there are no regulations in the Rio Dell Municipal Code related to the use of cargo/shipping containers in the City.

He said the Planning Commission recommended that new cargo containers in residential zones not be allowed except with an exception provision through a Conditional Use Permit approved by the Planning Commission. The Council agreed to prohibit the use of cargo/shipping containers in residential zones as recommended and that existing cargo containers be considered legal non-conforming uses and allowed to remain on lots larger than 10,000 square feet subject to certain requirements.

He noted that Mayor Wilson recommended existing containers be allowed to remain with a sunset date of 5 years and that owners with existing containers have 60 days in which to obtain a building permit. Councilmember Marks was opposed to allowing any cargo containers in residential zones, including existing cargo containers.

Community Development Director Caldwell said staff's recommendation is to adopt the Planning Commission's recommendations subject to the performance standards incorporated into the draft ordinance.

Councilmember Garnes said she understands how citizens feel about too many regulations and acknowledged the fact that there are not a lot of existing containers in the City now so it's not a problem but it has taken way too long to work this through in spite of that. She said should it become a problem it would only become more problematic so that is why she is in support of having regulations.

Councilmember Marks said he has been against allowing cargo containers in town all along so he would like to see an end date on existing containers. He said the fairest way to do that would be to establish provisions that say that when a property changes hands, the containers must be removed.

Mayor Wilson commented that he is against having an open ended date in perpetuity and had suggested a sunset date of 5 years on existing containers. He pointed out that the people with containers that have been coming to the meetings are not the problem but the Council has no control over future owners. He said regulations are necessary to keep things in check. He said he would agree with Councilmember Marks recommendation and suggested the

ordinance is amended to say that when a property changes title the container goes away whether it is one year or 50 years.

Community Development Director Caldwell reminded the Council that the Planning Commission did recommend exception provisions where the applicant could make application through the Conditional Use Permit (CUP) process to site a cargo container. He said should the Planning Commission approve the CUP; the same provisions would apply regarding removal of the container at the time of sale of the property.

Mayor Pro Tem Johnson pointed out that if there are run-down cargo containers, the City has leverage through the nuisance regulations to abate the nuisance and has a staff person and the Nuisance Committee to make sure those things are abated. As such, he supports approval of the ordinance as proposed without modifications.

Mayor Wilson opened the public hearing to receive public comment on the proposed ordinance.

Tim Roscoe began by stating: “the horse has been beaten so badly in this that the SPCA should be called”. He said he feels the ordinance is an example of over regulating something and prefers the original ordinance as presented but he can live with the recommendation to require the containers to be removed with the sale of the property.

Travis Wildgrube agreed with the recommended modifications to the ordinance.

Julie Woodall asked for clarification that existing cargo containers in residential zones would be grandfathered in.

Mayor Wilson explained that existing cargo containers existing on residential parcels 10,000 sq. ft. or larger at the effective date of the ordinance will be allowed to remain on the property subject to performance standards with an end date to coincide with the sale of the property unless the Planning Commission approves an exception for the new property owner.

Mayor Pro Tem Johnson clarified that the ordinance as originally proposed has no end date on the removal of existing cargo containers.

Bryan Richter asked if the existing ordinance specifies that no new cargo containers are allowed in residential zones.

Community Development Director Caldwell explained that the ordinance does prohibit cargo containers in residential zones however; under the exception provision, application could be made through the Planning Commission for an exception through the CUP process.

Kathy Wildgrube commented that she is glad to see this issue finally being resolved and that the Council probably is as tired of seeing them at meetings as much as they are tired of coming.

Motion was made by Marks/Strahan to adopt Ordinance No. 355-2017 amending Section 17.30.020 "Accessory Uses and Buildings" of the Rio Dell Municipal Code (RDMC) to include Cargo/Shipping Containers used as Accessory Structures with the modification to require that cargo containers shall be removed at the time of the sale or transfer of the property.

Mayor Pro Tem Johnson asked if that would preclude a new buyer from making application for an exception provision through the Conditional Use Permit (CUP) process.

Community Development Director Caldwell indicated that the new buyer could make application for approval by the Planning Commission.

Mayor Pro Tem Johnson then made a substitute motion to adopt Ordinance No. 355-2017 amending Section 17.30.020 "Accessory Uses and Buildings" of the Rio Dell Municipal Code (RDMC) to include cargo containers used as Accessory Structures as proposed without modification. Motion failed due to the lack of a second.

Mayor Wilson called for a vote on the original motion on the floor. Motion carried 5-0.

Approve Resolution No. 1338-2017 Amending the Police Department FY 2016/17 Operating Budget in the Amount of \$30,907.00 for the Purchase of Ballistic Vest Carriers, Taser's Body Cameras and a Portion of a Police Vehicle

Chief Hill provided a staff report and explained that each year the police department receives SLESF (State Law Enforcement Services Fund) funding which is restricted for front line law enforcement purposes. He said the funds are used to employ one police officer with a small surplus of funds remaining each year. He noted that the City received an additional \$43,000 in funding this year resulting in a larger surplus than normal. He said there is a current surplus of \$30,907 which needs to be encumbered before the end of the fiscal year therefore, is recommending the funds be utilized for needed equipment consistent with the frontline law enforcement requirement including the purchase of ballistic vest carriers, Taser's body cameras and a portion of a new police vehicle.

He commented that the application submitted in 2016 to USDA for the purchase of a new police vehicle is still pending and since the department needs a new vehicle now he is proposing to use a portion of the funds toward the purchase of a second patrol vehicle.

Mayor Pro Tem Johnson expressed the importance of having reliable patrol vehicles and equipment and supported the proposed expenditures.

Mayor Wilson agreed and called for public comment on the proposed budget amendment.

Tim Roscoe expressed support for the expenditures noting that if the money is not spent it will have to be returned..

Motion was made by Johnson/Strahan to approve Resolution No. 1338-2017 amending the Police Department FY 2016/17 Operating Budget in the amount of \$30,907 for the purchase of ballistic vest carriers, Taser's body cameras, and a portion of a police vehicle. Motion carried 5-0.

Introduction and First Reading (by title only) of Ordinance No. 359-2017 amending Section 17.30.195 of the Medical Cannabis Commercial Land Use Regulations of the Rio Dell Municipal Code (RDMC) to allow for the therapeutic application and retail sales of medical cannabis products excluding flowers, trim, leaf or cannabis infused edibles accessory to a Health and Wellness Center in the Industrial Commercial (IC) designation located in the Sawmill Annexation area

Community Development Director Caldwell provided a staff report and said as the Council is aware, the Glen White group approached the City regarding the establishment of a Health and Wellness Center and the holistic and therapeutic application and sales of medical cannabis products, including oils, tinctures, sublingual's, creams, lotions, pills, suppositories, cosmetics etc. excluding the sale of flowers, trim, leaf or cannabis infused edibles.

He said staff supports the requested amendment provided there is only one Health and Wellness Center allowed for administering and selling medical cannabis products.

He stated that the Planning Commission recommended approval of the proposed amendments and in addition, staff is recommending that the required security video storage be increased from 240 hours to 720 hours.

Mayor Pro Tem Johnson commended staff and the Planning Commission for the quick action in getting this item to the Council.

Councilmember Strahan questioned the dispensing of pills and expressed support for everything as proposed with the exception of pills.

Community Development Director Caldwell explained that pills will be sold on site however; they will not be ingested on site.

Mayor Wilson commented that he attended the recent meeting at the Adorni Center related to the Medical Marijuana Regulation Safety Act (MMRSA) where public comment was received but no dialog. He said on the medical side there was concern regarding the need to keep "medical" cannabis "medical" and said there is a huge move within the State legislature to do away with it and if the legislation passes the MMRSA would be eliminated and everything will be recreational simply to generate more tax dollars. He said there is however; a big community of people that are concerned about protecting the medical aspect of it.

He commented that the thing that excites him about the Glen White group is that they are committed to making their Health and Wellness Center a successful medical cannabis facility. He said the boom and bust with this industry will eventually occur when the big corporations get involved so they will need to have a really good brand to carry on and this is certainly a great start.

He said staff worked to take the word “dispensary” out of the regulations so as to not cause confusion and fortunately the city has great staff and a council and planning commission that can move this forward which is important.

Mayor Wilson opened the public hearing to receive public comment on the proposed ordinance.

Tim Roscoe questioned Councilmember Strahan’s objection to cannabis pills.

Councilmember Strahan responded and said a pill becomes a dispensary format and when this was originally proposed it was basically presented as a medical facility administering only lotions, oils, tinctures etc. because they were aware that the Council was not in support of dispensaries in the city. She added that it’s not that they can’t continue to produce pills; they just have to sell them at another location.

Tim Roscoe referred to someone close to him that has terminal cancer and uses suppositories which have provided amazing relief for people with colon cancer. He said her cancer is actually in her abdomen so they are not exactly sure if the suppository is the best treatment or if ingesting a pill is more effective. He noted that a suppository is basically nothing more than a big pill and there is really no difference except the delivery method. He pointed out that neither suppositories nor pills are used to get high and that different applications work for different medical conditions. He expressed the need to uncap the potential for medical benefits cannabis products can provide without getting hung up on the delivery method of the medicine.

He added that this is a win-win situation for everyone and he hates to see the delivery methods altered because it might be interpreted by someone as just a way to get high when it is medicinally necessary and can actually help people with actual medical conditions.

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

Community Development Director Caldwell noted that this is merely the introduction of the ordinance and that it will come back to the Council at their June 20, 2017 meeting for discussion and potential adoption and that should be included in the motion.

Motion was made by Johnson/Garnes for the introduction and first reading (by title only) of Ordinance No. 359-2017 amending Section 17.30.195 of the Commercial Medical Cannabis

Land Use Ordinance of the Rio Dell Municipal Code (RDMC) to (1) identify and define Health and Wellness Centers, including the therapeutic application and retail sales of medical cannabis products including oils, tinctures, sublinguals, creams, lotions, pills, suppositories, cosmetics etc. excluding the sale of flowers, trim, leaf or cannabis infused edibles as a Conditionally Permitted Use in the Industrial Commercial (IC) zone in the Sawmill Annexation area, (2) amend the required hours of video security storage from 240 hours to 720 hours and continue consideration, approval and adoption of the proposed Ordinance to the meeting of June 20, 2017. Motion carried 4-1; Councilmember Strahan dissented.

REPORTS/STAFF COMMUNICATIONS

Councilmember Garnes asked for permission to provide a brief Council report at this time so she could be excused.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Garnes reported on her attendance at the League of California Cities meeting in Ft. Bragg and said that there were reports from different cities with Willits reporting on the fallout from the freeway bypass; Ft. Bragg and Port Arena on the problem they are experiencing with Airbnb's and the fact that they are not receiving revenue from those unidentified vacation rentals. She commented that Arcata is at 98% with regard to their Airbnb's so they will be helping Ft. Bragg in attempt to get their 24% rate up.

She also reported that Fortuna is trying very hard to get other people involved and basically hope to establish a moratorium and create a border to separate marijuana grows in the County from residential parcels in the City.

She said some legislation was also passed and agreed to bring back letters of support to the Council at the next meeting.

Councilmember Garnes was excused and left the meeting at this time, 8:10 p.m.

Chief of Police Hill also left the meeting to respond to a police matter at 8:12 p.m.

REPORTS/STAFF COMMUNICATIONS

City Manager Knopp provided a staff report on recent activities and events and said that the asphalt and paving project was nearing completion and overall the projects were accomplished with minimal inconvenience to the community. He noted that some change orders were necessary at approximately \$2,300 for some additional prep work on Davis St. as well as an additional \$5,000 to double seal a portion of Davis St. He noted that staff is intending to ask the striping contractor to do some additional work in town but at this time, the overall costs should stay within the budget parameters set by the Council.

Regarding the Monument Road slip out he reported that staff has been working with FEMA, State OES and GHD to develop a resolution regarding the repairs. He said the initial cost estimate came in at around \$970,000 however; the preliminary response from FEMA indicated they are taking issue with some of the costs. As such, staff has opted to turn the project over to the County of Humboldt because they are in a better position to manage this project.

He also reported on the Annual Spring Clean-Up Event that occurred on May 13th and noted that the tonnage was up dramatically from previous years, possibly due to increased advertising.

City Manager Knopp stated that staff closed out the EV Charging Station signs and the City has been reimbursed approximately \$1,600 for the installation of signage. He said staff will be providing the Council with the latest usage statistics as requested.

Next, he reported that a stakeholders meeting was held for the Rio Dell Humboldt Business Park and the primary topics included drainage, the City's tax proposal, results of the Traffic Study as well as implementation of traffic impact fees to distribute costs and generate funds for maintenance and repairs. He commented that Caltrans representatives were present and provided some suggestions.

He then reported that staff is attempting to get the new city website launched by July 1, 2017.

Lastly he reported that a resolution was reached regarding the code enforcement issue at 367 Berkeley St, and said the police department obtained an inspection warrant and conducted an inspection of the property along with neighboring jurisdictions. Staff anticipated a follow up with the Council with a request to allocate approximately \$30,000 to conduct the clean- up but since then the inspection staff has worked with the owner and a third party who has now acquired the property and is getting it cleaned up without the need for city intervention thus saving the city the \$30,000.

Mayor Pro Tem Johnson commented that with the seal coating of some of the streets this year, they will serve the city well for future years and hopefully the city can continue to do more seal coating to preserve other streets.

City Manager Knopp said staff will be taking a look at other streets that might be appropriate for seal coating although some will require complete reconstruction.

Mayor Wilson asked if the city website contract of \$3,000 is still on budget.

Finance Director Woodcox commented that it is.

City Manager Knopp explained that most of the delays have been staff time related and the content that needs to be added now needs to be done by staff rather than the consultants.

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Finance Director Woodcox reported on recent activities in the finance department and said the new auditors will be here on August 14-18 and will probably have a lot of questions since it is their first year doing the audit. She noted that their firm is located in Pleasanton however; they also do auditing for Arcata, Fortuna and Ferndale.

She also reported that she will be attending a SCORE meeting on June 16th in Redding and as the Council is aware, the 4-10 trial work schedule for finance staff ended on June 2nd so staff is back to the regular 5-8 schedule for now which is comfortable for her.

Community Development Director Caldwell reported on recent activities in the planning and building departments and said as reported at the last meeting, building permit activity has spiked. On the planning side, he said he attended a cultivation workshop in Ukiah and there were a lot of folks who are not happy with the State's proposed regulations. He said one of the regulations is that no cultivation can occur with the use of generators and many growers live off the grid so they are not happy. Also, many people feel that the State is rushing adoption of the regulations in order to meet the January 2018 deadline.

He also reported that staff expects to receive two cannabis activity applications this month; one from the Glen White Group and one from Tyler Roberts (Dennis Wendt parcel). He said hopefully by the end of the year there will be some commercial medical cannabis businesses up and running at the Rio Dell Humboldt Business Park.

City Manager Knopp interjected that the National Cannabis Regulation Association Conference will be held in Oakland during the week of June 12th in which staff is hoping to attend.

ADJOURNMENT

Motion was made by Johnson/Marks to adjourn the meeting at 8:27 p.m. to the June 20, 2017 regular meeting. Motion carried 5-0.

Frank Wilson, Mayor

Attest:

Karen Dunham, City Clerk