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**Jackie Wilson**, 133 Second Ave. complimented staff (Kevin Caldwell and Karen Dunham) for helping to make the process for installation of her new mobile home seamless.

**Dan Kelly** introduced himself as one of the candidates running for the College of Redwood Board of Trustees and said he and his wife moved to the area about a year ago and his wife is a doctor at the Open Door Clinic. He said he came to the meeting tonight to introduce himself and let everyone know that he is in the area and trying to help the college get better. He said that he feels the college has been pretty reactive to the conditions around it and would like to develop a more strategic plan in moving forward.

**CONSENT CALENDAR**

Mayor Wilson removed item (4) from the consent calendar for separate discussion.

Nick Angeloff asked that item (5) also be removed.

Motion was made by Johnson/Strahan to approve the remaining consent calendar including minutes of the September 19, 2017 regular meeting; approval of Resolution No. 1357-2017 amending and adopting the Master Salary Table; and approval of Pay Request No. 1 in the amount of \$25,940.25 to DCI Builders for work related to the CDBG Architectural Barrier Removal (Porch) Project. Motion carried 4-0.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

Resolution No. 1361-2017 Designating Projects to be Funded by the Road Maintenance and Rehabilitation Account (RMRA) During FY 2017/18 and Approving a Budget Adjustment to Reflect New Revenue

Mayor Wilson referred to the *Summary of Revenues and Expenditures* for the Streets Funds as presented and questioned the reserve balance after repairs.

Finance Director Woodcox explained that the summary shows that expenditures exceeded revenues by \$113,656 and at the end of FY 2016-17 there was approximately \$230,000 in reserves across all streets funds. She noted that when the budget is prepared it is budgeted out as if this were the fully operating streets department with all of the expenditures included and a list of all the revenues. She said that each year it shows a decrease in reserves when looking at revenues less expenditures. However; the actual amounts are actually decreasing slower because actual spending is less than what is budgeted.

City Manager Knopp further explained that particularly for this year there was a lot of equipment replacement from the capital projects list so this is really a fund balance drawdown. He said if you look at the FY 2016-17 actuals you will see a drawdown of \$6,591 which is close to a balanced budget. He asked the Council to keep in mind that the public works department was down to bare bones staffing so when looking at the prior years before that there was additional staff in the streets department. He noted that the other complication was the decline

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in overall streets revenue noting that between FY 2013-14 and the current year, revenue was down by \$40,000 to 45,000 from traditional revenue sources so the RMRA helps to replace that funding and get it back to where it was in FY 2013-14.

Councilmember Strahan questioned whether the information in the Resolution is correct regarding the city having 13.9 miles of streets.

City Manager Knopp indicated that the data was based on a report that went to HCAOG. He agreed to forward a copy of the report to Council.

Motion was made by Wilson/Johnson to approve Resolution No. 1361-2017 *Amending the 2017-18 Budget Establishing and Incorporating a List of Projects Funded by the Road Maintenance and Rehabilitation Account (RMRA)*. Motion carried 4-0.

Approve Amended Agreement with Artist Dan McCauley for Wildwood Avenue Sculpture Exhibit

Nick Angeloff questioned the status of the contract with the artist and when he was expected to break ground.

City Manager Knopp explained that after the item was presented to the Council at a previous meeting, he sent the draft contract with minor modifications to the artist for his review and approval; he then presented it to his attorney for review. He said that everyone is in agreement with the terms of the agreement and as a matter of formality staff placed it back on the agenda for formal approval by the Council. He noted that the check was already processed for the artist and would be released upon execution of the contract.

Councilmember Strahan questioned (4) under *Responsibility of the Artist* which states that the City will provide reimbursement to the artist of up to \$500 for the artists out of pocket costs for repairs exceeding \$500.

City Manager Knopp explained that the language was taken straight out of the Sculpture Guidelines that the Council adopted and was merely added to the agreement for clarification.

Councilmember Strahan then asked for clarification under *Waiver/Assumption of Loss*.

City Attorney Gans explained that the \$500 responsibility of the artist for out of pocket loss applies to costs over and beyond what the insurance company covers. He said the artist's attorney requested the waiver language be added and hopefully the City will have no costs associated with loss beyond that.

Mayor Wilson asked if the \$500 applies to each sculpture.

City Attorney Gans explained it applies to all liabilities so is not per each sculpture.

Motion was made by Johnson/Garnes to approve the amended agreement with Artist Dan McCauley for the Wildwood Avenue Sculpture Exhibit. Motion carried 4-0.

### **SPECIAL CALL ITEMS/COMMUNITY AFFAIRS**

#### Discussion on a Skate Park in the City of Rio Dell

City Manager Knopp announced that this item was continued to the November 7, 2017 regular meeting.

#### Approve Addition of an Open Door Policy to the Employee Handbook

City Manager Knopp stated that the City Attorney provided the Open Door Policy for addition to the Employee Handbook as requested by the Council and turned it over to City Attorney Gans to explain the policy.

City Attorney Gans said the policy as presented is merely a suggestion and prepared solely for the Council's consideration. He said what he attempted to do was match the policy with "at-will" employment and at the same time provide employees the opportunity to address complaints pertaining to the City Manager.

He explained the ad hoc committee would be available for hearing grievances of any substance and this basically gives employees a procedure for reporting more mundane type grievances.

Councilmember Garnes said in the event an employee has a grievance against the City Manager and he/she has to take it to the City Manager for referral to the ad hoc committee, it makes it uncomfortable for both the employee and the City Manager. Also, what if a City Manager simply chose not to take the grievance to the ad hoc committee? The Council would never know because the employees are not allowed to file a grievance directly with the ad hoc committee and only through the City Manager.

City Attorney Gans noted that the City Manager is the ultimate supervisor over all employees and is expressly in charge to make sure all policies are complied with. If the City Manager chose to ignore and not refer a grievance to the ad hoc committee he would be in strict violation of the policy and it would be grounds for discipline.

He said language could be created whereby the employee has the right to submit a grievance directly to the ad hoc committee and for grievances solely about the City Manager they could be submitted to the ad hoc committee through the City Clerk.

Mayor Pro Tem Johnson asked if this draft language has been reviewed by the Rio Dell Employees Association and how this policy is working in other cities.

City Attorney Gans explained that it is relatively rare that grievances progress beyond the immediate supervisor but this method seems to function as it gives the employee a means to

be heard if they have a complaint.

He said the negative aspect of it is that it can be a mechanism for employees to report on matters not so meritorious.

Councilmember Strahan asked if the policy with the recommended changes would still be in line with the "at-will" employment; City Attorney Gans said that it would be.

Councilmember Garnes commented that the word "grievance" is still not included in the policy.

City Attorney Gans stated that the word "grievance" has a negative connotation and maybe an employee has a concern or an issue to discuss that is not really a grievance but more like an open door dispute. He added that an open door policy is informal and separate from a whistleblower complaint.

Mayor Pro Tem Johnson suggested the city attorney modify the language in the policy regarding how grievances are submitted pursuant to his recommendation and bring it back at the next meeting for approval under the consent calendar. He also asked if the employees would have input on the proposed policy.

City Attorney Gans noted that the employees already approved the body of the handbook and since this is just an amendment he wouldn't think they would have an issue with it but it will be submitted to them for input.

#### Discussion on the Display of the Motto "In God We Trust" in the City Council Chambers

City Manager Knopp provided a staff report and said this item was placed on the agenda at the request of Mayor Pro Tem Johnson. He noted that the issue came before the Council in 2009 with the adoption of Resolution No. 1064-2009 supporting the display of the national motto "In God We Trust" in a prominent location above the City seal in the City of Rio Dell Council Chambers.

He said at that time members of the Council also volunteered to solicit donations from the community so that it could be displayed without the use of public funds. He said the only donation received was from the Landmark Missionary Baptist Church in the amount of \$25.00 which was deposited into the city's account however; for whatever reason the display never materialized.

Mayor Pro Tem Johnson stated that he was pleased to find out that the Council had previously passed a resolution supporting the display of the "In God We Trust" motto and said he went on the internet and found where Rio Dell was officially listed as one of the cities supporting it along with the City of Fortuna and 120 other cities and numerous counties throughout the state. He indicated that he also reviewed the history of the motto dating as far back as the

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War of 1812 noting that it was embossed on coins during the Civil War for the North then printed on paper currency during President Eisenhower's term of office.

He said he would like to receive a legal opinion from the City Attorney regarding the legality of displaying the motto and referred to a cited case from the 9<sup>th</sup> Circuit Court of Appeals which is the most liberal court in the world reaffirming its legality.

City Attorney Gans commented that the claim is valid with regard to a legal assessment and agreed to review the case further.

Mayor Wilson said that he appreciated the dialog of past City Council minutes provided with the staff report.

Mayor Pro Tem Johnson commented that he has some burl slabs and he will discuss with Councilmember Marks the idea of maybe getting lettering on one of them following a legal opinion of the attorney.

Councilmember Garnes said that it is not about God or beliefs but about separation between church and state in her opinion. She said from a constituent's stand point they may not all have the same religious beliefs so it may not be right to display the motto in the City Council Chambers.

Mayor Wilson asked if the resolution adopted in 2009 is still valid.

City Attorney Gans responded that in all likelihood the resolution is still effective and the Council may simply need to reaffirm it. He said the procedural issue is less of a concern than affirmation that there have been no substantive changes in principally federal law that could affect its validity.

Mayor Wilson called for public comment on the matter; no public comment was received.

Discussion on Possible Use of Measure X Tax Proceeds

City Manager Knopp provided a brief staff report and said this item was placed on the agenda at the request of the Mayor. He explained that Measure X is related to the cannabis business tax measure that is going on the November 7, 2017 ballot and applies to commercial cannabis operations only. He said as a general tax, the proceeds would go to the General Fund, provided the tax measure passes, and can be used for any public services. He said the idea at this time is for the Council to have a discussion on possible priority uses of the funds.

Mayor Wilson said the reason he requested the item be placed on the agenda is because it is getting close to the election and wanted to bring it to the forefront. He explained as a general tax the current City Council can't bind the actions of future City Council's regarding the use of these funds but may have discussion on current priorities of the Council.

Councilmember priorities were identified as follows:

- Councilmember Strahan - Streets & Roads/Water & Sewer Pipes
- Mayor Pro Tem Johnson - Streets & Roads/Water & Sewer Pipes/Enhanced Law Enforcement
- Councilmember Garnes - Streets & Roads/Water & Sewer Pipes/Enhanced Law Enforcement
- Mayor Wilson - Streets & Roads/Public Safety

Discussion continued regarding methods for getting the information out to the community.

City Manager Knopp explained that the city is limited in terms of what they can and can't do to promote the tax but noted that staff would be putting together a city newsletter with factual information related to the tax.

City Attorney Gans indicated that councilmembers independently can go out and knock on doors and hand out information.

Mayor Wilson called for public comment on the tax.

**Nick Angeloff** agreed that the priority on the use of the revenue should be focused on streets, infrastructure and public safety.

There being no further public comment, the public comment period was closed.

City Attorney Gans was excused and left the meeting at this time, 7:15 p.m.

## **ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

### Unmet Transit Needs Public Hearing

Consuelo Espinosa was present from Humboldt Transit Authority (HTA) to provide a brief overview of the annual transit needs process. She explained that Humboldt County Association of Governments (HCAOG) is the administrator of Transit Development Act (TDA) funds and responsible for the annual unmet transit needs process. She said the purpose of the public participation process is to ensure that all reasonable unmet transit needs are met so that HCAOG can properly apply TDA funds throughout Humboldt County.

She further noted that the cycle for FY 2018-19 has begun and any input could improve transit services in Humboldt County and any comments received will be sent to HCAOG and included in the Unmet Transit Needs Report of Findings.

Mayor Wilson opened the public hearing to receive public comment on any local unmet transit needs.

Mayor Pro Tem Johnson commented that he has friends in their later 60's and early 70's that frequently use a wheel chair and it is an arduous task using the transit system to get to doctor appointments. He noted that his wife usually takes them so if they are out of town they miss their appointments and have to reschedule.

He stated that the City contributes \$6,500 annually to fund senior and disabled transportation and doesn't feel the City is getting \$6,500 worth of benefit. He asked if there are any programs available to assist seniors and people with disabilities with transportation to and from doctor appointments.

Ms. Espinosa asked if he was referring to a door-to-door dial-a-ride service.

Finance Director Woodcox explained that the City has a contract with Adult Day Health to provide transportation services for the elderly and functionally disabled individuals. She noted that the city does contribute \$6,500 annually for the program but is not exactly sure how it works.

Councilmember Strahan commented that she knows the driver of the bus personally and confirmed that they do come down and pick up seniors and people with disabilities and take them to appointments.

It was requested that HCAOG email information to the Council regarding transportation services for seniors.

Ms. Espinosa indicated that Councilmember Marks sits on the HCAOG Board so he could also bring back the information to Council.

## **REPORTS/STAFF COMMUNICATIONS**

City Manager Knopp distributed a written City Manager Update of recent activities and events (Attachment 1 to these minutes) and said as mentioned earlier, the presentation regarding a possible Skate Park in Rio Dell has been rescheduled for the November 7<sup>th</sup> regular meeting. He said there will also be a presentation from the Employment Development Department (EDD) on Regional Economic Development at that meeting; and provided brief updates on the ADA Porch Project and the Metropolitan Wells Project.

He then directed the Council's attention to an electronic voting system on loan to the City from ElectroVote and provided a brief demonstration on the equipment. One of the added features of the system was a speaker request button for councilmembers to be recognized so the Mayor could see with a flashing light the order in which the requests were made.



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City Manager Knopp commented that the Council provided in the current budget, funds for upgrade to the public address system in the Council Chambers. He said the amplifier, mixer and microphones were purchased and installed in addition to an assistive listening system for members of the public to become more ADA compliant. The next phase of the project is to purchase a new electronic voting system. He said the cost of the ElectroVote System is approximately \$5,000 but in researching other systems, the cost is much greater as they require complex computer systems, I-Pads and special software which are much more costly. He said this system is a relatively simple intuitive system and fits within the current budget however; staff wanted to have input from the Council before moving forward.

Councilmember Strahan expressed concern regarding the cost of the equipment and felt that it was virtually the same system as what is being used now.

Mayor Wilson said he understands the concept of having more modernized equipment but pointed out that Rio Dell is not Los Angeles. He noted that he has however; heard comments from individuals that certain Council votes could have been influenced by other Council votes. He suggested the item is agenized for further discussion including the cost for archived audio and video of meetings.

City Manager Knopp pointed out that the demo equipment will not be available at the next meeting as it has to be returned to the vendor in the next couple of days.

Mayor Pro Tem Johnson questioned the cost of the equipment already purchased in which City Manager Knopp responded that the cost was around \$6,000.

City Manager Knopp explained that the idea of upgrading the audio recording was so the City would not be relying on a private citizen to record meetings but the video recording is out of the City's capabilities at this time.

He noted that the purchase price of the proposed voting equipment is within the authority of the City Manager but if the Council would like the item agenized for further discussion and consideration staff will move forward in that direction. Council concurred.

Mayor Wilson commented on the status of the City's website and said that he understands that the information is something that only staff can input and as such asked if there is a potential date as to when that might be completed.

City Manager Knopp commented that the website is very close to being launched but there seems to be one crisis after another to prevent it from happening.

Mayor Pro Tem Johnson asked about the Metropolitan Wells Project and status of the standby generator purchase.

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City Manager Knopp said work on the Wells Project was nearly complete with only minor details remaining and said they are also waiting on some water quality test results. He said staff will be agenizing the purchase of the generator as there will be a portion of the cost not covered under the available grant funding.

Finance Director Woodcox reported on recent activities and events in the finance department and said that she and Accountant Farley will be attending a CDBG Workshop in Ukiah on October 11<sup>th</sup> and one of the items is related to code enforcement.

She also commented on the ADA Porch Project and said it has been going well in that customers have not been too inconvenienced during the construction. She also had compliments on the new steps coming into City Hall.

Interim Chief of Police Beauchaine reported on recent activities and events in the police department and said the first new patrol vehicle was online and the second vehicle was at Kreation's getting the lettering on the doors and from there will go to Superior Installs to be equipped with the light bar and radio equipment. He also reported that Officer Valk completed her Field Training Course in Merced so there are now three (3) POST Certified officers within the department. He also reported that in the last two (2) weeks, they made 21 arrests and filed 29 incident reports.

**COUNCIL REPORTS/COMMUNICATIONS**

Mayor Pro Tem Johnson reported on the HCAOG meeting and said Rio Dell made the motion to use a portion of the \$1.6 million surplus generated from call boxes through vehicle registration fees with \$200,000 to be allocated this year for enhanced CHP enforcement on the safety corridor between Eureka and Arcata.

Mayor Wilson said he appreciates Mayor Pro Tem Johnson's support and noted that there was also money allocated for programmable signage.

**ADJOURNMENT**

Motion was made by Johnson/Garnes to adjourn the meeting at 7:47 p.m. to the October 17, 2017 regular meeting. Motion carried 4-0.

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Frank Wilson, Mayor

Attest:

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Karen Dunham, City Clerk