

**RIO DELL CITY COUNCIL  
REGULAR MEETING MINUTES  
JULY 6, 2023**

The regular meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Garnes.

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

Others Present: City Manager Knopp, Finance Director Sanborn, Wastewater Superintendent Taylor, Chief of Police Allen, Senior Fiscal Assistant Maciel, and City Clerk Dunham

Absent: Community Development Director Caldwell and Water/Roadways Superintendent Jensen

**PUBLIC PRESENTATIONS**

Mayor Garnes invited public comment on non-agenda matters. No public comment was received.

**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 separate discussion. No items were removed.

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

- 1) Approve Minutes of the June 20, 2023 Regular Meeting;
- 2) Approve Resolution No. 1585-2023 Authorizing the City Manager or designee to accept the Grant Funding from the California Highway Patrol (CHP) Cannabis Tax Fund Grant Program to Reduce Impaired Driving in the City of Rio Dell; and
- 3) Approve and authorize staff to initiate the Lien Process for Delinquent Sewer Accounts.

Motion carried 5-0.

**REPORTS/STAFF COMMUNICATIONS**

City Manager/Staff Update

City Manager Knopp provided highlights of the staff update and said that staff attended an earthquake debrief meeting hosted by the County Office of Emergency Services and various partners to discuss improvements to disaster response from the December 2022 earthquakes.

Highlights of what potentially went wrong is that some of the facilities had outdated ADA accessibility which created a challenge to have an onsite congregate living facility. In addition, it was bad timing in terms of the earthquakes occurring during the holidays, and networking communications was the other problem that could be improved.

On the City side, there were a couple of benefits in terms of infrastructure with backup power at City Hall however, communication was lost with AT&T being down. As such, staff is exploring the possibility of adding Starlink or some other satellite communication system as a backup communication source.

He said that another thing that staff will be working on over the next couple of years is Emergency Operations Planning, training with staff and tying that EOP with the County's plan which they are also updating.

Overall the initial response to the earthquake event was good although the non-FEMA declaration continues to stall the long-term recovery process.

City Manager Knopp reported that he was able to meet with Cal Fire representatives to discuss the former Todd property which is now owned by the State of California for the use of CalFire. He said that staff will be preparing a briefing and update to the full Council to discuss the developments and future options for the City in this regard.

He said that staff is currently working on a Tire-Amnesty Program where residents would be able to come to City Hall and dispose of tires. The target date for this event is August 19, 2023.

Councilmember Woodall asked if the Tire Amnesty Program would be restricted to Rio Dell residents.

City Manager Knopp indicated that typically these grant programs are open to anybody. He said that there will be additional costs associated with staffing the event however, the City would be reimbursed for those costs.

Councilmember Woodall then asked Chief Allen if he had any updates related to the Police Department.

Chief Allen said that he had nothing to report as things had been quiet over the past couple of weeks.

Wastewater Superintendent Taylor provided a public works update and said that progress was being made on the water line project on Elm St. He said that he and City Manager Knopp met with GHD and the State Department of Financial Assistance regarding the City's two funding opportunities for the Painter Street Upsizing and amendment to the Sanitary Sewer Evaluation Study (SSES) and discussed ways to be more pro-active in getting those projects moving forward.

He also reported that the State Regional Water Quality Control Board representatives came here last Wednesday and did a plant tour and inspection and commended the crew for helping to get the plant cleaned up and ready for the inspection. He said that the inspection went better than normal.

He noted that the standby generator was installed and put in service at the Painter Street Lift Station and they were waiting for Air Quality to come by and give it their blessing with the Fern Street Lift Station generator to be brought on line next.

The Consumer Confidence Report for water was sent out to all residents and staff was working on the wastewater quarterly reports, water monthly reports and still working on recruitment for public works employees.

Councilmember Wilson commented that the City Manager mentioned that the earthquakes were in poor timing with the holidays and asked (jokingly) if staff could work on scheduling the next earthquakes for a more appropriate time.

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

#### Proposed Renewable Energy Project at Humboldt-Rio Dell Business Park

Mayor Garnes explained that the matter for discussion tonight is the letter of support since the Council received the same presentation at the last meeting. She asked Mr. Wiener who was present to answer questions, if he had anything new to add related to the proposed letter of support.

Mr Wiener asked if the Council received the letter of support from GHD in which Mayor Garnes confirmed that it was received.

Mr. Wiener said that the owner of the property was online to express his support for the project and said that unfortunately Wesley Zheng, Posh Electric tested positive for COVID today and was unable to attend the meeting in person.

Mayor Garnes called for questions or comments from the Council regarding the proposed letter of support for the project.

Councilmember Wilson asked if the draft letter was what the grant agency is requesting and if the City Attorney had an opportunity to review it.

Mr. Wiener said that the draft letter is the basic outline of what is needed but it could be edited as needed.

City Manager Knopp said that the City Attorney did not have a chance to review the letter as it was received just prior to the agenda publication on Friday.

Councilmember Wilson commented that he cannot put his support behind the letter for the primary reason that he doesn't feel that the depth of information provided on what they are proposing is not adequate for the fact that the parcel would be committed and taken out of

production. He said that it all sounds nice in reading all the reports but there is a lot still to be determined and that there are a lot of needs for the parcel that need to be addressed and he doesn't think that this is the company that can do it. He added that something of this magnitude needs to be presented by competent engineers with more detail.

Mr. Wiener responded that this grant came up in April and they only had a 3-month window to get it finalized. The grant is a non-competitive grant and a benefit to the community and GHD who is the City's engineer supports the project. He noted that GHD also did a 91-page report on the Brownfield last year and that they had reached out to Redwood Coast Energy Authority (RCEA) but had not received a response. He said If this project does not seem suitable for Rio Dell then he is sorry about that.

Councilmember Woodall said that she thought the presentation was poorly done and in reading the information that was presented for this meeting, it is the same; the only thing the City will receive from the development is property taxes which the City will still receive regardless. The other statements made such as "could possibly" and "hope to utilize" don't promise anything. She said that she also could not support the letter.

Mayor Pro Tem Carter agreed with Councilmembers Wilson and Woodall and said that there are too many unanswered questions.

Tony Frink, owner of the property called in via Zoom to ask for the Council's support of the project. He said that he bought the property two years ago with the intention of developing the site for cannabis cultivation. Since then, the cannabis industry has fallen apart and he has not been able to find anybody to even entertain the idea of putting a cannabis business there. He pointed out that Rio Dell has issues with development of the parcel due to the area being in the flood zone and unless open air cultivation is allowed, he can't see anything happening there. He said that he thinks this project as proposed is a good project and it would be providing much needed energy to the community. The grant funding would provide seed money to do feasibility of the project and although there are some shortcomings of the plan, he strongly encouraged the Council to help make this happen.

Mr. Wiener commented that PG&E has promised to bring in power to the HRDBP but there are approximately 9 parcels for sale and likely not going to get into the cannabis business. He said that the only way they can get through any type of project there, is with the hope that the City Council will support it.

Mayor Garnes said that in her opinion, the time frame for the project is too short, which is no fault of theirs but the Council needs details to authorize support with only vague information being presented. In addition, since the draft letter of support was not received until Friday, there was no time for the City Attorney to review it. She commented that this puts the City in a very awkward position where they may potentially be doing something that wasn't quite appropriate. She said that it is unfortunate but the timing was not on anybody's side. She commented that the City is all about renewable energy and would like to support the project but the Council needs to know exactly what they are supporting.

Councilmember Woodall pointed out that the proposed use is principally permitted in that zone and as such, they do not need the City Council's approval to move forward with a solar project at that site.

Mayor Garnes called for a motion to support the letter of support for the project. No motion was made.

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

Second Reading (by title only) and Adoption of Ordinance No. 399-2023 Amending Ordinance No. 335-2015, Chapter 13.10, Section 241 of the Rio Dell Municipal Code (RDMC) and adding Chapter 13.10, Sections 242-246 Property Tax Liens for Nonpayment of Delinquent Sewer Bills for Customers that do not Subscribe to Water Service and a Means of Collection the Delinquent Charges on the Property Tax Bill

Finance Director Sanborn provided a staff report and said that staff is looking to amend Ordinance No. 335-2015 to allow the City to send delinquent sewer charges to the Auditor-Controller to add them to the tax roll as a lien.

The proposed Ordinance Amendment includes reference to the Health and Safety Code Section 5473 through 547.7. Section 5473 allows a city to send overdue sewer charges to the Auditor-Controller. The inclusion of the amendment by the City would conform to such Health and Safety code, thus allowing the City to submit overdue sewer charges to the Auditor-Controller so long as the City follows the protocol laid out in the Health and Safety Code which he then reviewed.

He said that this is the second reading of the ordinance and the recommendation is to open the public hearing, receive public input, deliberate and approve and adopt the ordinance as recommended.

Councilmember Wilson asked what the difference is between this item and the item on the consent calendar.

Finance Director Sanborn explained that the item on the consent calendar is actually one of the steps in the protocols that requires the City to present the list and get approval by the Council to publish that list in a local newspaper.

Councilmember Wilson pointed out that the description on the list has the parcel number of the property without the name or address of the parcel so it is a bit of a chore to look up the location and wondered why the name of the property owner was not included on the list.

Finance Director Sanborn explained that this is a requirement from the auditor-controller to present it in this format with the parcel number, the amount of the past-due bill and a city code that is connected to it so it is the standard protocol that aligns with the procedures as laid out by the City Attorney.

Mayor Garnes opened the public hearing to receive public input on the proposed ordinance. No public comment was received and the public hearing closed.

Motion was made by Woodall/Orr to approve the second reading (by title only) and adopt Ordinance No. 399-2023 Amending Ordinance No. 335-2015, Chapter 13.10, Section 241 of the Rio Dell Municipal Code (RDMC) and adding Chapter 13.10, Sections 242-246 Property Tax Liens for Nonpayment of Delinquent Sewer Bills for Customers that do not Subscribe to Water Service and a Means of Collection the Delinquent Charges on the Property Tax Bill. Motion carried 5-0.

Introduction/First Reading (by title only) of Ordinance No. 400-2023 Amending Chapter 2.05.010 and 2.10.160(2) of the Rio Dell Municipal Code (RDMC) changing the meeting time for Regular City Council meetings from 6:30 p.m. to 6:00 p.m.

City Manager Knopp provided a staff report and said at the last meeting, the Council was presented with a request from staff to consider changing the start time for regular City Council meetings from 6:30 p.m. to 6:00 p.m. Staff was directed to return to the Council with an amendment to the Rio Dell Municipal Code (RDMC) changing the meeting time for regular City Council meetings as requested. With final adoption of the ordinance at the July 18, 2023 regular meeting, the ordinance would become effective 30 days after adoption and would be implemented beginning with the September 5, 2023 regular meeting of the City Council.

Mayor Garnes opened the public hearing to receive public input on the proposed ordinance. No public comment was received and the public hearing closed.

Motion was made by Carter/Wilson to approve the introduction and first reading (by title only) of Ordinance No. 400-2023 Amending Chapter 2.05.010 and 2.10.160(2) of the Rio Dell Municipal Code (RDMC) changing the meeting time for Regular City Council meetings from 6:30 p.m. to 6:00 p.m. and to continue the second reading and adoption to the meeting of July 18, 2023. Motion carried 5-0.

## **COUNCIL REPORTS/COMMUNICATIONS**

Mayor Pro Tem Carter announced that plans for Wildwood Days was gearing up and the theme this year is "Back in the Saddle Again." She said that the parade will be on Saturday, August 5<sup>th</sup> and The Chamber of Commerce is looking for volunteers to ride on their float while doing the "Boot Scootin Boogie." She said that she will personally be teaching lessons at the Fire Hall on Friday, July 21<sup>st</sup> and 28<sup>th</sup> from 10-11 a.m. She invited children and adults to come and have some fun.

She announced there would be a Chamber of Commerce meeting tomorrow at noon and a Beautification, Walkability and Pride Committee meeting tomorrow at 9:00 a.m. at City Hall.

She said that she also attended a RREDC meeting where the presenter was Nick Brown-Crawford on the intersections between disaster response and economic development which was about the City of Rio Dell. She encouraged anyone that has not already done

so, to listen to Nick Brown-Crawford speak about Rio Dell as he is a wonderful advocate for the City and for Humboldt County as a whole.

She also mentioned that the City was on CNN News on July 2<sup>nd</sup>, a lot of which had to do with the lack of FEMA funding during the earthquake and the need for change in that regard.

Councilmember Orr mentioned that he was in San Francisco over the holiday weekend and noticed some of the beautification projects as part of Clean California and it looked really nice.

Councilmember Wilson reported that he would be attending an HWMA meeting next week. He announced that RCEA has a Community Action Committee (CAC) and there currently is an opening on that committee for a community member. He asked anyone interested to contact him by way of City Hall and he would get their name submitted.

Councilmember Woodall said that at tomorrow's Beautification, Walkability and Pride Committee meeting, there would be an update on the Community Cleanup Day scheduled for July 28<sup>th</sup>, an update on establishing Farmers' Markets in Rio Dell and discussion on potential areas for improvement in the City. She invited the public to attend.

Mayor Pro Tem Carter announced that "Pints for Nonprofits" would be held at the Scotia Lodge on July 21<sup>st</sup> from 5-8 p.m. with a portion of the proceeds going to the Rio Dell-Scotia Chamber of Commerce. She invited everyone to come on out and have a beer and some food and enjoy the festivities.

Mayor Garnes reported that she attended a Cal Cities conference in Pomona on June 23<sup>rd</sup> and one of the things that came up was the initiative to get the public outdoors and there is a Golden Access Pass and another access pass where you can get entrance into State parks at 50% off. The passes are now available at all libraries and they are free of charge. The idea is to try and get Californians to spend more time in the outdoors and get healthier.

## **ADJOURNMENT**

Motion was made by Carter/Woodall to adjourn the meeting at 7:12 p.m. to the July 18, 2023 regular meeting. Motion carried 5-0.

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Debra Garnes, Mayor

Attest:

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Karen Dunham, City Clerk