



RIO DELL CITY COUNCIL AGENDA  
**CLOSED SESSION – 5:30 P.M.**  
**REGULAR MEETING - 6:30 P.M.**  
**TUESDAY, NOVEMBER 5, 2019**  
CITY COUNCIL CHAMBERS  
675 WILDWOOD AVENUE, RIO DELL

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**WELCOME** - *By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*



*In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting. Assistance listening devices are now available for the hearing impaired. Please see the City Clerk for a receiver.*

- A. CALL TO ORDER
- B. ROLL CALL
- C. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:
  - 1) 2019/1105.01 - **Conference with Legal Counsel – Anticipated Litigation**  
Initiation and/or exposure to potential litigation pursuant to Section 54956.9(d)(2) (d)(4): 1 potential case – facts and circumstances unknown to adverse party
- D. PUBLIC COMMENT REGARDING CLOSED SESSION
- E. RECESS INTO CLOSED SESSION
- F. RECONVENE INTO OPEN SESSION – 6:30 P.M.
- G. ORAL ANNOUNCEMENTS
- H. PLEDGE OF ALLEGIANCE
- I. CEREMONIAL MATTERS

## J. PUBLIC PRESENTATIONS

*This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.*

## K. CONSENT CALENDAR

*The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Councilmembers if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually following action on the remaining consent calendar items.*

- 1) 2019/1105.02 - Approve Minutes of the October 15, 2019 Regular Meeting **(ACTION)** 1

## L. ITEMS REMOVED FROM THE CONSENT CALENDAR

## M. REPORTS/STAFF COMMUNICATIONS

- 1) 2019/1105.03- City Manager/Staff Update **(RECEIVE & FILE)** 6

## N. SPECIAL PRESENTATIONS/STUDY SESSIONS

## O. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) 2019/1105.04 – Letter and Council position related to Monument Road Agreement with County of Humboldt **(DISCUSSION/POSSIBLE ACTION)** 10
- 2) 2019/1105.05 - Financial Contribution to the Chamber of Commerce **(DISCUSSION/POSSIBLE ACTION)** 15
- 3) 2019/1105.06 - Staff direction on proposed Dog Park in Rio Dell **(DISCUSSION/POSSIBLE ACTION)** 17
- 4) 2019/1105.07 - Discussion on recent Public Safety Power Shutoff and options moving forward to better prepare the City and community **(DISCUSSION/POSSIBLE ACTION)** 18

P. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2019/1105.08 - Introduction/First Reading (by title only) of Ordinance No. 377-2019 amending Chapter 15.05 "Construction Codes" Section 15.05.020 of the Rio Dell Municipal Code to adopt the 2019 California Building Codes  
**(DISCUSSION/POSSIBLE ACTION)** 19

Q. COUNCIL REPORTS/COMMUNICATIONS

R. ADJOURNMENT

*The next regular City Council meeting is scheduled for  
Tuesday, November 19, 2019 at 6:30 p.m.*

**RIO DELL CITY COUNCIL  
REGULAR MEETING MINUTES  
OCTOBER 15, 2019**

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

ROLL CALL:            Present:        Mayor Pro Tem Woodall, Councilmembers Strahan and Wilson

                         Absent:        Mayor Garnes and Councilmember Johnson (excused)

                         Others Present: City Manager Knopp, Chief of Police Conner (arrived at 6:40 p.m.), Wastewater Superintendent Taylor and City Clerk Dunham

                         Absent:        Interim Finance Director Dillingham, Water/Roadways Superintendent Jensen and Community Development Director Caldwell

**PUBLIC PRESENTATIONS**

**Nick Angeloff** provided a brief update on activities of the Rio Dell-Scotia Chamber of Commerce and reported entering into a contract with Andrea Jorgensen, a marketing consultant to help increase membership, market Rio Dell, gather donations and bring people in on a larger scale. He indicated that if successful, she would self-fund herself and continue as a consultant.

He also invited everyone to join the Rio Dell Community Resource Center for their October 31, 2019 *Truck-or-Treat event* from 4:30-6:30 p.m. in the parking lot at Rio Dell Fireman's Park.

The annual Dennis Wendt Tree Lighting ceremony was scheduled for Saturday, December 7, 2019 with holiday decorations going up Thanksgiving weekend.

**CONSENT CALENDAR**

Mayor Pro Tem Woodall asked if any councilmember, staff or member of the public, would like to remove any item from the consent calendar for separate discussion.

Councilmember Strahan removed consent calendar Item No. 2 for separate discussion.

Motion was made by Wilson/Strahan to approve the consent calendar including approval of minutes of the October 1, 2019 regular meeting; authorizing the Chief of Police to execute agreement with the County of Humboldt for \$33,488 in Measure Z revenue; and to receive and file the Check Register for September. Motion carried 3-0.

## ITEMS REMOVED FROM THE CONSENT CALENDAR

### Authorize the City Manager to Execute Agreement for Code Enforcement Administrator Services

Councilmember Strahan referred to the first page of the Professional Services Agreement under *Description of Services* and questioned whether 15-30 days to schedule a hearing following a request from the appellant was enough time for the staff to prepare.

City Manager Knopp explained that the City Attorney and the Chief of Police reviewed the agreement to make sure it was consistent with the City's ordinances.

Councilmember Strahan asked if the Nuisance Advisory Committee had the opportunity to review the agreement.

City Manager Knopp explained that Code Enforcement was one of the top priorities of the City Council as part of the budget process. To enhance that activity, the Rio Dell Municipal Code was amended, replacing the Nuisance Hearing Committee with a Nuisance Hearing Officer to act as a neutral third party to hear and decide on appeals related to code enforcement. He pointed out that there has not been the need for the appeal process since 2013. The agreement was modeled after the County's agreement and the person performing this service is also under contract with the County. Having a neutral third party administrator makes sure staff is not over-stepping their authority during the appeal process.

Mayor Pro Tem Woodall called for public comment on the agreement. No public comment was received.

Motion was made by Strahan/Wilson to authorize the City Manager to execute the agreement for Code Enforcement Administrator Services. Motion carried 3-0.

**Chief Conner arrived at this time, 6:40 p.m.**

## REPORTS/STAFF COMMUNICATIONS

### City Manager/Staff Update

City Manager Knopp provided highlights of the staff report and noted that the largest event that occurred since the last update was the Public Safety Power Shutoff. The overall reaction from the City was good, especially Public Works who took on the challenge in a positive manner and proactively solved problems as they arose. One of the generators at the lift station failed within the first few hours of the power outage and staff was able to secure a rented generator from Wendt Construction so operations were uninterrupted for the most part. He noted that this was a good learning experience for staff and that staff is discussing how to better prepare the City for future public safety power shutoff events. Replacement of

existing generators, fuel supply and the type of fuel supply are issues being reviewed since the City's current fuel capacity was only about 48 hours. One way to extend that capacity would be to install a backup generator at City Hall and commented that staff made sure the Office of Emergency Services (OES) was aware of the City's concern regarding the need for generators.

He said that understanding the limits of the wastewater system to run for 48 hours and the water system 72 hours, a 5-day power outage would be extremely difficult to manage. He noted that staff would return to Council with recommendations in the near future to extend emergency power.

Councilmember Strahan asked where the City's new generator was being utilized during the event.

City Manager Knopp indicated that it was used as standby power for the water plant and that the failure of the generator was on the wastewater side.

Mayor Pro Tem Woodall questioned whether propane was a better fuel source than gas.

City Manager Knopp noted that propane has a longer storage than gas or diesel fuel. He agreed that propane would be good as backup and that fuel storage is problematic so staff would be looking at grant possibilities.

Councilmember Wilson commented on the citizen petition presented to the Council for a proposed dog park and suggested staff brings back a recommendation to the Council at the next meeting.

Councilmember Strahan expressed the need for Neighborhood Watch and said that she ran into an older woman in the store after the power outage who was crying because she did not have a computer or cell phone so she knew nothing about the planned power outage. Her husband suffered from Alzheimer's so they stayed in bed to keep each other warm until the power was restored. She suggested an article be put in the next City Newsletter with information on what to do in an emergency.

City Manager Knopp explained that it is difficult for the City to find these folks so citizens need to be good neighbors and reach out to friends and neighbors by knocking on doors.

Mayor Pro Tem Woodall commented that Merilyn Ross from Palco Pharmacy set up a new Facebook page with important tips on what to do in the event of an emergency.

Councilmember Wilson pointed out that these types of outages appears to be the new norm so the City needs to come together to address the issues. He said that the situation is not

going to go away and longer outages are yet to come. He commended staff for a job well done.

Wastewater Superintendent Taylor noted that there was a couple of shortcomings that need to be addressed and in moving forward, staff will be more prepared.

Chief Conner noted that there were no calls for service during the outage and that there were a lot of people walking around town talking to their neighbors. He said they initially had some issues with Fortuna dispatch services but the problems were resolved. He noted that the outage was a good experience for everyone but if the next outage lasts longer than one day, people likely will not be as placid.

Mayor Pro Tem Woodall called for public comment on the staff update.

**Nick Angeloff** commented that in researching generators for his home he found that some generators could be plumbed into the natural gas line.

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

Letter and Council Position Related to Monument Road Agreement with County of Humboldt  
City Manager Knopp provided a staff report and said that he met with Supervisor Fennell and County Public Works Director Tom Mattson and that the overall reception to the draft letter was positive. The letter was expected to be placed on the October 22, 2019 Board of Supervisors agenda for consideration. He noted the only point of contention with the County was that they not be responsible for maintenance. He explained that the County does not want to commit to a project without any projected revenue related to the Terra-Gen Wind Energy Project.

He asked for consensus of the Council to remove the road maintenance request from the letter.

Councilmember Wilson said that he did not have a problem removing the request for road maintenance from the letter but was concerned about how to address Monument Road in moving forward, aside from the Terra-Gen Project. He commented that there are all kinds of cell towers in that area and it seems there is more liability to the County than the City.

Mayor Pro Tem Woodall agreed with the suggested revision to the letter.

Councilmember Strahan asked if the letter had already been submitted to the Board of Supervisors; City Manager indicated that it was.

Councilmember Wilson commented that the reality of budgets is that priorities change. Blue Slide Road is another catastrophe waiting to happen and \$1 million in the City's reserves is nothing should something happen to that road.

Consensus of the Council was to authorize staff to remove the road maintenance request in the letter to the County related to the Monument Road Agreement.

Financial Contribution to the Chamber of Commerce

Mayor Pro Tem Woodall suggested this item be continued to the next regular meeting with a full Council present.

Motion was made by Strahan/Wilson to continue consideration of a financial contribution to the Chamber of Commerce to the next regular meeting. Motion carried 3-0.

**COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Strahan reported on her attendance at the Humboldt/Del Norte Hazardous Materials Response Authority (HMRA) meeting and said that the new Executive Director, Chris Mitchell was doing a good job. She said that he went over issues related to hazardous materials and reported that there was an incident with a white powder at Pelican Bay, which tested positive for Anthrax. They worked with FBI and handled the situation.

Mayor Pro Tem Woodall announced that the Nuisance Advisory Committee would be meeting the next day at 3:00 p.m.

**ADJOURNMENT**

Motion was made by Wilson/Strahan to adjourn the meeting at 7:10 p.m. to the November 5, 2019 regular meeting. Motion carried 3-0.

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Julie Woodall, Mayor Pro Tem

Attest:

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Karen Dunham, City Clerk





## **Staff Update – 2019-11-05**

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### **City Council**

#### **City Manager**

Work on paving contract for Belleview Avenue

E-waste Event on October 12<sup>th</sup>: There were 81 total attendees and 48 of those were people that live within zip code 95562. Last year there were only 66 total attendees but 56 of those were from within 95562. We collected 7,996 pounds of e-waste which added up to the 10 pallets and the two big TVs in the attached pictures. This is an increase of 1,265 pounds from last year.

The City has filed claims against PG&E in their bankruptcy proceedings. One for \$532,833 for Rule 20A Utility Undergrounding funds (as a precaution) and one for \$2,606 for unpaid electric and gas franchise fees.

Participated in numerous PG&E / OES and Humboldt County OES phone calls related to PSPS event.

#### **City Clerk**

Processed five (5) Building Permit Applications:

- 1) 126 Fern St. – Gas Furnace
- 2) 1173 Riverside Dr. – Re-Roof Residence
- 3) 941 Pacific Ave. – Sewer Lateral
- 4) 367 Berkeley St. – Carport and Foundation Repair
- 5) 375 Nally Lane – 200 Amp Electrical Upgrade

Processed one (1) Encroachment Permit Application:

- 1) Ryan Elway – Curb, Gutter and Sidewalk work on Cherry Lane

Processed two (2) Business License Applications:

- 1) Nate Finch Landscaping – 680 Gunnerson Lane
- 2) Melissa's Massage – 105 Wildwood Ave.

Submitted Quarterly Building Permit Report to County Assessor



**City Attorney**

**Human Resources, Risk & Training**

**Finance Department**

**Public Works Water**

**Public Works Wastewater**

**Public Works Streets, Buildings and Grounds**

**Public Works City Engineer**

**Public Works Capital Projects**

**Police Department**

The Department had the following statistics for the period of October 9, 2019 to October 29, 2019. This period of time saw an average number of calls for service, a significantly lower than average number of reports and an average number of arrests. There are numerous reasons for the lower than normal number of reports including lack of phone service lower level of proactivity during the power shutoffs. The homicide investigation continues to consume a significant portion of Sergeant Beauchaine and Chief Conner's time during this reporting period.

Officer	Calls for Service	Reports	Arrests
Conner	13	4	0
Beauchaine	5	4	3
Carnahan	4	2	1
Landry	27	6	4
Mitchell	35	4	4
Valk	9	2	0
Fielder	11	0	0
Totals	106 (2 unassigned)	22	12
Averages	5.0 per day	7.1 per week	4.0 per week
2018 Yearly Average	5.1 per day	10.6 per week	3.6 per week

During the period of October 9, 2019 to October 29, 2019, there were three calls for service related to animal control issues. One dog and one cat were transported to Miranda's Rescue during this reporting period.

Sergeant Beauchaine and Chief Conner continued to work on the investigation of the murder of Johnny Renfro. The warrants served to date have created additional investigative leads, which have generated useful evidence. A Ramey arrest warrant for applied for and signed by a judge. The Department is



continuing the investigation, focusing more on what the motive for the shooting was as opposed to how it occurred.

On October 10, 2019, Sergeant Beauchaine was called out at about 0445 hours for a verbal and possibly physical altercation between two relatives. When he arrived, he found one of the men had his arm around the others neck and appeared to be choking him. Sergeant Beauchaine radioed for assistance and the forced entry into the house. Two officers from the Fortuna Police Department, as well as at least two deputies from the Humboldt County Sheriff's Office responded to assist. A taser was used to try and take the aggressor into custody, but was only effective to the extent that it allowed officers to free the victim. Eventually, it took the combined energy of five officers to handcuff the aggressor. Once he was handcuffed, he became compliant. Through communication with the victim and the aggressor's family, we learned that he suffers from mental health issues incurred during his service in the Air Force. He was booked into the jail without further incident.

After the above call for service, Chief Conner was requested to check on two dogs running loose. He recognized the dogs as belonging to the two men involved in the struggle. However, one of the dogs had been hit by a car prior to the Chief's arrival. Both dogs were taken into custody. The victim's dog was returned to him when he was released from the hospital. However, the dog that had been hit by a car was transported to a veterinary hospital in Fortuna. The injuries incurred from the accident were relatively minor, however the dog was found to have a large laceration along its abdomen that required multiple staples to close. It is believed that this injury was caused by broken glass on the floor of the residence where the struggle took place. After treatment, this dog was also returned to the family.

On October 29, 2019, Officer Carnahan was dispatched to a report of a physical fight in which shots had been fired. Officer Carnahan learned that the fight had involved five men, a father and son on one side and three loggers heading to work on the other. An argument ensued over dogs and a gate that had been left open. The son, hearing his father in a heated argument, came outside with a small-bore over and under shotgun. The description of the event than began to differ dramatically between the two parties. What both agreed upon, however, was that the father and one of the loggers were fighting on the ground over possession of the shotgun. Both barrels discharged. Both men were struck by pellets in the lower leg/feet. The father was transported to the hospital by ambulance to have the pellets removed and the wounds cleaned. The other wounded suspect was encouraged to seek medical treatment, but it is unknown if he did or not. No arrests were made as it was not possible to determine who was most at fault. The case will be sent to the District Attorney's Office for review.

### **Code Enforcement**

During the period of October 9, 2019 to October 29, 2019, the Department opened two new junk vehicle cases and did not close any. There were six open cases at the end of the time period that this report covers.

During the period of October 9, 2019 to October 29, 2019, the Department opened two new code enforcement cases. Both cases dealt with trash and solid waste issues. During the same time period, the Department did not close any cases. There are currently 55 open cases.



The Department served and recorded a Notice of Nuisance and Order to Abate for the properties located at 215 Monument Road and 833 Pacific. The owners of these properties have thirty days from the date of service to abate the violation on their properties or the City can conduct an abatement, pursuant to a warrant.

### **Community Development Department**

Continue work on 2019-2027 Housing Element.

Continue review of 2019/2020 Building code changes.

Multiple Inspections DANCO project.

Electrical Inspection Service Panel 375 Nally Lane

Roof Inspections Library

Meeting with Nate Madsen, Attorney regarding potential project at HRDBP

Final Roof Inspection 555 Gunnerson Lane.

Shear Inspection, Glenn White HRDBP.

Preliminary Review of expansion plans Humboldt Brand HRDBP.

Review comments Humboldt Wind DEIR.

Footing Inspection 1525 Rio Vista Lane.

Review HumCPR Writ of Mandate challenging the County over the GPU zoning designations.

Participate in APA Portal Framing Webinar.

Review Improvement Plans for Glenn White, refer to City Engineer for comments. Work with Allan Baird's office.

Shear Inspection 250 Stream Street.

Prepare Staff Report for adoption of 2019 Building Codes.

### **Intergovernmental**

#### **Humboldt-Rio Dell Business Park**



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*Rio Dell City Hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
cityofriodell.ca.gov*

November 5, 2019

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Discussion and Possible Action on Letter and Council Position Related to Monument Road Agreement with County of Humboldt.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide direction to staff if needed.

BACKGROUND AND DISCUSSION

The City Manager will provide a brief update on the letter issued to Supervisor Fennell regarding a proposed Monument Road Agreement. The item was agendaized for today's Board meeting.

On October 15, 2019 the Council agreed with the staff recommendation to retract the portion of the letter requesting that the County take on permanent maintenance of Monument Road into the city limits.

Attachment:

October 2, 2019 Letter from Mayor Garnes  
BOS Agenda item for 11.5.19

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*Rio Dell City Hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
cityofriodell.ca.gov*

October 2, 2019

Supervisor Estelle Fennell  
Board of Supervisors  
County of Humboldt  
825 5<sup>th</sup> Street, Room 111  
Eureka, CA 95501

**RE: Road Rehabilitation Agreement Related to Wind Energy Project**

Dear Supervisor Fennell,

As you know, the windmill project, as proposed by Terra Gen, will have an impact upon the citizens of Rio Dell. We have listed those concerns in our response to the project's draft Environmental Impact Report (EIR). At this point in time no final EIR has been issued or made available to the City for review.

For the County, this project has been represented as a windfall in terms of tax revenue. An April 15, 2019 article on the Lost Coast Outpost states:

*"Humboldt County First District Supervisor Rex Bohn has touted the financial benefits to the county, as well. Officials with the company say the project would provide up to 300 jobs during construction and 15 permanent jobs while generating millions of dollars in tax revenue, including \$76 million in property taxes and nearly \$8 million in sales taxes over the life of the project."*

The County stands to make tremendous gains in revenue with no explicit commitment that any of these funds will provide a direct benefit to those in the immediate vicinity; this includes area residents in both the unincorporated area of the project and also those within the city limits of Rio Dell. Therefore we propose the following solution:

We propose that the County and the City enter into a Road Rehabilitation Agreement related to Monument Road, which traverses both the unincorporated county and incorporated city. As its first priority for the use of the above referenced project revenue (estimated at \$84 million), the Board of Supervisors, through the agreement, would prioritize the rehabilitation of Monument Road from the Dinsmore Plateau to the city limits of Rio Dell. The agreement would then also commit, as part of the agreement's first priority for the project's revenue, the rehabilitation of

Monument Road from the City limits of Rio Dell to its convergence with Redwood Avenue, approximately 900 feet from the city limits and within the boundaries of the City. The project would include the removal and replacement of subgrade materials, drainage and retaining walls. This section of road primarily serves residents in the unincorporated County. The County would then be responsible for the maintenance of the rehabilitated roadway.

This section of road is also in extremely poor condition and represents a significant liability to both the city and the county. The approximate length of the project would be 2,800 feet, with 32 percent of the total project area within the city limits of Rio Dell. A portion of the roadway is currently being reconstructed using FEMA funding, and it is only a matter of time before other sections fail. It is time that this section of roadway be addressed and now is the time to do it.

Some may argue that Terra-Gen has no plans to use Monument Road, and therefore no rehabilitation is necessary. We disagree. Regardless of Terra-Gen's proposed use or disuse of Monument Road, the condition of the roadway demands corrective action. This is both vital as a connective road for many residents in the unincorporated County; as well as vital for everyone in emergency and disaster response efforts such as ambulances and fire trucks that will be compelled to take the shortest route to any emergency.

Despite Terra-Gen's stated intention to not use Monument Road, it will be the shortest and quickest route to the project site for third party contractors and site visitors over the expected thirty-year lifespan of the project. To expect that there will be no use of the road is unreasonable. The road has already been used for this project to conduct wildlife studies, site tours and mobilization of heavy equipment for meteorological towers. There is every reason to believe it will continue to be used in some capacity for the project well into the future.

The City believes the road improvements would be a win-win for both the City and County – using only a small portion of tax revenue from the project to provide at least some level of benefit for those most affected by these wind towers. We ask that you bring this proposal to the full Board as soon as possible to gauge the Board's willingness to enter into such an agreement.

Sincerely,



Debra Garnes, Mayor  
City of Rio Dell

Cc: Humboldt County Board of Supervisors



# COUNTY OF HUMBOLDT

For the meeting of: 11/5/2019

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File #: 19-1599

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**To:** Board of Supervisors  
**From:** County Administrative Office  
**Agenda Section:** Departmental

**SUBJECT:**

Assess Potential Road Improvement Project Near Rio Dell Using Funding from Wind Energy Project

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Direct staff to perform an assessment of the Humboldt Wind Energy Project to determine whether it would provide sufficient funding to perform a road improvement project near Rio Dell.

**SOURCE OF FUNDING:**

General Fund

**DISCUSSION:**

The City of Rio Dell on Oct. 2 sent Supervisor Estelle Fennell a letter (Attachment 1) requesting that the county consider a proposal approved by the Rio Dell City Council that would result in the county funding a road improvement project of Monument Road, a portion of which falls within the city boundary. The letter proposes the county consider the idea as the road would likely be used during and after construction of the Humboldt Wind, LLC wind energy project currently under review. Monument Road has been problematic for many years and a small portion of the road is currently slated to receive funding from the Federal Emergency Management Agency (FEMA). Further, the letter asks the county to use proceeds from the wind project to fund the road repair.

From a financial perspective, if approved, the Humboldt Wind project would likely result in increased sales and property tax revenue to the county. However, staff have not done a full assessment to build a reasonable estimate for the amount of revenue to expect. In addition, the proposed road repair is significant and would likely cost at least \$1 to \$2 million. It is vital that Public Works performs a full inspection to determine the scope of the project and estimated cost.

**FINANCIAL IMPACT:**

If the Board ends up ultimately moving forward with the city's project as proposed, it could result in the General Fund spending \$1 to \$2 million or more in new revenue. These costs are expected to be



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**File #:** 19-1599

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one-time in nature.

There is adequate funding in the Public Works Department, Assessor's Office and Treasurer-Tax Collector's Office to cover staff time to assess the project in fiscal year 2019-20.

**STRATEGIC FRAMEWORK:**

This action supports your Board's Strategic Framework by providing community-appropriate levels of service .

**OTHER AGENCY INVOLVEMENT:**

Humboldt Wind, LLC

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

Board discretion

**ATTACHMENTS:**

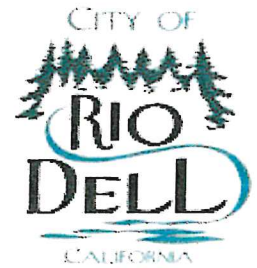
1. Letter from Rio Dell

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A

Meeting of: N/A

File No.: N/A



*Rio Dell City Hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
cityofriodell.ca.gov*

November 5, 2019

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Discussion and Possible Action on Financial Contribution to the Chamber of Commerce

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide direction to staff:

- Direct staff to return to the Council with a budget adjustment in the Amount of \$3,500 for holiday decorations; and, further clarify specifically in the motion what the funds can be used for if expanding the scope from holiday decorations.
- Provide alternate direction.

Or, take no action.

BACKGROUND AND DISCUSSION

Councilmember Wilson requested and the Council concurred that an item be placed on the agenda to discuss a verbal request for funding from the Chamber of Commerce for Christmas lighting, a mural and other undefined items.

In 2015, the city provided a \$200 donation for Christmas decoration to the Chamber of Commerce. In 2017 and 2018 the city budgeted \$1,500 annually for reimbursements to the Chamber of Commerce for holiday decorations. In the 2019-20 Annual budget, the City Council budgeted \$1,500 to continue the holiday decorations reimbursement. Prior to 2015, the City provided no funds for holiday decorations to the Chamber of Commerce according to records going back to 2004.

Article XVI, § 6 of the California Constitution prohibits a gift of public funds from a City to any person or entity, private or public. Public funds are not limited to money but include any “thing of value”. This includes, but is not limited to, making of gifts, pledging of credit, payment of liabilities, and use of City resources (such as office equipment).

The prohibition against the gifting of public funds does not preclude expenditures

and disbursement for public purposes even if a private person incidentally benefits. (*Redevelopment Agency v. Shepard*, (1977) 75 Cal.App.3d 453, 457.) The determination of a public purpose lies with the legislative body and has been liberally construed by the courts. (*County of Alameda v. Janssen* (1940) 16 Cal.2d 276, 281.)

Beginning in 2017 with the Chamber's request for additional commitments from the City Council for holiday decorations, and the Council's commitment of funds for such purposes, the City has required that receipts be provided in order to claim reimbursement and the Chamber has provided those receipts. This arrangement is necessary in order to stay within legal boundaries.

For the current fiscal year, the City has budgeted \$1,500 for holiday decorations in coordination with the Chamber of Commerce. An increase beyond this level will require a budget adjustment. City staff will need clear direction from the Council about any changes to what will be considered reimbursable should the council decide it wants to fund items outside of the scope of holiday decorations.

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*Rio Dell City Hall  
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(707) 764-3532  
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November 5, 2019

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Discussion and Possible Action on Dog Park

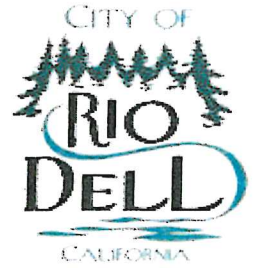
IT IS RECOMMENDED THAT THE CITY COUNCIL:

Direct staff to pursue a plan for a Dog Park in Rio Dell and return to the Council with recommendations.

BACKGROUND AND DISCUSSION

A petition was recently circulated in the community urging the City to construct a Dog Park. On October 15, 2019 at the request of Councilmember Wilson, the Council concurred that an item be placed on the agenda to discuss this possibility.

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*Rio Dell City Hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
cityofriodell.ca.gov*

November 5, 2019

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Discussion on Recent Public Safety Power Shutoff and Options Moving Forward to Better Prepare the City and Community

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide direction to staff if needed.

BACKGROUND AND DISCUSSION

Staff will provide an update on the recent PSPS event as well as discuss options moving forward. This is a good opportunity to brainstorm how the City can be better prepared for emergencies in the future, PSPS or otherwise.

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(707) 764-3532



**For Meeting of: November 5, 2019**

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: October 23, 2019

Subject: Adoption of the 2019 California Building Codes. Text Amendment Chapter 15.05, "Construction Codes", Section 15.05.020 of the Rio Dell Municipal Code (RDMC).

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**Recommendation:**

That the City Council:

1. Receive staff's report regarding amending Sections 15.05.020 and 15.05.050 of the Rio Dell Municipal Code (RDMC); and
2. Introduce (first reading) Ordinance No. 377-2019 amending Chapter 15.05, "Construction Codes", Section 15.05.020 of the Rio Dell Municipal Code (RDMC); and
3. Open the public hearing, receive public input and deliberate; and
4. Continue consideration, approval and adoption of the proposed Ordinance to your meeting of November 19, 2019 for the second reading and adoption.

**Background**

The California Building Standards Commission (CBSC) is an independent commission within the State Consumer Services Agency responsible for reviewing, adopting, and publishing building standards for the State of California. Every three years, the CBSC adopts a compilation of building regulations referred to as the California Building Standards Code (California Code of Regulations, Title 24). Through the code adoption process, the CBSC selects and approves a set of model codes. Inclusive in these regulations are the California

Building, Mechanical, Plumbing, Electrical, Existing Buildings, Fire, Energy, Residential Building, Historical Building, and Green Building Codes. Participating State agencies, such as State Fire Marshal (SFM), Division of the State Architect (DSA), Housing and Community Development (HCD), and Office of Statewide Health Planning and Development (OSHPD), have an opportunity to amend the code for the occupancy groups under their respective authorities.

Local governments or jurisdictions can also modify the code to add more restrictive provisions based on their specific local geologic, climatic, and topographic conditions to protect their communities. Any local amendments to the above mandated codes must be more restrictive than the State Building Standards Code and must be substantiated with findings, per California Health & Safety Code Section 17958. The administrative provisions of the code can be modified without specific justification based on local conditions.

The 2019 Codes become effective on January 1, 2020; however, the specific code addition applicable to a building project is established by the building permit application date. Therefore, projects submitted for a permit on or after January 1, 2020, must be designed to the 2019 edition of the California Building Standards Code. The specific codes mandated for effectiveness in January 2020 by the State of California are as follows:

- 2019 California Building Code Volumes 1 & 2
- 2019 California Mechanical Code
- 2019 California Plumbing Code
- 2019 California Electrical Code
- 2019 California Existing Buildings Code
- 2019 California Fire Code
- 2019 California Energy Code
- 2019 California Residential Building Code
- 2019 California Green Building Standards Code
- 2019 California Historical Building Code

Included with the adoption of the California Building Standards Code is the 2018 International Property Maintenance Code (IPMC). This model code provides the City authority to abate structures that are imminent hazards to the public in a quick and efficient manner. The model code includes definitions of terms for enforcement, for the integrity of structural elements of buildings, and specific hazards. These definitions are not included in the other standard codes.

## **Attachments**

Attachment 1: Ordinance No. 377-2019 amending Chapter 15.05, "Construction Codes", Section 15.05.020 of the Rio Dell Municipal Code (RDMC).

**ORDINANCE NO. 377-2019**



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING SECTION 15.05.020 "BUILDING CODES" OF THE RIO DELL MUNICIPAL  
CODE (RDMC) TO ADOPT THE 2019 CALIFORNIA BUILDING CODES.**

**THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:**

**WHEREAS** the California Building Standards Commission (CBSC) is an independent commission within the State Consumer Services Agency responsible for reviewing, adopting, and publishing building standards for the State of California; and

**WHEREAS** every three years, the CBSC adopts a compilation of building regulations referred to as the California Building Standards Code (California Code of Regulations, Title 24); and

**WHEREAS** through the code adoption process, the CBSC selects and approves a set of model codes; and

**WHEREAS** inclusive in these regulations are the California Administrative Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Fire, Existing Building, Green Building Standards and California Referenced Standards Codes; and

**WHEREAS** the 2019 Codes become effective on January 1, 2020; however, the specific code addition applicable to a building project is established by the building permit application date; and

**WHEREAS** therefore, projects submitted for a permit on or after January 1, 2020, must be designed to the 2019 edition of the California Building Standards Code; and

**WHEREAS** included with the adoption of the 2019 California Building Standards Codes is the adoption of the 2018 International Property Maintenance Code (IPMC); and

**WHEREAS** the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment under Title 14 of the California Code of Regulations, Section 15061(b)(3). No further environmental review is necessary.



**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City Council of the City of Rio Dell does hereby ordain as follows:

**Section 1.**

Section 17.05.020 of the Rio Dell Municipal Code is hereby amended to read in as follows:

(1) The City of Rio Dell hereby incorporates by reference and adopts as its building standards and regulations applicable to all occupancies in the City of Rio Dell each and all of the terms, conditions, regulations, penalties, and provisions of the following codes as from time to time adopted, amended, added, and deleted by regulation of the California State Building Standards Commission:

- (a) California Administrative Code. ~~2016~~ 2019 California Administrative Code (Part 1 of Title 24).
- (b) California Building Code. ~~2016~~ 2019 California Building Code (Part 2 of Title 24), including Appendices.
- (c) California Residential Code. ~~2016~~ 2019 California Residential Code (Part 2.5 of Title 24) including Appendices.
- (d) California Electrical Code. ~~2016~~ 2019 California Electrical Code (Part 3 of Title 24).
- (e) California Mechanical Code. ~~2016~~ 2019 California Mechanical Code (Part 4 of Title 24)-
- (f) California Plumbing Code. ~~2016~~ 2019 California Plumbing Code (Part 5 of Title 24).
- (g) California Energy Code. ~~2016~~ 2019 California Energy Code (Part 6 of Title 24).
- (h) California Historical Building Code. ~~2016~~ 2019 California Historical Building Code (Part 8 of Title 24).
- (i) California Fire Code. ~~2016~~ 2019 California Fire Code (Part 9 of Title 24).
- (j) California Existing Building Code. ~~2016~~ 2019 California Existing Building Code (Part 10 of Title 24).
- (k) California Green Building Standards Code — "CAL Green." ~~2016~~ 2019 California Green Building Standards Code (Part 11 of Title 24).
- (l) California Referenced Standards Code. ~~2016~~ 2019 California Referenced Standards Code (Part 12 of Title 24).
- (m) 1997 Uniform Housing Code. Published by the International Conference of Building Officials as referenced by the California Department of Housing and Community Development

and pursuant to the provisions of Section 17958, 17958.5, 17958.9, and 17959 of the California Health and Safety Code.

(n) ~~2015~~ 2019 International Property Maintenance Code (IPMC).

(2) The above-mentioned codes, new additions, and amendments thereto shall become effective and operative within the City of Rio Dell 30 days after the date of first publication of the State Building Standards Code by the State Building Standards Commission in the California Code of Regulations, the California Regulatory Notice Register or the California Regulatory Code Supplement.

(3) The above-mentioned codes, new additions, and amendments thereto shall be and hereby are adopted as the Construction Code of the City of Rio Dell for regulating and providing minimum standards for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, location, design, quality of materials, operation, installation, replacement, and maintenance of all buildings and/or structures; heating, ventilation, cooling, refrigeration systems; electrical systems; plumbing and drainage systems; signs; and solar systems in the City of Rio Dell and providing for the issuance of permits and the collection of fees therefor.

(4) Nothing contained herein shall be construed as prohibiting or limiting the authority of the City of Rio Dell from adopting or establishing more restrictive building standards than provided for in the above-mentioned codes and amendments thereto after making the findings required by Government Code Section 17958.7.

(5) The City shall maintain one current copy of all building standards codes on file. [Ord. 315 § 1 B), 2014; Ord. 286, 2012; Ord. 269 § 1, 2014]

#### **15.05.030 Fees for permits and inspections.**

(1) Any person required to obtain a permit hereunder shall at the time of filing an application therefor pay to the City Clerk a deposit for plan review in the amount as set forth in the California Administrative Code referred to in RDMC 15.05.020. Notwithstanding any other provision of these regulations to the contrary, the City shall collect upon the issuance of any permit the actual cost of the plan review services rendered or the plan review fee as set forth in the California Administrative Code, whichever is greater.

(2) Where work is commenced prior to obtaining a permit, a double fee shall be charged.

(3) For the purpose of determining valuation of any work to be performed hereunder, the City may use the Valuation Data Table published by the International Code Council. The above-mentioned table, new editions, and amendments thereto shall become effective and operative within the City of Rio Dell 30 days after the date of first publication. The City may choose to modify the data published as determined by regional conditions, but will not exceed the costs

as published. [Ord. 286, 2012; Ord. 262 § 15.01.030, 2009.]

**15.05.040 Person may do own work.**

Nothing in this chapter shall be construed as prohibiting any person from doing his own work or employing any person to work on a building or structure to which the provisions of this chapter apply unless otherwise prohibited by law. [Ord. 286, 2012; Ord. 262 § 15.01.040, 2009.]

**15.05.050 Penalty.**

Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any part of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$1,000.00. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this chapter, or any part hereof, is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided. [Ord. 286, 2012; Ord. 262 § 15.01.050, 2009.]

**Section 2. Severability**

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

**Section 3. Limitation of Actions**

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

**Section 4. Effective Date**

This ordinance becomes effective January 1, 2020.

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on November 5, 2019 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the November 19, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 377-2019 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the November 19, 2019.

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Karen Dunham, City Clerk, City of Rio Dell