

**RIO DELL CITY COUNCIL
REGULAR MEETING MINUTES
JANUARY 2, 2024**

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

ROLL CALL: Present: Mayor Garnes, Mayor Pro Tem Carter, Councilmembers Orr, and Wilson

Absent: Councilmember Woodall (excused)

Others Present: City Manager Knopp, Chief of Police Allen, Finance Director Sanborn, Community Development Director Caldwell, Water/Roadways Superintendent Jensen, Wastewater Superintendent Kelly, Community Service Officer Clark, and City Clerk Dunham

Absent: Senior Fiscal Assistant Maciel (excused)

PUBLIC PRESENTATIONS

Mayor Garnes invited public comment on non-agenda matters.

City Clerk Dunham read the following public comment received from Elizabeth Warren:

“There is a large number of community members who are wondering who, where and why Gladys the wild turkey of Rio Dell has been relocated. Please let us know at the next City Council meeting your findings on the matter of Gladys.”

CONSENT CALENDAR

Mayor Garnes asked if any councilmember, staff or member of the public would like to remove any item from the consent calendar for a separate discussion. No items were removed.

A motion was made by Woodall/Carter to approve the consent calendar including the following items:

- 1) Minutes of the December 5, 2023 Regular Meeting;
- 2) Approve Cost Recovery Abatement of 483 Fourth Ave. and Continue Public Hearing to February 20, 2024;
- 3) Approve Cost Recovery Abatement of 601 Gunnerson Lane and Continue the Public Hearing to February 20, 2024;

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- 4) Approve Cost Recovery Abatement of 289 Berkeley St. and Continue the Public Hearing to February 20, 2024;
- 5) Authorize the City Manager to Draft and Execute an Extension for a 1-Year Extension of the On-Call City Engineering Agreement with GHD; and
- 6 Receive and File Check Register for November

Motion carried 4-0.

REPORTS/STAFF COMMUNICATIONS

No written staff update was provided at this time.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS

Approve Appointment of an Ad Hoc Committee to Review the Façade Improvement Program for the City of Rio Dell

City Manager Knopp provided a staff report and said that the City Council adopted the development of a Façade Improvement Program as a high priority as part of the City's Economic Development Plan and Immediate Action Plan (IAP).

Round 1 of the program rounded out with 2 murals in the downtown and façade improvements to Mingo's Bar. Staff recommended the formation of an Ad Hoc to review Round 1 and recommend revisions for Round 2, if any, or closing/suspension of the program. Any recommendations would then be forwarded to the full Council for consideration.

Mayor Pro Tem Carter and Councilmember Wilson were appointed to the Ad Hoc with full consensus of the Council.

Discussion on the School Crossing Guard Structure Located at Wildwood Ave. and Center St.

City Manager Knopp provided a staff report and said that the City Council at their meeting of October 5, 2021, discussed an agenda item related to the crossing guard box located at Wildwood Ave. and Center St. for potential removal. That discussion concluded with the Council referral of the item to the Beautification, Walkability and Pride Committee with the idea of potentially converting it to a community library. The building was originally used for a school crossing guard facility which is no longer needed with the electronic flashing crosswalk to facilitate children crossing the intersection at that location. He noted that ownership of the box is unclear but is ultimately a City responsibility, being within the City's right-of-way.

Mayor Garnes requested the matter be agenized to discuss the potential removal of the structure.

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Mayor Garnes commented that the inside of the box has graffiti and trash and explained that the City can't destroy the box but can remove it from the City right-of-way due to blight.

Mayor Pro Tem Carter commented that the box is cute but it has become a garbage can and using it for a community library is not the best idea with one already located at the Dollar General.

Mayor Garnes pointed out that the structure would require a door and ongoing maintenance if it was used as a community library.

Councilmember Wilson noted that no one has come forward with any ideas for use of the structure and agreed that it should be removed.

Councilmember Orr agreed with the removal and said that there are already three community library boxes in Rio Dell.

Mayor Garnes called for public comment.

Sharon Wolfe said that she was initially involved in how the structure came to be and said that several years ago, Joe Buccola, a local contractor brought in materials to work on their home and when she demanded that the materials be removed from her property, the City did remove them and those are the materials that built the "pee box." He said that it was constructed by the contractor that fixed her foundation which explains the construction of the box. She said that the "pee box" is no longer needed and supported its removal.

Motion was made by Carter/Wilson to direct staff to facilitate the removal of the school crossing guard structure. Motion carried 4-0.

Authorize Staff to Execute the Amendment to the City Engineer's Scope of Services for the Eel River Trail Project

Luke Halonen from GHD provided a power point presentation on the City of Rio Dell's Eel River Trail Project through the Clean California Local Grant Program.

He explained that an amendment to the original Scope of Services is needed to perform extra work for the trail realignment and ramp design. Upon initiation of the project, survey analysis revealed that the historic Edwards Dr. easement the City planned to use for the trail occurs further downslope than where the City understood it to be. Following these findings, the City worked with two private landowners to secure the use of the recorded road easement at the bottom of the slope for the trail. The required realignment required the out-of-scope design of an ADA accessible ramp to bring the trail elevation back up to the connecting elevation at Davis St. while staying within the Davis St. right-of-way and the existing recorded easements.

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Luke explained that the amendment covers the additional work necessary to finalize the design and environmental documentation tasks needed for the revised trail alignment. This also includes updating the botanical study, wetlands delineation, and Habitat Mitigation Monitoring Program (HMMP) which has already been provided.

He further explained that with the new trail alignment restricted by the existing historic Edwards Dr. easement boundaries and the Davis St. right-of-way boundary, a concrete ADA accessible ramp and stair structure is necessary to provide ADA connectivity at Davis St. A new concrete switchback-style ADA ramp and stair structure will be designed to connect the lower trail elevation in the existing easement to the Davis St. elevations.

The amendment to the original Scope of Services resulted in augmentation of the existing project budget by \$170,000. With additional funding needed to cover the revised Scope of Services they consulted with the Clean California Grant representatives and notified them of the potential budget issues with the additional design work and they said that there is no additional funding for the project. They did indicate that the grant dollars already authorized are flexible in that they can be allocated between the various phases of the project. They also agreed to allow the project to be done in phases if necessary.

He pointed out that there is the chance that the current bidding market may not allow the award of the entire project so the ADA ramp could be eliminated from the bid and be put aside as a shovel-ready project for future funding opportunities. This would require moving funds between different phases of the project.

He noted that the Initial Study and Negative Declaration was publicly circulated and anticipate it being finalized and adopted by the City Council at the next regular meeting.

He said that the purpose for the presentation is to identify the need for additional funding for GHD to proceed with the engineering design which includes environmental studies and construction management. This will require reallocating \$170,000 from the construction phase to the engineering phase and once that is approved by Clean California they would work to finalize the engineering design and environmental studies and complete those by February so they could bid the project. Construction was scheduled to begin in the summer of 2024 with completion of the construction phase by the end of 2024 and closeout of the project by mid-2025.

City Manager Knopp clarified that there are essentially two factors that are outside the City's control in this matter. One is the actual easement and the ability to construct the trail was not in the original location so that caused some adjustments to be made to bring the elevation of the trail down. He noted that the entire trail must be ADA accessible including ADA parking and ADA access to the trail itself.

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The other concern is the inflationary environment. When the bid was developed in 2019 there was a 20-30% contingency included so there was a good amount of wiggle room in terms of getting the project moving forward. Now it is at the point where in order to have a viable project, it will have to be split into phases which is unfortunate.

Mayor Garnes asked if there is room for a turn-around to make the trail ADA compliant.

Luke said that currently there is no turn-around in the design because the way the trail has to be designed, it would have to sweep out to catch the increasing grade so there is not an easy spot presently to do that. He commented that GHD could look into that if that is the City's preference.

City Manager Knopp explained that with this approval, an appropriate ADA turn-around spot is something the City would be looking at in moving forward.

Mayor Pro Tem Carter said that she was fine with the phase-in option and questioned the likelihood for additional funding for phase 2.

City Manager Knopp said that what makes this project potentially attractive to other funding agencies is that the design will be done and it will be shovel ready. He commented that this could be a multi-year process to come up with an additional grant source or something that is relatively quick. He said that one of the resource constraints that the city is facing is that the State is projecting to have a \$60 Billion (+/-) budget deficit and the Clean California Grant program appeared when the State was unexpectedly flush with cash. Again, with a shovel-ready design that puts it on a menu for the City to refer it out for potential funding as soon as it becomes available is positive.

Councilmember Wilson asked if the trail from Davis St. to the river is still functional and asked if there is any potential conflict with River's Edge R.V. Park since the trail will attract additional foot traffic.

City Manager Knopp explained that the City is well within its legal rights for the trail alignment and the City is restricted as to where the trail can be located as far as landowners and the elevation of the trail necessitates an ADA accessible ramp. He noted that it is unknown how that will be received by the park managers but it seems like it would be a great asset to the tenants at the R.V. park as well.

Councilmember Wilson asked if the involved landowners granted the City easements for the trail and asked if the owner of the R.V. park had been approached regarding the trail.

City Manager Knopp indicated that the necessary easements were granted to the City and said that originally there was a trail that crossed the River's Edge property so the solution several years ago was to use the City's existing right-of-way and construct the stairs

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allowing people to access the river without having a conflict with the park owner. He said that there have multiple conversations over the years with the R.V. Park owner regarding legal access and if it were up to them, there probably would be no access to the river. However, for several years, it has been one of the Council's highest priorities to improve river access and one of the ideas was to actually reestablish the road to the river for vehicle access in a couple of different locations.

Mayor Garnes called for public comment.

Suzanne Maese commented on the \$170,000 change order by the engineer and said it seems high, suggesting the City Council take a look at it.

Mayor Garnes explained that the change order was the result of realignment of the trail and associated ADA ramp and additional environmental work.

Luke explained that there was additional Geotech investigation, environmental field work, plans and specs, and construction management required with the realignment of the trail.

Councilmember Wilson commented that this is a great beautification project because river access needs to be improved but expressed concern that there will likely be some challenges with some of the landowners on the west side. He said that the Council seems to be on board with moving forward with the project and asked if by approving the additional expense in essence is authorizing the project to proceed despite potential conflicts with landowners.

Mayor Garnes said that the Council is on board with the project as defined and clarified that at this point the Council is authorizing the reallocation of funds within the project budget and not authorizing additional funds.

Motion was made by Carter/Wilson authorizing staff to execute the amendment to the City Engineer's Scope of Services for the Eel River Trail Project. Motion carried 4-0.

Award Bid for the Rio Dell Dog Park Project and Approve Associated Budget Adjustment
City Manager Knopp provided the Council with a 2-page handout on the Rio Dell Dog Park Final Bid Results from December 29, 2023 and a short description of the Budget Overview.

He reported that the Dog Park Project went out to bid approximately 6 months ago and included a half-court basketball facility and a number of additional amenities. Unfortunately, the bids that came back exceeded the \$180,000-\$190,000 available funding for the project. As such, staff met with the Ad Hoc and started scaling back the project to the fundamental original concept of a dog park.

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The scaled back project then went out to bid eliminating the basketball court, with the design to allow it to be included at a later date. He noted that six bids were received with the lowest bid, while accounting for the additive bid items was \$198,600 from Mobley Construction. He said that based on that bid submission adding a 10% contingency, the total project cost would be \$218,460. Due to a tight time line in implementing the facility before the funds are clawed back by the State of California, staff is recommending the Council move forward with appropriating an additional \$40,508 in available ARPA funding to get the project moving forward.

City Manager Knopp said that staff's recommendation is for the Council to award the bid to Mobley Construction and direct staff to develop an agreement with the contractor and bring the item back to the Council at the next regular meeting on January 16, 2024 for formal adoption of the budget adjustment and the agreement.

Mayor Pro Tem Carter fully supported the dog park project and expressed thanks to staff for all the work put in on that as well as the Eel River Trail Project.

Councilmember Wilson commented that with inflation and the way that prices are changing every day, it is a good idea to move forward and award the bid for the dog park project. This is a great start for a functional park where people can take their dogs but can be expanded later.

Councilmember Orr agreed and said the initial plan was grand and had a human side and a pet side but this is something that will help make Rio Dell more "homey."

Motion was made by Carter/Orr to authorize staff to award the bid for the Rio Dell Dog Park to Mobley Construction and direct staff to develop an agreement with the contractor and bring the item back to the Council at the next regular meeting on January 16, 2024 for formal adoption of the budget adjustment and the agreement. Motion carried 4-0.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Introduction and First Reading (by title only) of Ordinance No. 401-2024 Establishing Residential Rental Housing Inspection Regulations in Title 8 as Chapter 8.40 of the Rio Dell Municipal Code

Community Development Director Caldwell provided a power point presentation on the proposed Rental Housing Inspection Program.

He said that in 2011, the City considered establishing a Rental Housing Inspection Program due to complaints from tenants and neighbors about substandard housing. During the public hearing process, realtors and property managers convinced the City Council that the program was not necessary due to the fact that there were already

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regulations to address substandard conditions. They also argued that it would increase the cost of housing for those who could least afford it.

He noted that the City continued to receive complaints from tenants over the years regarding substandard housing. In addition, CAL-OES and Habitat for Humanity inspectors expressed concern about the number of substandard dwelling units they saw when doing earthquake-related inspections.

Community Development Director Caldwell said that the matter was presented to the Nuisance Advisory Committee and the Committee recommended that the City Council reconsider establishing a Rental Housing Inspection Program (RHIP). A draft ordinance was developed which was then taken to the Rio Dell Planning Commission for consideration and the Commission also recommended establishing the (RHIP).

He further explained that the City has approximately 1,300 dwelling units with approximately 640 of those being rental units. The Rio Dell Fire Protection District is responsible for inspecting multifamily properties containing more than three (3) units and the Department of Housing and Community Development (HCD) regulates mobilehome parks which leaves approximately 465 units that the City would be responsible for inspecting.

He said that based on conducting 155 inspections in a year, staff anticipates inspecting all required units within the first three years of the program. After the initial inspection, units may either qualify for annual self-certification, continued City inspections every three years or require a re-inspection if the unit does not pass the initial inspection. If approved for self-certification the property owner will retain a record of the annual self-inspections of every unit and provide that copy upon payment of registration each year or upon request. If the rental unit is occupied at the time of self-certification, the tenant must attest to the inspection results.

Community Development Director Caldwell reviewed the fees related to the Rental Housing Inspection Program. He explained that the annual registration fee based on staff's hourly burdened rates would be \$15.00; the City inspection fee once every three years would be \$55.00; and self-certification inspections every year \$30.00. The total monthly cost would be \$2.78 for City inspections versus \$4.17 a month for self-certification inspections.

He continued with review of the checklist for exterior and interior inspections, potential violations and corresponding fines if corrections are not made within the time frame identified by the Director.

The recommendation of staff, the Nuisance Advisory Committee and the Planning Commission was that the City Council adopt a Rental Housing Inspection Program (RHIP)

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and all believe that the implementation of the RHIP will not only benefit tenants, landlords, neighbors, neighborhoods, but also the City at large.

Councilmember Wilson supported the program and said that he attended the Planning Commission meeting when the (RHIP) was discussed and the commission affirmed unanimously the need to adopt the regulations. He said that the regulations are reasonable while referencing State Code to back-up the requirements.

Councilmember Orr commented that it seems like the ordinance is a tool to get rid of bad tenants for the landlord instead of them having language in the rental agreements to allow the landlord to come in and inspect the property. He asked staff to explain the self-certification process.

Community Development Director Caldwell explained that every rental property will have an initial inspection conducted by the City provided there are no complaints or the tenant doesn't attest to the results of the inspection.

Councilmember Orr asked if this applies to properties rented to family members.

Community Development Director Caldwell said that it would apply to all rentals except for those exempt rentals as described previously.

Mayor Pro Tem Carter commented that most of the people that she talked to about this were tenants and were very supportive of the program. She said that it is important to think of this in light of all the earthquake damage that occurred to homes. She said that she also spoke with people from the City of Eureka and Arcata who have either already established a program such as this or are interested in establishing one and think that this is going to be the norm for most cities. She noted that with the State pushing to build more housing units, and since geographically Rio Dell doesn't have a lot of space, there needs to be emphasis on saving the current housing we do have.

Mayor Garnes said that initially she was concerned about the additional fees but when she realized how reasonable they are, saw no reason not to support the program. She added that the regulations really protect everyone concerned.

Mayor Garnes called for public comment.

Supervisor Bushnell addressed the Council and said that she spoke with the City Manager and the Community Development Director last week and received quite a few calls from residents expressing concerns about the program. She said if the intent is to improve the appearance of the City by improving the housing stock, why doesn't the program include all homes and not just rentals. She said that this is something that bothers her as well as other people she spoke with. She added that she is a landlord so she pays for garbage

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service so garbage and trash doesn't pile up. She added that we don't have the right to tell people how to live.

Suzanne Maese, property owner at 30 Wildwood Ave. said that the program is a great idea although it doesn't help her since her building, containing more than three units, is the responsibility of the Fire Department to inspect. She expressed concern that she came to Rio Dell 2 ½ years ago and have spent tens of thousands of dollars to renovate her building and expects to have 3 apartments completely done and ready to rent in 6 months. They also have a mural on the side of their building thanks to the City which they are very happy about.

However, the building next to hers is in the condition hers was 2 years ago and is in terrible disrepair. She indicated that their drainage shoots onto her property creating a green moss or algae. She was told by a tenant that the wall has mold because it is constantly wet. She said that although it is not necessarily a problem for the City, it is a problem for her. She reached out to the owner multiple times asking them to fix the problem with no response. She said that this is a great program but unfortunately, it doesn't serve her.

Community Development Director Caldwell explained that staff discussed the condition of the building she was referring to and will be bringing it to the Code Enforcement Officer's attention. Staff actually reached to the property owner as they apparently converted some of the commercial space to residential space illegally so staff will be addressing that situation in the near future.

Sharon Wolfe said that it is a good idea in concept to inspect all of the rental properties because unfortunately the City has had years of knowingly ignoring health and safety issues with homes. She pointed out that some renters may be nervous about inspectors coming into their home because they might have a pet that is not allowed in the rental agreement or they have an illegal marijuana grow, etc. She suggested the City provide a list of potential resources available for addressing the health and safety issues.

City Clerk Dunham then read a public comment in support of the (RHIP) (attached to these minutes as Attachment 1)

Mayor Garnes asked if there are concerns that come up between now and the second reading and adoption of the ordinance if those concerns can be addressed.

Community Development Director Caldwell indicated that the second public hearing was scheduled for the January 16, 2024 regular meeting at such time any concerns or additional comments will be heard.

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

Motion was made by Carter/Wilson to approve introduction and first reading (by title only) of Ordinance No. 401-2024 Establishing Residential Rental Housing Inspection Regulations in Title 8 as Chapter 8.40 of the Rio Dell Municipal Code. Motion carried 3-1; Councilmember Orr dissenting.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Pro Tem Carter reported she had a lot of meetings cancelled in December due to the holiday but would be attending a Chamber of Commerce meeting on Friday where they will be cleaning up and removing Christmas decorations over the weekend and invited volunteers to help.

Councilmember Orr reported that he attended an HCAOG meeting which included a retirement party. He commented that he loved the Christmas decorations around town and wished everyone a Happy New Year.

Councilmember Wilson reported that he would be attending a HWMA meeting next week and RCEA later in the month.

Mayor Garnes reported that she attended an HTA meeting and would be attending a Seismic Safety Committee meeting in Sacramento next week. She said on January 13, 2024, the Long-Term Recovery Group (LTRG) would be hosting an Anniversary event at the Community Resource Center in recognition of what everyone has gone through since the December 2022 and January 2023 earthquakes and invited residents to attend. There will be food, giveaways, kids activities and opportunities to connect directly with members of the LTRG team. She was uncertain of the time but indicated that it would be placed on the electronic sign to let people know.

She then asked staff why the "City Turkey" was taken away.

Chief Allen explained that the turkey was removed at the request of a private citizen stating that it became a nuisance chasing people including chasing a kid all the way across the street. As such, the turkey was removed for safety reasons.

ADJOURNMENT

A motion was made by Carter/Orr to adjourn the meeting at 7:37 p.m. to the January 16, 2024 regular meeting. The motion carried 4-0.

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Debra Garnes, Mayor

Attest:

Karen Dunham, City Clerk