

**RIO DELL CITY COUNCIL  
REGULAR MEETING MINUTES  
SEPTEMBER 5, 2023**

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, Wilson, and Woodall

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

Absent: Finance Director Sanborn, Community Development Director Caldwell, and Water/Roadways Superintendent Jensen (excused)

**CEREMONIAL MATTERS**

Introduction and Swearing in of Police Officer Agustin Sierra

Mayor Garnes administered the Oath of Allegiance to newly hired police officer Agustin Sierra followed by the pinning of his badge by his wife. He received a warm round of applause from the public.

Proclamation Acknowledging and Thanking Jeffrey Conner, John Beauchaine, Crystal Landry, Ryan Hill, Whitney Timm, and Luke Bernthal for the investigation and prosecution of two separate cases of sexual abuse of a minor

Mayor Garnes read the proclamation acknowledging and thanking Sergeant Jeffrey Conner, Sergeant John Beauchaine, Corporal Crystal Landry, Deputy District Attorney's Whitney Timm and Luke Bernthal, and District Attorney Investigator Ryan Hill for the investigation and prosecution of two separate cases of sexual abuse of a minor.

Each recipient was presented with a proclamation signed by the Mayor, followed by a standing ovation by the public, staff and Council.

**PUBLIC PRESENTATIONS**

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

**CONSENT CALENDAR**

Mayor Garnes asked if any council member, staff or member of the public would like to remove any item from the consent calendar for a separate discussion. Councilmember Wilson removed consent calendar No. 4 related to ACA 13.

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

- 1) Minutes of the August 15, 2023 Regular Meeting;
- 2) Appointment of Ania Laniewski to the Nuisance Advisory Committee; and
- 3) Resolution No. 1591-2023 Amending the Master Fee Schedule establishing the penalties for violations of regulations concerning the standing, stopping, and parking of motor vehicles within the City of Rio Dell.

Motion carried 5-0.

### **ITEMS REMOVED FROM CONSENT CALENDAR**

#### Authorize the Mayor to sign correspondence related to ACA 13

Councilmember Wilson said that he was not in disagreement with ACA 13 but pointed out that it is a very confusing amendment to the California Constitution. He said that it stair-steps through another initiative on the ballot. He asked if the passage of ACA 13 would invalidate the former initiative passed for the City's tax measure.

City Manager Knopp said that the City's latest ballot measure for the .75% sales tax would not be affected without judicial intervention. He explained that the California Assembly Constitutional Amendment (ACA 13) seeks to make some changes where there cannot be a requirement on a major proposition that is only passed by a majority of voters in a specific election that requires a 2/3 voter threshold. Instead, it requires that if you are going to require a 2/3 vote, that the position obtain a 2/3 threshold from the voters. One of the issues with this proposition is that certain elections are well-attended such as presidential elections but there are other elections where there is a significantly less voter turnout so you could have propositions or measures where a significantly smaller portion of the population of voters makes the requirement of the 2/3. This protects local government revenue streams and individual cities' ability to deliver critical services to residents.

He pointed out that this is language from the League of California Cities who always advocates for local control. It is one of the central premises as to why cities organize together in the Cal Cities organized effort because for decades there has been local control stripped from their respective jurisdictions.

Councilmember Wilson said that in order for ACA 13 to go into effect, that initiative would need to pass with a two-thirds vote by the committee to move onto the State legislature; they would then need to pass it with a 2/3 vote to place it on the ballot, requiring the voters to pass it by 2/3. He commented that this needs local support and to not give the State legislature the ability to tell local government what they can do in their city.

Motion was made by Wilson/Orr to authorize the Mayor to sign correspondence in support of ACA 13. 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 a meeting with the Water Board staff to discuss brownfields in Rio Dell, most notably 255 Wildwood Ave. and looking at what role the City plays in getting it cleaned up and turned into a more productive use. Staff hopes to have something to bring back to the Council in the near future in regards to that matter.

He referred to an article in last week's North Coast Journal regarding the recent earthquakes and recovery efforts and encouraged everyone to read it.

Chief Allen was excused and left the meeting at this time.

Mayor Pro Tem Carter said that she read the newspaper article and thanked the City Manager for being a good spokesperson for the City.

Councilmember Woodall referred to the staff update and noted that staff has obviously been very busy since the last meeting.

**SPECIAL PRESENTATIONS/STUDY SESSIONS**

Presentation – SB 1383 Related to Short Lived Climate Pollution and Organic Waste

Eric Keller-Heckman, Executive Director of Humboldt Waste Management Authority (HWMA), gave a presentation on *SB 1383 Overview and the Path to Compliance*.

He reviewed the legislative building blocks beginning in 1989 with passage of AB 939 which mandated 25% reduction of waste in the landfills and established framework for program implementation, solid waste planning, and landfill management. In 2011, AB 341 was passed requiring jurisdictions to implement commercial recycling programs, followed by mandatory commercial organics recycling with passage of AB 1826 in 2014. In 2016, SB 1383, the Short-Lived Climate Pollutant Reduction Act was passed requiring jurisdictions to implement curbside collection and processing of organics, amongst other requirements.

SB 1383 Regulatory Milestones included the following:

- January 1, 2020 - State to achieve 50% organics reduction through AB 1826 commercial diversion compliance activities;
- January 1, 2022 - Jurisdictions must have organics recycling program in place, with enforceable regulations to take effect and jurisdictions must implement and ordinance and other enforcement mechanisms;
- January 1, 2024 - Jurisdictions just take progressive enforcement actions against non-compliant regulated entities (generators, haulers, processors);
- January 1, 2025 - State to recover a minimum of 20% of disposed edible food for human consumption and to achieve 75% reduction in organics disposal.

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Director Keller-Heckman continued with review of organics diversion efforts to date. A Food Waste Diversion Pilot Program was started in Eureka in 2012-2014 including 60 commercial participants until Eureka City Council opted not to proceed.

Plans for a Regional Anerobic Digestion Facility were underway, concurrent with the Food Waste Pilot project. HWMA secured a consulting engineer, secured a site and performed environmental review and sent out requests for proposals (RFP's) but was unable to move forward with the design, financing or permitting to construct.

In concluding the presentation, a rough timeline was given for organics processing with negotiations and approval of franchise collection amendments proposed to be completed in 2024, followed by development and approval of rates for collection and processing.

The need for ongoing community outreach and education was stressed with SB 1383 being the biggest waste bill passed since AB 939. Director Keller-Heckman encouraged councilmembers to visit the link *Elected Officials Guidance Tools* on the HWMA website.

Councilmember Wilson commented that there is a lot for Recology Eel River to work out prior to implementation of the program such as new equipment and trucks. He referred to a letter written by the Hoover Institute which is not a favorable opinion toward the State of California with their ability to mandate these changes without providing guidance or tools to achieve it. He added that the implementation is moving along but there is still a long way to go.

Director Keller-Heckman commented that Rio Dell has been incredibly responsive through this process and said that the city got a waiver for certain parts of SB 1383 mandates but not for all of it, so the City will still need to comply with some of the mandates.

Mayor Pro Tem Carter asked the simple question of "how are we going to do this."

Director Keller-Hackman explained that the next step is to award the RFP, then start with source separated raw food waste from commercial businesses and restaurants. Residential compliance will be harder since organic food waste will be combined with green waste. That waste will come to the transfer station for processing. There are two ways of processing depending on the direction of the RFP. One way would be for staff to hand sort food waste; the other way is to mix it all together and run it through a grinder and process it that way; which is obviously the easiest method.

Mayor Pro Tem Carter commented that there is approximately a 50% subscriber rate in Rio Dell and in talking to members of the community, most people don't have a clue about SB 1383, stressing the need for public education. She suggested the idea of providing food waste containers (kitchen companions) and providing information in a public forum.

Director Keller-Hackman said that the advisory board will be presenting a proposal to the County Board of Supervisors on September 14<sup>th</sup> and will know how jurisdictions want to implement the program at that time.

Councilmember Woodall said that every page in the written material refers to “organics” and asked if organic waste was actually going to be separated from non-organic waste.

Director Keller-Hackman explained that organic waste is different from “organic certified” and is anything that will go into the green waste bin excluding bones, meats or fats which will remain as trash.

Councilmember Woodall commented that some of the things that should be recycled are not getting recycled and asked if that could continue with this program.

Director Keller-Hackman explained that the current residual for last year was 27%, with the industry standard at around 9%.

Councilmember Woodall asked if HWMA offers tours of their facility.

Director Keller-Hackman said he would be happy to facilitate a tour for councilmembers provided no more than two members attend at a time to avoid potential Brown Act violations.

Councilmember Orr said when talking about organics, are we talking about consumables, and such things as disposable utensils.

Director Keller-Hackman explained that facilities are generally going away from allowing compostable utensils and the like because they make it impossible to identify non-compostable utensils. One of the biggest issues with plastic utensils is that they go into the organic stream and they don't go away; they either get chopped up or they are turned into micro-plastic and are still in the nutrients. If you try to get your nutrients certified, it will come up in those tests.

Councilmember Orr commented that from a teachers' stand point, getting kids on board, helps to get parents on board.

Mayor Garnes asked if there was any hope for the State to help with the unfunded mandate such as by providing grants.

Director Keller-Hackman noted that in 2016, infrastructure costs were estimated at \$46 million. Lately, Cal Recycle has been obtaining infrastructure grants but other grant funding opportunities are unknown.

Mayor Garnes called for public comment.

Wastewater Superintendent Taylor spoke as a consumer of curbside pickup, and said that since the City is actively trying to reduce tonnage going to the landfill, and ultimately aiming to reduce the actual volume of organic waste from the City's solid waste, asked if that will that be incorporated into the universal curbside program and reduce solid waste fees by eliminating organics. Also, oils and greases are torture to the sewer collection

system and asked how that would be addressed. He also asked if the reduction in solid waste to the actual curbside pickup would help subsidize some of the overall costs.

Director Keller-Hackman said that fats, oils and greases should just be trash and should have always been trash and should not be going down garbage disposals. They will stay as solid waste until there is new technology regarding new processes. He commented that regarding the first question, he is not involved in the franchise process with Rio Dell so doesn't know what those type of costs looks like. He noted that because of the amount of costs associated with required infrastructure and the short timeline, for quite a while, it is just going to be an additional cost. Eventually there may be a scale tip but infrastructure costs up front are enormous.

Rosa Maciel pointed out that Rio Dell is a poor community and universal collection will be an added cost to those residents. She asked if there would be any help for low-income rate-payers.

Director Keller-Hackman said that how universal collection will affect the current collection rates is unknown at this time.

#### Presentation – Tobacco Retail Licensing

Elaine Hogan and Caitlin Gillings from the Humboldt County Department of Health and Human Services were present to provide a presentation on Tobacco Retail Licensing and options for the City to adopt a Tobacco Retail Licensing (TRL) Ordinance if the Council chooses to pursue it.

Elaine Hogan began by stating that the County Board of Supervisors recently adopted a Tobacco Retail Licensing Ordinance and they were present with the goal of fostering regional collaboration and review some potential options for Rio Dell.

She said that throughout the ordinance development process, they reached out to city managers in all of the incorporated jurisdictions to let them know how the ordinance development process was going and once the ordinance was adopted to let them know that it was finalized.

She provided a review of the County's ordinance, showed some local data that supports policy efforts to protect public health and then talked about some supports offered to Rio Dell through Humboldt County Department of Health and Human Services and other partners should the City decide to pursue adopting a TRL.

She noted that a TRL Ordinance can have a lot of different options and is really the tool that gives cities local control over what's happening in their jurisdiction related to retail tobacco sales.

Caitlin Gillings continued the presentation by talking a little bit more about the County of Humboldt's TRL Ordinance that was passed in May 2023. She pointed that tobacco use is still the number one cause of preventable death in California. The ordinance is a policy

option that over 219 cities and counties in California have passed to help stop youth from using tobacco.

Elaine Hogan continued by providing some local data on tobacco use and said that 17% of Rio Dell 7<sup>th</sup> graders said they had used vape products compared to 48% of Rio Dell 8<sup>th</sup> graders who reported that it is fairly or very easy to obtain vape products.

She pointed out that if Rio Dell decided to adopt a TRL Ordinance, it would give the City the option to contract with County Division of Environment Health to assist with permitting and enforcement of that ordinance. She then reviewed the provisions in a TRL Ordinance

Caitlin Gillings then reviewed the licensing, enforcement and appeals offered by DHHS Public Health, Division of Environmental Health should the City decide to move forward with adoption of a TRL Ordinance.

Elaine Hogan concluded the presentation by stating that considering a TRL Ordinance is a huge step toward bettering the health of the local community and lowering youth access to tobacco products.

Councilmember Orr referred to the ordinance provision that prohibits any new licenses if the business is located within 500 feet of a youth-oriented facility such as a school, park, library or recreation center, or within 500 feet of an existing tobacco retailer. He asked if that means that they won't renew existing licensing that are located within that 500 feet.

Elaine Hogan explained that the County has decided on a phased-out approach where existing tobacco retailers will be given a chance to come into compliance. If a business lets their license lapse and apply to renew the license, it will be considered as a new license which would have to meet the current regulations.

Councilmember Wilson commented that there are only four businesses in Rio Dell that sell tobacco products and CC Market eliminated flavored vaping products and asked if they are still required to have a Retail Tobacco License to sell other tobacco products.

Elaine Hogan explained that the only licensing currently required is through the California Department of Tax and Fee Administration (CDTFA) at the State level at \$265.00 a year. Their main focus is to make sure counterfeit products are not being sold.

Councilmember Wilson said that it is already against the law to sell tobacco to minors and asked how a RTL would help in that respect.

Elaine Hogan commented that the California voters in the last election, voted to enact a ban on flavored tobacco products. The issue with that is that there is no enforcement.

Councilmember Wilson asked how minors are going to be stopped from purchasing flavored tobacco and if there are fines associated with selling to minors.

Elaine said the part of the licensing fee goes towards enforcement and there are provisions for substantial fines for violations.

Councilmember Woodall said that part of the enforcement is to impose fines for violations but asked how far DHHS would go before revoking someone's license. She expressed concern that retailers violating the ordinance would continue to do so unless there are strict enforcement and/or fines.

Elaine explained that TRL ordinances gives local control to do enforcement and this is what the Division of Environment Health does. They have experience with similar enforcement with regard to permitting, fines and enforcement. She said that they are very confident they have the legal backing and personnel to do the enforcement.

Councilmember Woodall asked how many other small cities have adopted an TRL.

Elaine indicated that there is a huge list among cities ranging in size and offered to provide staff with the list.

Mayor Garnes asked if there would a fee to the City for DHHS to do the enforcement.

Elaine said that she was not sure about the details and that the Director of Environment Health would need to address the terms of a Memorandum of Understanding (MOU) with the City.

A motion was made by Wilson/Carter to direct staff to continue to engage the County, review their TRL Ordinance, monitor the County's fee implementation and bring it back to the Council for potential action at a later date. Motion carried 5-0.

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

#### Authorize the City Manager to finalize and issue the Request for Proposals (RFP's) for the Gateway Outdoor Exercise Equipment

City Manager Knopp provided a staff report and said that at the last meeting, the Council discussed and provided direction to staff to issue the Request for Proposals (RFP) for the Gateway Landscape Improvements as part of the Clean California Grant Program. The second component of the project includes outdoor exercise equipment. Staff is now looking for direction from the Council to issue an RFP for the Outdoor Exercise Equipment.

He said that in working with the Ad Hoc Committee of Mayor Garnes and Mayor Pro Tem Carter, four pieces of outdoor exercise equipment were selected. Images and descriptions of the equipment were presented to Council for consideration. These included a hand cyler, a squat press, pull-up bars, and an ab crunch. The total cost for the 4 pieces of equipment and associated anchoring poles was \$20,750.

City Manager Knopp indicated that if the budget does not allow for four units, the squat press could be eliminated. Staff applied for two grants to help supplement the project; a



\$5,000 grant from PG&E that is likely to be awarded, and another grant application to Coast Central Credit Union for \$20,750 for the purchase of the equipment.

He explained that the City is working on the final development of the site plan for ADA accessibility and compliance with fall zones and expects to have the design completed soon.

Staff's recommendation was that the Council review the documents provided in the packet and authorize the City Manager to issue an RFP once the final schematic is finalized for the site.

Mayor Pro Tem Carter commented that she thinks that this is great idea and would like to move forward with the project as soon as possible for the health and fun of the community.

Councilmember Woodall asked if there will be signage at the site.

City Manager Knopp said that part of the advantage of this particular setup is that there is signage attached to the equipment with instructions for the user and the benefits as well as safety disclaimers.

Councilmember Woodall asked who would be installing the equipment and how long the warranty is on the equipment.

City Manager Knopp said that the City would have to have a separate contractor do the installation or potentially have staff do it. He was not certain of the warranty on the equipment.

Councilmember Woodall expressed concern that both of the areas for the equipment are going to be in front of bedroom windows and in hindsight, it would have been better to have the equipment installed at Triangle Park (Blue Star Memorial Park) instead of Memorial Park.

Councilmember Orr and Wilson expressed support for the project.

Mayor Garnes called for public comment.

Richard Newman addressed the Council and thanked them for recognizing the Police Officers and the District Attorney's Office.

Motion was made by Carter/Orr authorizing the City Manager to finalize and issue the RFP for the Gateway Outdoor Exercise Equipment. Motion carried 5-0.

## **COUNCIL REPORTS/COMMUNICATIONS**

Mayor Pro Tem Carter reported that she attended a Beautification, Walkability and Pride Committee meeting, and a Nuisance Advisory Committee meeting with nothing noteworthy to report at this time.

She said that she also attended a Chamber of Commerce meeting and reported that they are making plans for this year's Christmas decorations and events and said that she will keep the Council updated as plans progress.

She said that she also attended a RREDC meeting and had nothing to report out.

She announced that the next Nuisance Advisory Committee meeting scheduled for September 20 will be rescheduled with the date yet to be determined.

She also announced that a river bar clean-up will take place on September 30 from 9-11. The next Beautification, Walkability and Pride meeting is scheduled for September 15 at 9 a.m. where they will be discussing more details about the river bar clean-up.

She said that she will be attending the Cal Cities Annual Conference in Sacramento in two weeks and will be shouting Rio Del'sl story to anyone that will listen.

Councilmember Orr reported that he attended an HCAOG meeting where they discussed financials. He said that last year ridership was down and the other thing discussed was the housing project where they are rehabilitating old motels and multi-unit facilities and providing them to the homeless on a priority basis which looks like a good project.

Councilmember Wilson said that he attended an HWMA meeting and as Executive Director Keller-Heckman indicated, he will be presenting a proposal to the County Board of Supervisors on September 14<sup>th</sup> related to SB 1383.

Councilmember Woodall reported that Mayor Garnes will be attending HTA meetings for her over the next 2 months.

She asked if new flags could be purchased for City Hall with a larger American flag and a new California flag as they are getting tattered from the wind. Council concurred.

Mayor Garnes reported that she attended an Equity Council meeting through the RISE Program and that she would also be attending the Cal Cities Annual Conference in Sacramento in 2 weeks.

**ADJOURNMENT**

A motion was made by Carter/Woodall to adjourn the meeting at 7:45 p.m. to the September 19, 2023 regular meeting. Motion carried 5-0.

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Debra Garnes, Mayor

Attest:

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Karen Dunham, City Clerk