

RIO DELL CITY COUNCIL
VIRTUAL MEETING AGENDA
REGULAR MEETING - 6:30 P.M.
TUESDAY, FEBRUARY 1, 2022
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

***WELCOME** - 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 and available on the City's website at cityofriodell.ca.gov. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

**SPECIAL PUBLIC HEALTH EMERGENCY ALTERATIONS TO MEETING FORMAT
CORONAVIRUS (COVID-19)**

Due to the unprecedented public health threats posed by COVID-19 and the resultant need for social distancing, changes to the City Council meeting format are required. Executive Order N-25-20 and N-29-20 from Governor Gavin Newsom allow for telephonic Council meetings of the City Council and waives in-person accessibility for Council meetings, provided that there are other means for the public to participate. Therefore, and effective immediately, and continuing only during the period in which state or local public health officials have imposed or recommended social distancing measures, the Rio Dell City Council will only be viewable via livestreaming through our partners at Access Humboldt via their YouTube channel or Suddenlink channels on Cable TV.

Public Comment by Email:

In balancing the health risks associated with COVID-19 and need to conduct government in an open and transparent manner, public comment on agenda items can be submitted via email at publiccomment@cityofriodell.ca.gov. Please note the agenda item the comment is directed to (example: Public Comments for items not on the agenda). Your comments will be read out loud, for up to three minutes.

Meetings can be viewed on Access Humboldt's website at <https://www.accesshumboldt.net/>. Suddenlink Channels 10, 11 & 12 or Access Humboldt's YouTube Channel at <https://www.youtube.com/user/accesshumboldt>.

Zoom Public Comment:

When the Mayor announces the agenda item that you wish to comment on, call the conference line and turn off your TV or live stream. Please call the toll-free number **1-888-475-4499**, enter meeting **ID 987 154 0944** and press star (*) 9 on your phone – this will raise your hand. You will continue to hear the meeting on the call. When it is time for public comment on the item you wish to speak on, the Clerk will unmute your phone. You will hear a prompt that will indicate your phone is unmuted. Please state your name and begin your comment. You will have 3 minutes to comment.

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL MATTERS
- E. 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 allowed under the Ralph M. Brown Act. 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 2/3 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.

F. 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) 2022/0201.01 - Approve Minutes of the January 18, 2022 Regular Meeting **(ACTION)** **1**
- 2) 2022/0201.02 - Approve Job Description for Police Officer Recruit **(ACTION)** **7**
- 3) 2022/0201.03 – Adopt Resolution No. 1522-2022 Approving the Application for Rural Recreation and Tourism Program Grant Funds **(ACTION)** **11**
- 4) 2022/0201.04 - Adopt Resolution No. 1523-2022 Amending the City Master Salary Table **(ACTION)** **14**
- 5) 2022/0201.05 - Receive and File Rio Dell’s 2021 Annual Traffic Accident Report **(ACTION)** **17**

G. ITEMS REMOVED FROM THE CONSENT CALENDAR

H.	REPORTS/STAFF COMMUNICATIONS	
	1) 2022/0201.06 - City Manager/Staff Update (RECEIVE & FILE)	19
I.	SPECIAL PRESENTATIONS/STUDY SESSIONS	
J.	SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS	
	1) 2022/0201.07 - Receive Report from Davis Street Park Ad Hoc Committee and Authorize City Manager to Sign Correspondence (DISCUSSION/POSSIBLE ACTION)	24
	2) 2022/0201.08 - Authorize Mayor to Sign Correspondence to the Region IX Administrator of the Federal Emergency Management Agency (FEMA) (DISCUSSION/POSSIBLE ACTION)	35
K.	ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS	
	1) 2022/0201.09 - Adopt Resolution No. 1525-2022 Declaring the Need for Continued Virtual Meetings in Accordance with AB 361, or Discontinuing Virtual Meetings and Resuming In-Person/ (Hybrid) Meetings (DISCUSSION/POSSIBLE ACTION)	38
	2) 2022/0201.10 - Introduction and first reading (by title only) of Resolution No. 1524-2022 and Ordinance No. 389-2022 Approving Zoning and Land Use Designation of City Owned Parcel Located South of Painter Street, East of Ireland Avenue, North of Center Street and West of Highway 101 as Public Facility (PF) File No. 052-321-000; Case No. ZR/GPA 22-01 (DISCUSSION/POSSIBLE ACTION)	46
L.	COUNCIL REPORTS/COMMUNICATIONS	
M.	ADJOURNMENT	

*The next regular City Council meeting is scheduled for
Tuesday, February 15, 2022 at 6:30 p.m.*

RIO DELL CITY COUNCIL
REGULAR MEETING MINUTES
JANUARY 18, 2022

The regular "virtual" 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 Johnson, Councilmembers Carter, Wilson and Woodall.

Others Present: City Manager Knopp, Chief of Police Conner, Finance Director Dillingham, Community Development Director Caldwell, Water/Roadways Superintendent Jensen, Wastewater Superintendent Taylor, Management Analyst Sanborn, and Acting City Clerk Hamaker.

Absent: City Clerk Dunham

PUBLIC PRESENTATIONS

Mayor Garnes called for public comment on non-agenda matters. There were no public comments 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 Johnson/Woodall to approve the consent calendar approving the minutes of the January 4, 2022 regular meeting, receiving and filing check register for December 2021, adopting Resolution No. 1520-2022 City of Rio Dell Social Media Policy, adopting Resolution No. 1521-2021 authorizing changes to employee compensation and incentives in order to increase employee recruitment and retention, and authorizing the City Manager to draft and execute standard agreement with Wendt Construction for Replacement of Fern Street Guard Rail in the amount of \$10,408.00. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager Knopp provided an update regarding water shut-offs. A reminder that prior to COVID there were a lot of changes being made to the water shut-off policy. On February 9, 2022 the City will be shutting off water to accounts that are over 60 days delinquent. The City Manager reminded the Council that this was a normal occurrence prior to the pandemic.

He wanted to make it clear that approximately 110 accounts are in arrears. For informational purposes he said that February 4, 2022 is the last day for payments to get caught up, or put on a payment plan. SB998 extended the shuts-offs to 60 days. On March 4, 2020 Governor Newsom signed a water shut-off moratorium that expired December 31, 2021.

The State of CA provided water payments and they have been applied. The good news is that the City expects to receive additional funding in March 2022. Courtesy notices have been being sent out monthly since March 2020 but it has been difficult with no shutoffs. Again, shutoffs will be on February 9, 2022 with February 7, 2022 being the last day to pay.

Mayor Pro Tem Johnson asked what is the average amount of the unpaid accounts?

Finance Director Dillingham did not have the exact average and said the largest bill was around \$2,600 and the smallest around \$100. She estimates that the average to be around \$1,500.

Council Member Julie Woodall asked what Project Trellis is.

City Manager Knopp clarified that it is a legal cannabis equity grant program to ease the burdens of getting into legal cannabis programs.

Councilmember Wilson asked about Mayor Garnes and City Manager Knopps' visit to the White building at Marathon 101.

Mayor Garnes said that the building is currently empty while they are finishing the interior and they are planning on having cultivation bays, offices, drying facilities, and training/classes on cannabis cultivation. The advanced methods will give them the smallest carbon footprint of any cultivation up here or in the state of CA.

Development Director Caldwell added that it is a mixed-light operation using less than 1/10 of the energy of other indoor grows. Despite the upsetting news of the industry this is a long-term investment and a winning solution for the City and the industry.

Councilmember Wilson would like the whole council to be invited over to see the facility.

Mayor Garnes clarified that the council would be welcome and that the whole council was invited before to visit. The Planning Commission and Council are both invited.

Development Director Caldwell added that Shaun has said this is a state-of-the-art facility and it will produce some of the best cannabis in the world.

Councilmember Carter stated that she would be up for any and all tours.

Police Chief Conner was asked how he is feeling and he replied that he had a blood blister and scar on his palm.

Mayor Garnes called for public comment of the staff update. No public comment was received.

SPECIAL PRESENTATIONS

Presentation-GHD City Engineer Update

The City's engineering firm, GHD, provided an update on projects for the City. Rebecca Crow and Nathan Sanger made the presentation. They focused the update on transportation, drinking water, wastewater, and future funding opportunities.

Nathan Sanger began with a brief overview of the 2019 Rio Dell Safe routes to school project. In the past they were able to partner with RCAA to bring helmets to the students as well as promoting a walk to school day however due to COVID they have not to been able to run that program in the last few years. The construction for the program was completed in early January 2021, non-infrastructure work completed by RCAA in December of 2021, and the project will closeout in February of 2022.

GHD is working with City Manager Knopp and Water/Roadways Superintendent Jensen on the Road Improvement plans for 2022. The plans include improvements for Cherry & Orchard Lanes, as well as Riverside Drive. Much like the project from the summer of 2021 that ST Rhodes completed for the City grinding, overlay, and drainage improvements can be expected. Bid packages will be ready for publication in January.

A county wide project is currently being conducted and completely funded by HCOAG to complete a pavement condition survey. NCE is currently in the community to asses pavement conditions and roadways in the County. Every five years this survey is conducted and will give Rio Dell information that will help with planning and capital improvements. The draft report is expected by March of 2022.

Mr. Sanger gave an update on CRRSAA (Coronavirus Response and Relief Supplemental Appropriations Act of 2021) and STIP/RTIP (State and Regional Transportation Improvement Programs) funding. CRRSAA comes through HCOAG and is distributed in two buckets based on city size and the number of roads. A second portion of RTIP plan is updated every two years as a part of a five-year plan. In December of 2021 Rio Dell was programmed for \$857,000 to complete the Rio Dell Neighborhood Pedestrian Connectivity Improvement Project. This may include new sidewalks/curb ramps/crosswalks on Painter, Ireland, and Center Streets Non-STIP CRRSAA funding has been allocated to Rio Dell. \$38,000 programmed in non-STIP CRRSAA funds are anticipated for allocation in July, 2022. \$819,000 programmed in RTIP funds are anticipated to be allocated by July, 2025. Maps of anticipated work were shared with the meeting.

GHD is currently completing two grant applications which are due February 1, 2022. The 2022 Local Clean CA Grant Application for the Eel River Riparian Trail as well as the Rio Dell Gateway Beautification project. The information gathered for these grants is useful for this series of applications as well as projects in the future.

Mayor Garnes added that a signature drive to gather support is currently in the works and a direct mailer will be sent to all Rio Dell postal customers. Resident support can make a positive impact in grant review.

Rebecca Crow gave an overview on drinking water projects. An application has been submitted for a \$6 million 80-100% to the SWRCB to replace high-priority water distribution system lines and valves and to install fire hydrants where minimum hydrant spacing is not met. The application for \$3.375 million (75% Grant funded by HMGP) is moving forward with FEMA as a phased Project to install new horizontal

directionally drilled line under the Eel River. An additional application is moving forward with FEMA as a construction project for \$1.6 million (75% grant funded by HMGP) to replace the leaking redwood tank with a new bolted steel tank. Maps of the projects were shared in the presentation.

City Manager Knopp wanted to note that once underground work is completed above ground projects such as repaving streets like NW Ogle to Spring St become options.

Councilmember Johnson asked if it was a foregone conclusion that the City would receive the funding. Crow indicated the drinking water applications are moving forward in the process and the outlook is hopeful but not guaranteed. She felt that we have about an 80% chance based on where we are in the review process.

A review of wastewater was also given by Ms. Crow. A Sanitary Sewer Evaluation Study is being funded by a SWRCB Grant. The Wastewater department is currently using an ESRI based system to monitor the sewer system. This new program is grant funded by the SWRCB Grant. Disinfection analysis is currently in progress with a mussel study having been completed and field testing scheduled for summer 2022. A Final Sanitary Sewer Study is to be complete Spring 2023. Information from that study will be leveraged to obtain grant funding and construct the Painter Street sewer line replacement project.

Mayor Pro Tem Johnson offered clarity that Vitrified Clay (VCP) is much like modeling clay. What does a Mussel Study mean for a non-biologist? Mussels are a marine organism that are sensitive to their environment. The mussel species in the water flow will indicate what level of materials can be in the water.

Mayor Garnes as well as the additional councilmembers thanked GHD and City Staff for their ongoing work and feel that this is a good reminder of how many projects are being worked on regularly.

Presentation- Humboldt Regional Climate Action Plan

Community Development Director Kevin Caldwell thanked GHD and introduced the next presentation. Michael Richard, Supervising Senior Planner gave a presentation on the Humboldt Regional Climate Action Plan.

The project's goal is a regional climate action plan adopted by each jurisdiction, to reduce greenhouse gas emissions, throughout Humboldt County. In 2018 with the help of Kevin, Kyle, and other cities in the area, they began working on the CAP. Mr. Richard reviewed the timeline as well as the 2015 County Wide Greenhouse Gases Inventory highlighting transportation contributing 53% of the GHG as can be expected in a rural area. 2015 emissions by jurisdiction were also reviewed. State GHG targets for 2020 were 1990 levels. In 2030 40% below 1990 levels, and statewide carbon neutrality by 2045. The recommended target for Humboldt County is 40% below 1990 levels in 2030.

GHG reduction strategies and sample measures were shared in the Power Point as well. The Environmental review draft looks to be complete in February, 2020. Public engagement will be pivotal in reviewing the draft and in August of 2023 public hearings will begin on the final plan.

The council thanked Michael Richard for his presentation. Councilmember Wilson added that in his time with the HWMA he has seen what a large issue this is and looks forward to working together.

Mayor Pro Tem Johnson inquired as to if other states are creating similar programs. Mr. Richard responded that the West Coast is leading the country in moving forward with Climate Action Plans. WA and OR both have similar programs.

Mr. Richard acknowledged that it can be challenging yet financially important to adjust uses. Spoke with UC Davis regarding a program that feeds seaweed to cattle. The results were an astounding 80% reductions in methane gas. The study has not yet been reviewed but it could be a good solution to reducing methane production.

Mayor Garnes asked if PG&E would be involved in the process.

Mr. Richard stated that he too is not happy with the PG&E billing. He mentioned that the Harbor District is working on off shore wind construction and that would be a windfall for our area.

Mayor Garnes and the councilmembers thanked Mr. Richard for his presentation and wished him a Happy New Year.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/ PUBLIC HEARINGS

Discussion and Possible Adoption on Draft Façade Improvement Program

Management Analyst Travis Sanborn presented the draft policy of the Façade Improvement Program. The Façade Improvement Program (FIP) is a reimbursement grant program provided to a business and/or property owner for the improvement of existing commercial buildings throughout the City of Rio Dell. The program provides a matching grant of 50% of the façade improvement cost to the business and/or owner up to a maximum dollar amount \$15,000 per approved project.

Round one of the FIP would cover Fiscal Year 2021-2022 through 2022-2023. The purpose of the program is to induce private investment resulting in quality improvements and enhancement for Rio Dell's commercial properties. Project applications must be completed and collateral information provided to the Program Administrator before the grant is processed or funds will not be advanced. The program is for exterior improvements that are easily visible to the public. Projects must be located within Rio Dell city limits. Projects must meet or exceed the design standards set forth by the Planning Commission. Upon tentative approval licensed architectural work is included at no cost to applicant (up to \$2000) and is in addition to the grant funds for the project. Eligible projects will be in commercially zoned area, on or visible from Wildwood, Eeloa, or Northwestern Avenues. Ineligible projects include but are not limited to projects in buildings 10 years of age or less, motion detected lighting, land clearing or tree removal costs, and parking area paving.

Management Analyst Sanborn shared examples of façade improvements from other areas.

Mayor Garnes and the councilmembers thanked Management Analyst Sanborn and the staff for there work on the program.

Councilmember Woodall wanted to know how businesses will be aware of the program. Management Analyst Sanborn responded that there will be a door-to-door campaign meeting with local businesses and informing them of the opportunity.

Councilmember Wilson asked if there has been any feedback from local businesses. Management Analyst Sanborn answered that he is getting positive feedback and the community is showing support.

Mayor Garnes called for public comment on the draft Façade Improvement Program. No public comments were received.

Motion was made by Woodall /Carter to adopt the Draft Façade Improvement Program. Motion was carried 5-0.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Pro Tem Johnson did not have anything to report.

Councilmember Carter touched base with the Chamber of Commerce. They are putting "Visit Rio Dell" on the agenda for the February meeting.

Councilmember Wilson attends the HWMA meetings and has learned a lot about the Climate Action Plan. He is concerned that so much of what is sent to recycling ends up in landfills and sees this as a significant issue. Councilmember Wilson mentioned that plant-based protein may be an additional way to help.

Councilmember Woodall reported that the Nuisance Advisory Committee would be meeting on Tuesday, January 19, 2022 at 3:00 p.m..

ADJOURNMENT

Motion was made by Johnson/Wilson to adjourn the meeting at 8:00 p.m. to the February 1, 2022 regular meeting. Motion carried 5-0.

Debra Garnes, Mayor

Attest:

Grace Hamaker, Acting City Clerk



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

February 1, 2022

TO: Rio Dell City Council
FROM: Kyle Knopp, City Manager
SUBJECT: Approve Job Description for Police Officer Recruit

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve the attached job description.

BACKGROUND AND DISCUSSION

On January 18, 2022 the City Council authorized Resolution No. 1521-2022 related to employee recruitment and retention that included the creation of a new Police Officer Recruit position for academy attendees at the College of the Redwoods.

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POLICE OFFICER RECRUIT

DEFINITION

NOTE: This position is intended to prepare candidate for the position of Police Officer I. Incumbents in this position will attend a P.O.S.T. approved basic academy which will be paid in full by the Police Department. Incumbents may advance to Police Officer I after successfully completing the academy and meeting the entry level qualifications for Police Officer I. Prior to appointment candidates must successfully complete a background investigation, polygraph, physical health examination and a psychological evaluation.

Under close supervision, learn to perform a variety of basic peace officer duties involving the protection of life and property, enforcement of laws and ordinances, criminal investigation, crime prevention and suppression, case preparation and testimony, and providing information and assistance to the public; perform related work and training as assigned.

DISTINGUISHING CHARACTERISTICS

Police Officer Recruit is a trainee level class of this peace officer series intended to prepare candidates for the position of Police Officer I. Under close supervision, incumbents perform basic and routine law enforcement duties and observe the more skilled and complex work performed by Police Officer I/II, while concurrently attending a P.O.S.T. approved basic academy. Incumbents may advance to Police Officer I after successfully completing a P.O.S.T. approved basic academy and meeting the entry level qualifications for Police Officer I.

EXAMPLE OF DUTIES

- Accompany Police Officer on patrol of assigned areas to ensure the security of life and property, observe situations and deter crime by providing high visibility.
- Accompany Police Officer in response to suspicious activities and answer emergency calls for service.
- Accompany Police Officer and observe enforcement of state and local laws and ordinances, issuance of verbal warnings and citations, and pursuit and apprehension of suspects; request assistance as required.
- Assist with coordination of crime scene control and investigation, including interviews and interrogations, identification of witnesses, and collection and preservation of physical evidence.
- Assist with restoring order, protecting life and property, and maintaining the peace at public gatherings and in conflict situations.
- Assist with the preparation and documentation of cases; complete reports and records; prepare and maintain other logs and records.
- Assist with the investigation of traffic accidents and provide traffic and crowd control as necessary.
- May retrieve, identify and return found property and/or evidence to owners.
- May transport criminals to the courts, hospitals and various other locations.
- May serve civil papers to County residents; research and locate person to be served.
- May provide emergency aid and assistance to incapacitated persons and request additional response.

- May provide information, directions, and other services and assistance to the public.
- May serve as back-up to other local law enforcement agencies

QUALIFICATIONS

Knowledge of:

- Basic law enforcement terminology and concepts.
- Techniques for dealing with people of all socio-economic levels under hostile and emergency situations.
- Safety practices and precautions pertaining to the work.
- First aid methods and their applications.

Skill in:

- Reading, interpreting and applying complex laws, procedures and policies.
- Observing and accurately recalling places, names, descriptive characteristics and facts of incidents.
- Remaining calm and taking appropriate action in tense situations.
- Making rapid, sound independent judgments within legal and procedural guidelines.
- Preparing clear and concise reports, records and other written materials.
- Understanding and following oral and written directions.
- Establishing and maintaining effective working relationships with those contacted in the course of the work.

Other Requirements:

Must be willing to work evening, night, weekend and holiday shifts. Must possess a valid California driver's license.

Desirable Education and Experience:

A typical way to obtain the knowledge and skills outlined above is:

Volunteer or paid experience in a law enforcement support area OR college level coursework in criminology or police science which will have provided the basic knowledge and skills.

Selection Procedure

The City's Human Resources system operates by a set of rules and procedures which ensure that employees are hired and promoted on the basis of merit and fitness for the job. Jobs are filled through competitive examinations.

A complete online application is required for this position.

All application materials will be reviewed by a panel of subject matter experts. Those candidates considered to be the most qualified, based on the application materials submitted, **will be invited to a written and/or oral examination.**

MEDICAL EXAMINATION: A pre-employment medical examination provided by the City will be required upon offer of employment.

OTHER EXAMINATIONS: Some positions also require psychological evaluation and/or extensive background investigation.

LICENSES: Some classifications require possession of valid professional and/or technical licenses. Some classifications may require the possession of a valid California driver's license.

PROBATIONARY PERIOD: Persons appointed to regular City positions serve a probationary period. This temporary trainee position is considered probationary at all times in the course of employment. Time served in this capacity will not count towards a probationary period for permanent full time or part time law enforcement position.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
(707) 764-5480 (fax)



DATE: February 1, 2022

TO: Mayor and Members of the City Council

FROM: Travis Sanborn, Management Analyst

THROUGH: Kyle Knopp, City Manager

SUBJECT: APPROVING THE APPLICATION FOR RURAL RECREATION AND
TOURISM PROGRAM GRANT FUNDS

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve attached RESOLUTION NO. 1522-2022 APPROVING THE APPLICATION FOR RURAL RECREATION AND TOURISM PROGRAM GRANT FUNDS

BACKGROUND AND DISCUSSION

Rio Dell currently lacks dedicated non-motorized paths along the Eel River for pedestrians and bicyclists to enjoy and experience. A proposal exists to create a segment of the new "Great Redwood Trail" along the banks of the Eel River through Rio Dell and create opportunities to exercise, experience nature and learn about the Eel River and its importance to our community.

City staff is currently pursuing funding opportunities through the State of California, Department of Parks and Recreation, Rural Recreation and Tourism Program – Proposition 68.

It is staff's recommendation that the City Council approve the attached RESOLUTION NO. 1522-2022 APPROVING THE APPLICATION FOR RURAL RECREATION AND TOURISM PROGRAM GRANT FUNDS.

Attachments:

RESOLUTION NO. 1522-2022 APPROVING THE APPLICATION FOR RURAL RECREATION AND TOURISM PROGRAM GRANT FUND



**RESOLUTION NO. 1522-2022
RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
APPROVING THE APPLICATION FOR
RURAL RECREATION AND TOURISM
PROGRAM GRANT FUNDS**

WHEREAS; the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Rural Recreation and Tourism Grant Program, setting up necessary procedures governing the application; and

WHEREAS; said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS; successful Applicants will enter into a contract with the State of California to complete the Grant Scope project;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

APPROVES THE FILING OF AN APPLICATION FOR THE RURAL RECREATION AND TOURISM PROGRAM GRANTS FUNDS; AND

1. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and
2. Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project, and
3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
4. Delegates the authority to the City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

6. Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G).

I HEREBY CERTIFY that the forgoing Resolution was PASSED, APPROVED, and ADOPTED by the City Council of the City of Rio Dell on February 1, 2022 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Mayor Debra Garnes

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 Resolution No. 1522-2022 adopted by the City Council of the City of Rio Dell February 1, 2022.

Karen Dunham, City Clerk, City of Rio Dell

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
(707) 764-5480 (fax)



DATE: February 1, 2022

TO: Mayor and Members of the City Council

FROM: Cheryl Dillingham, Finance Director

THROUGH: Kyle Knopp, City Manager

SUBJECT: Adoption of Resolution No. 1523-2022 Amending the City Master Salary Table

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve adoption of Resolution No. 1523-2022 amending the City Master Salary Table.

BACKGROUND AND DISCUSSION

On January 18, 2022 the City Council authorized Resolution No. 1521-2022 related to employee recruitment and retention that including a compensation enhancement of ten percent (10%) to the City of Rio Dell Employees Association, Peace Officers Association and all Contract Employees. The City Salary Table needs to be amended to reflect this change.

Additionally, the City Council approved the development of a sponsored Police Officer Recruit Program for the College of the Redwoods Police Academy. The new job title and salary has been added to the Peace Officers Association Master Salary Table.

ATTACHMENTS

Resolution 1523-2022



**RESOLUTION NO. 1523-2022
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
AMENDING AND ADOPTING CITY MASTER SALARY TABLE**

WHEREAS, the City of Rio Dell recognizes the value of adopting a salary schedule that promotes the recruitment and retention of employees; and

WHEREAS, a pay structure with competitive salaries is essential in attracting and retaining a skilled, motivated work force, thereby increasing the level of service to the City's residents; and

WHEREAS, a salary table helps provide transparency in compensation; and

WHEREAS, Section 36506 of the Government Code of the State of California provides that the City Council shall, by Resolution or Ordinance, fix the compensation for all appointive officers and employees.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell hereby amends and adopts the following Master Salary Table and that all prior resolutions (Resolution No. 1496-2021) concerning compensation for City employees that are in conflict with this Resolution or the Master Salary Tables are hereby repealed, and this Resolution shall be effective the starting with the pay period ended February 11, 2022:

Peace Officers Association

JOB TITLE	Salary Range				
	A	B	C	D	E
Police Officer	50,606	53,136	55,793	58,582	61,511
Police Officer Recruit	46,005				
Police Corporal	58,687	61,622	64,703	67,938	71,335
Sergeant	64,779	68,018	71,419	74,990	78,739

Rio Dell Employee's Association

JOB TITLE	Salary Range				
	A	B	C	D	E
Accountant I	51,871	54,464	57,187	60,047	63,049
Accountant II	57,256	60,119	63,125	66,281	69,595
Admin. Assistant	36,710	38,546	40,473	42,497	44,622
Administrative Tech.	42,572	44,701	46,936	49,283	51,747
Community Service Officer	43,637	45,819	48,110	50,515	53,041
Fiscal Assistant I	34,942	36,689	38,523	40,449	42,472
Fiscal Assistant II	38,569	40,498	42,523	44,649	46,881
Management Analyst I	57,256	60,119	63,125	66,281	69,595
Office Assistant	31,655	33,237	34,899	36,644	38,476
PW Leadman	42,572	44,701	46,936	49,283	51,747
Records Tech.	38,569	40,498	42,523	44,649	46,881

Rio Dell Employee's Association (continued)

Sr. Fiscal Assistant	42,572	44,701	46,936	49,283	51,747
Utility Worker I	33,257	34,920	36,666	38,500	40,425
Utility Worker II	36,710	38,546	40,473	42,497	44,622
Utility Worker III	40,522	42,548	44,675	46,909	49,255
W/WW Plant Op. I	39,533	41,510	43,585	45,764	48,052
W/WW Plant Op. II	43,637	45,819	48,110	50,515	53,041
W/WW Plant Op. III	48,167	50,575	53,104	55,759	58,547
Operator In Training (OIT)	39,533				

Management/Confidential Employees

JOB TITLE	Salary Range				
	A	B	C	D	E
City Clerk	51,871	54,464	57,187	60,047	63,049
City Manager	111,522	117,099	122,953	129,101	135,556
Chief of Police	93,820	98,511	103,437	108,608	114,039
Finance Director	82,924	87,070	91,423	95,994	100,794
Community Dev. Dir.	82,924	87,070	91,423	95,994	100,794
Management Analyst II	63,199	66,359	69,677	73,161	76,819
Senior Management Analyst	69,761	73,249	76,911	80,757	84,795
Wastewater Sup.	68,059	71,462	75,035	78,787	82,726
Water/Streets Sup.	68,059	71,462	75,035	78,787	82,726

ELECTED OFFICIALS*	Salary Range				
	A	B	C	D	E
Mayor	-	-	-	-	-
Mayor Pro-tem	-	-	-	-	-
City Council Members	-	-	-	-	-
Planning Commissioner - Chair	-	-	-	-	-
Planning Commissioners	-	-	-	-	-

*Elected officials are reimbursed for travel expenses related to official duties

PASSED AND ADOPTED by the City of Rio Dell on this 1st day of February 2022, by the following roll call vote:

Ayes:
Noes:
Abstain:
Absent:

Debra Garnes, Mayor

ATTEST:

Karen Dunham, City Clerk



675 Wildwood Avenue
Rio Dell, CA 95562-1597
(707) 764-5642

For Meeting of: February 2, 2022

Consent Item; Public Hearing Item

To: City Council
From: Jeff Conner, Chief of Police
Through: Kyle Knopp, City Manager
Date: January 26, 2022
Subject: Rio Dell's 2021 Annual Traffic Accident Report

Recommendation:

That the City Council review and discuss the attached Annual Traffic Accident Report

Background and Discussion

Rio Dell Municipal Code Section 10.05.070 requires the Traffic Specialist to submit an annual report to the City Council that provides summary details on the traffic accidents that have occurred in the City. In 2021, there were twenty-six such accidents that resulted in one major injury and three minor ones. The accidents occurred throughout the City including one in proximity to the intersection of Monument Road and Wildwood Avenue, which has been historically the site of the most serious and largest number of collisions. More than half of the accidents (15) were hit and runs and in about 30% of collisions, a driver was arrested, cited, referred to juvenile probation, or the matter was otherwise adjudicated. The primary collision factor for the accidents were: unsafe backing (6), driving on other than the right side of the road (6), unsafe turning movement (3), excessive speed for conditions (3), unknown or unable to determine (3), failure to yield the right-of-way (2), following too closely (1), unsafe passing on the right (1), failure to yield to a pedestrian in a sidewalk (1),

Attachments

List of Traffic Accidents

Case #	Date	Time	Location	Speed Limit	Minor Injuries	Major Injuries	Fatal Injuries	DUI Involved	Caused By Juve?	Primary	Latitude	Longitude
21-000008	01/07/2021		0 OGLE AVE/TOLMAN PL	15	0	0	0	F	F	21650 VC	40.50616	-124.1209
21-000068	02/05/2021		1356 RIO VISTA LN/PACIFIC	15	0	0	0	F	F	CVC21755	40.50346	-124.10993
21-000088	02/12/2021		1355 WILDWOOD	25	0	0	0	F	T	CVC 21703	40.5016	-124.10651
21-0000175	03/26/2021		1255 700 IRELAND AVE	25	0	0	0	F	F	22106	0	0
21-0000188	03/30/2021		834 CENTER ST/CHASE AVE	15	0	0	0	F	F	VC 22107	40.50207	-124.10446
21-0000210	04/06/2021		0 441 3RD AVE	25	0	0	0	F	F	21650 VC	40.4973	-124.10259
21-0000212	04/08/2021		1900 200 BLK WILDWOOD	25	1			F	F	CVC 21950	40.4955	-124.09975
21-0000228	04/17/2021		1950 RIGBY AVE/PAINTER ST	25	0	0	0	F	F	VC 21650	40.50308	-124.09709
21-0000231	04/18/2021		129 87 BERKELEY ST	15	0	0	0	F	F	22350	40.49451	-124.10168
21-0000233	04/18/2021		1830 BELLEVIEW/WILDWOOD	25				F	F	22106 VC	40.55487	-124.14618
21-0000244	04/24/2021		2018 315 WILDWOOD AVE	25				F	F	CVC21804(a)	40.49492	-124.10364
21-0000250	04/26/2021		1130 675 WILDWOOD AVE	25				F	F	21650	40.49887	-124.10667
21-0000264	05/04/2021		1000 541 WILDWOOD AVE					F	F	22106 VC	40.49664	-124.10544
21-0000279	05/11/2021		1518 1000 RIVERSIDE DR	25				F	F	21800 (c)	40.50383	-124.10114
21-0000299	05/22/2021		2251 209 OGLE AVE		0	0	0	F	F	cvc 22106	40.50579	-124.11924
21-0000300	05/23/2021		6 233 CHERRY LN	25	0	0	0	F	T	22106	40.49365	-124.10716
21-0000357	06/14/2021		1125 PAINTER	30				F	F	22350	40.50242	-124.10634
21-0000371	06/23/2021		1930 675 WILDWOOD AVE	5				F	F	cvc 22106	40.49887	-124.10666
21-0000378	06/26/2021		150 1241 EELOA AVE	15			1	F	F	Unknown	40.5069	-124.11003
21-0000456	08/10/2021		117 117 MEADOW BRIDGE	25				F	F	VC 21650	40.49367	-124.09892
21-0000458	08/12/2021		2230 94 PAINTER ST	55	0	0	0	F	T	22350 VC	0	0
21-0000483	08/24/2021		1540 EELOA AVE/FERN ST	15	1	0	0	F	F	21658(a) VC	40.50566	-124.10701
21-0000500	09/04/2021		1449 582 WILDWOOD AVE		0	0	0	F	F	cvc 22107	40.49738	-124.11269
21-0000555	09/29/2021		0 922 HILDA CT	25				F	F	Unknown	0	0
21-0000645	11/06/2021		2022 ORCHARD ST/PACIFIC	25	1			F	F	CVC 22107	40.49387	-124.10591
21-0000741	12/29/2021		1537 75 WILDWOOD AVE	25	0	0	0	F	F		40.49299	-124.10157
26 Accidents												



Staff Highlights – 2022-02-01

City Council

City Manager

Currently there are 75 people on the water shut off list down from 110 two weeks ago. The Finance Department has received 4 partial payments, 13 full payments and have set up 20 payment plans. The current average outstanding bill is \$1,000.

Responded to multiple inquiries regarding the Façade Improvement Program from interested participants.

Vehicle surplus auction underway.

The City participated in the Homeless Point In Time (PIT) Count for 2022.

Discussions with Wastewater staff and consultants on regulatory compliance for Rio Dell.

City Clerk

Processed Three (3) Building Permit Applications:

321 Painter St. – Sewer Cleanout
940 Pacific Ave. – Re-Roof Residence
282 Belleview Ave. - Residential Addition

Processed Two (2) Business License Applications:

Robert Koehler – Non-Resident Contractor
Kathleen Dillon – Vacation Rental

Processed One (1) Vacation Rental Application

Kathleen Dillon - 1147 Eeloa Ave.

Processed one (1) Encroachment Permit Application:

Alves, Inc. – ADA Sidewalk Improvements – 120 First Ave.

Misc:

Submitted CHF/CIRB Monthly Building Permit Report for December 2021
Submitted Monthly Report to Bureau of Labor Statistics for January 2022



Submitted Annual Housing Survey to Department of Finance
Prepared Annual FPPC Form 700's for Council, Planning Commission & staff

City Attorney

Human Resources, Risk & Training

Finance Department

Public Works Water

Grounds Maintenance

Water leak at 337 Second Ave (UPDATE: Replaced Curb Stop)

Install water meter at 508 Wildwood Ave

Trouble shoot pump 1 at infiltration gallery – replaced pressure transducer to solve startup issues. (Update: Confirmed Repaired)

Dinsmore tank preparations for Tank Upsizing 100,000 Gal to 200,000 Gals.

Setup trial run of the TU5300 Turbidity Analyzers for Permanente installations.

Compete SWRCB Monthly Reports

Repair Water leak on Elm and Pacific

Ongoing inventory stocking for water repair parts.

Read water meters for the month of January

Public Works Wastewater

Public Works Streets, Buildings and Grounds

General Grounds Maintenance on Gateway islands, City Parks and City Hall.

Tree and debris removal throughout town

Patched potholes throughout town.

Drainage and DI Cleaning throughout town after storm.

Vehicle maintenance on Public works vehicles. (Rocha's Automotive)



Complete Service orders from City Hall.

General Corp yard clean up and Shop Cleanup.

Public Works City Engineer

Public Works Capital Projects

Police Department

The Department had the following statistics for the period of January 12, 2022, to January 25, 2022. This period of time saw a lower than average number of calls for service, but average numbers of cases and arrests. The lower number of calls for service may be due in part to lower staffing due to loss of an employee, illness, training, and vacation. The summation of Calls for Service may be greater than the total as multiple officers can now be assigned to the same call for service. There may also be administrative calls for service that are not documented below.

Officer	Calls for Service	Reports	Arrests
Conner	29	5	3
Beauchaine	39	6	2
Landry	23	5	2
Burns	61	8	4
Johnson	25	1	1
Fielder	17	2	0
Clark	30	1	N/A
Totals	196	28	12
Averages	14.0 per day	14.0 per week	6.0 per week
2021 Yearly Average	15.6 per day	14.2 per week	5.7 per week

Calls for Service at 355 Center Street

Type	Date	Time	Location	Primary Unit	Case #
415N	01/12/2022	18:02:53	355 CENTER ST	6S1	
415N	01/14/2022	20:33:17	355 CENTER ST	R618	
415	01/16/2022	03:14:41	355 CENTER ST	R618	
415	01/16/2022	19:47:01	355 CENTER ST	R618	
WELFARE	01/19/2022	22:05:29	355 CENTER ST	6S1	
FOOT	01/25/2022	00:00:33	355 CENTER ST	6S1	
415	01/25/2022	09:04:48	355 CENTER ST	6R9	
459A	01/25/2022	11:23:45	355 CENTER ST	6R9	
459A	01/25/2022	14:30:48	355 CENTER ST	6R9	

415N – Noise Complaint



415 – Disturbance
459A – Burglary alarm
WELFARE – Check on the welfare of a resident
DEATHINV – Investigation of a medically unattended death
FOOT – Foot patrol through the complex

R618 – Officer Russell Johnson
6S1 – Sergeant John Beauchaine
6R9 – Officer Charlie Fielder

During the period of January 12th to 25th, 2022, there were nine calls for service related to animal control issues. One dog, Freddy, was transported to Miranda's Rescue for a ten-day quarantine. This is the third time that Freddy has bitten someone and the Department intends to declare him to be a Potentially Dangerous Dog. An informal hearing will be held with the owner. The owner can then appeal that decision to the City Council.

Corporal Crystal Landry completed the Presley Institute of Criminal Investigation's Core course. This is the basic investigations class taken by detectives. She will now be able to take additional classes on specific subjects such as homicide, sexual assault, and narcotics.

On January 16, 2022, Officer Johnson was preparing to go off duty in the station parking lot when he heard a man screaming. He located the man and his family near the intersection of Ash and Wildwood. The man was belligerent and attempted to resist being handcuffed. Officer Johnson spoke with the man's wife and son and learned that the man had been berating his wife, attempted to steal her phone, and assaulted her when the fifteen-year-old son intervened. The two came to blows and when the man tried to follow the pair into the son's room, the son threw a knife at him, causing him to retreat. He then slashed one of the tires on his wife's car. It was at this point that Officer Johnson arrived. The man was arrested for domestic violence, battery on his son, possession of a controlled substance (found during a search incident to arrest), and resisting arrest. He was booked without further incident.

On January 17, 2022, Corporal Landry checked on a suspicious car that had been reported by a neighbor. The occupant of the car had a warrant for his arrest and was taken into custody. He claimed that he had borrowed the car from a friend in Oregon. Apparently, he was not that good of a friend as he could not remember the man's name. Corporal Landry did an inventory of the car prior to it being towed and found a second set of license plates from Wisconsin. These plates actually belonged to the car. She then found paperwork showing the owner of the car and his phone number. She called the number and eventually spoke with the owner who now lives in Arizona. He told Corporal Landry that he was doing a voluntary repossession of the vehicle and had been told by his bank to lock one key in the car and send the other to them in the mail. When the car was no longer parked in front of his house, he thought the tow company had removed it. He had no idea who the man was who had possession of the vehicle. That man was booked into the jail on the warrant and for being in possession of a stolen car.

On January 18, 2022, Sergeant Beauchaine and Corporal Landry responded to a report of a fight in the Avenues. Their investigation determined that there had been a fight the previous day between two male juveniles. The loser of that fight had returned with several of his friends to extract retribution from the victor. He was kicked in the head, hit in the leg with a baseball bat, and may have had a brick



dropped on his head. He was transported to the hospital by ambulance, but did not have any serious injuries. One of the suspects, eleven years of age, was taken into custody as he was too intoxicated to flee. He was turned over to his grandparents. The identities of all the persons involved has been determined and a report sent to Juvenile Probation. The following day, a neighbor came to the station to report that he had heard the altercation and had gone outside to try and break it up. One of the participants had thrown a traffic cone at him, causing a large bruise, and then threatened to kill him with a knife. Additional charges are pending against this young man.

Code Enforcement

During the period of January 12th to 25th, the Department opened four new code enforcement cases dealing with junk or inoperable vehicles and closed thirteen. Of the closed cases, four cars were towed by the City while the remainder were moved by their owners. At the end of this reporting period, there were two open cases involving junk vehicles.

During the period January 12th to 25th, the Department did not open any new cases and closed one that dealt with violations of the City's cannabis ordinance. This violation was abated by the property owner. A fire seriously damaged a house on Belleview and it is no longer a habitable residence. The Department, in conjunction with City Hall, intends to declare it uninhabitable and begin the process to have it demolished.

Community Development Department

Intergovernmental

Humboldt-Rio Dell Business Park



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

February 1, 2022

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Report Out from Davis Street Ad Hoc Committee and Recommendation to Authorize the City Manager to Sign Attached Correspondence.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive report and authorize the City Manager to sign the attached correspondence.

BACKGROUND AND DISCUSSION

The Ad Hoc Committee of Councilmembers Johnson and Woodall are recommending that the Council move to terminate the City's agreement with the School District related to collaboration on "Davis Street Park." The agreement calls for a two-year noticing period, therefore there will be no change in status until February 1, 2024. Discussions over the past few years have resulted in no substantive change to the Parks situation. It is hoped that during this two-year period discussions can resume.

///

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



February 1, 2022

Angela Johnson, Superintendent
Rio Dell School District
95 Center Street
Rio Dell, CA 95562

**RE: Notice of Termination of Joint Use Agreement for "Davis Street Park"
Effective February 1, 2024.**

Dear Superintendent Johnson,

At the direction of the City Council of the City of Rio Dell this correspondence is being issued in accordance to Section 11 of the agreement (attached). The City believes the agreement to be poorly worded and that as a result, neither the District nor the City have adequately maintained the facility. Section 11 requires a two-year notice.

The 2007 agreement appears to have been drafted to facilitate further investment in the property, however that investment never materialized. Additionally the facility continues to see fewer public uses and higher levels of deferred maintenance.

The City remains open to collaborative efforts regarding this area's public use. This includes purchase of the site by the City or long-term leasing of the site for public use. These formal arrangements will aide in the City's ability to acquire State grant funds for rehabilitation of the facility and hopefully an enhanced public use. We believe this to be in the best interests of all parties.

Our hope is that this notice spurs continued discussions about the site's long-term use.

Sincerely,

Kyle Knopp, City Manager
City of Rio Dell

JOINT USE AGREEMENT
THE RIO DELL SCHOOL DISTRICT AND THE CITY OF RIO DELL
COLLABORATIVE AGREEMENT FOR USE OF FACILITIES

THIS JOINT USE AGREEMENT HAS BEEN PRODUCED BY AND FOR THE RIO DELL SCHOOL DISTRICT AND THE CITY OF RIO DELL, AS A COLLABORATIVE EFFORT TO CREATE COMMUNITY AT ALL PUBLIC FACILITIES THROUGHOUT THE CITY OF RIO DELL.

THIS Joint Use Agreement ("AGREEMENT") is dated as of ^{February} January 8, 2007, by and between the Rio Dell Unified School District ("DISTRICT"), a public school district duly organized and existing under the laws of the State of California and the City of Rio Dell ("CITY"), a municipal corporation and public body.

RECITALS

WHEREAS, DISTRICT is the owner of real property and improvements thereon in the City of Rio Dell, including facilities, which are used by CITY for community recreational and educational purposes; and

WHEREAS, the CITY maintains and improves facilities as funding allows for community recreational and educational purposes; and

WHEREAS, the CITY and DISTRICT desire to enhance and community's use of facilities owned by the CITY and DISTRICT for community recreational and educational purposes; and

WHEREAS, this AGREEMENT is entered into pursuant to the provisions of Education Code Section 10900, et. Seq.

NOW, THEREFORE, for and in consideration of the collaborative agreements herein contained, the parties hereto agree as follows:

1. TERM AND COMMENCEMENT

This AGREEMENT will commence as of the date in which the latter of CITY and DISTRICT approve and execute this AGREEMENT, and will continue for a period of twenty (20) years, unless sooner terminated as provided for hereinafter in Section 11. This AGREEMENT may be renewed for successive five (5) year terms. Such renewal will be deemed automatic unless AGREEMENT is sooner terminated as provided for hereinafter in Section 11 or upon written notice of intent not to renew given to the other party at least one (1) year prior to the expiration of AGREEMENT.

2. FACILITIES COVERED

The term "DISTRICT FACILITIES" will be used for the purposes of this AGREEMENT to mean certain fields, tennis courts, parking lots located on Rio Dell School District property located at 95 Center Street in Rio Dell as identified in Exhibit A and incorporated into the AGREEMENT.

The term "CITY FACILITIES" will be used for the purposes of this AGREEMENT to mean facilities owned by the CITY which are suitable for use by DISTRICT for educational and recreation activities

The term "FACILITIES" will be used for the purposes of this AGREEMENT to mean DISTRICT FACILITIES and CITY FACILITIES.

3. PERMITTED USES OF FACILITIES

A. Subject to the terms of this AGREEMENT, DISTRICT will permit CITY to use DISTRICT FACILITIES without charge for COMMUNITY RECREATIONAL ACTIVITIES as long as such use does not conflict with the regular conduct of public school and school-related educational and recreational activities.

B. Subject to the terms of this AGREEMENT, CITY will permit DISTRICT to use CITY FACILITIES, without charge, for DISTRICT educational and recreational activities, as long as such use does not conflict with the regular conduct of park, recreation, and community service activities sponsored by CITY.

4. SCHEDULING USE OF FACILITIES

A. DISTRICT and CITY will develop a master schedule for joint use of FACILITIES. DISTRICT and CITY will schedule quarterly meetings unless alternate meeting times are mutually agreed upon. At these meetings both parties will review and evaluate the status and condition of jointly used FACILITIES, and to modify or confirm the upcoming quarter's schedule. CITY and/or DISTRICT will provide summary minutes of these quarterly meetings.

B. CITY will have the responsibility for scheduling all use of CITY FACILITIES.

C. The CITY will also have the responsibility for scheduling the use of DISTRICT FACILITIES for COMMUNITY RECREATIONAL ACTIVITIES during non-school hours beginning at 4:00 p.m., until dusk, Monday through Friday, and all day Saturday and Sunday, as long as such use does not conflict with the regular conduct of public school and school related educational and recreation activities.

D. Scheduling requests for CITY and DISTRICT FACILITIES will be submitted on the approved standard form.

CITY and DISTRICT will provide the other with a minimum of fifteen (15) calendar days notice when canceling approved FACILITIES use dates. If either the CITY or DISTRICT cancels any approved reservation, the canceling party will make a reasonable effort to provide an appropriate alternative reservation site and/or time.

E. Unless otherwise agreed to by site specific agreement, each party will maintain its own facilities, in a state of good repair, provide day-to-day maintenance, janitorial services including clean and stock restrooms throughout the day, structural repair, and replacement or repair of any major equipment.

5. OBLIGATION OF CITY

During the term of this AGREEMENT, CITY hereby covenants and agrees to the following:

A. Upon the expiration of the term of this AGREEMENT, or upon the sooner termination thereof, and when surrendered, CITY will leave FACILITIES in as good order and condition as FACILITIES were at the beginning of their term of this AGREEMENT.

B. With respect to DISTRICT FACILITIES utilized by CITY, CITY will maintain, or cause to be maintained, as identified in site-specific agreements, turf in playing areas.

C. DISTRICT will have the right to make emergency repairs to facilities and improvements on active use areas.

D. Any obligation for the custodial service necessary to keep CITY FACILITIES in a neat, orderly, and sanitary condition at all times during its use thereof under this AGREEMENT will be the CITY'S responsibility.

E. Allow no vehicles to enter upon DISTRICT FACILITIES except as may be necessary and authorized for the limited purposes of maintenance, operation, and delivery of goods and services or in designated public parking lots.

F. Appoint an employee with whom DISTRICT, or any other authorized agent of DISTRICT, may confer regarding the terms of this AGREEMENT.

G. Enforce all DISTRICT rules, regulations, and policies provided by the DISTRICT while directing community recreational and educational activities on DISTRICT FACILITIES.

H. Provide personnel necessary for the direction or supervision of activities sponsored by the CITY at DISTRICT FACILITIES.

I. Perform the normal maintenance of its own CITY FACILITIES as required under normal working conditions and fair wear and tear, unless otherwise addressed in a site-specific agreement.

J. CITY will hold user groups responsible for picking up trash and debris at school sites and parks and depositing it into the proper trash bins. Fields and adjoining areas affected by a user group's use must be picked up and cleared of all trash. CITY will encourage user group's to leave school and park areas immediately after games and practices safely and quietly, especially after late games insuring good neighbor practices in residential neighborhoods.

6. OBLIGATIONS OF DISTRICT

During the term of this AGREEMENT, DISTRICT hereby covenants and agrees to the following:

A. Appoint an employee with whom CITY, or any other authorized agent of the CITY, may confer regarding the terms of this AGREEMENT.

B. Enforce all CITY rules, regulations, and policies while directing community educational and recreational activities at CITY FACILITIES. The CITY will provide the DISTRICT with rules, regulations, and policies for each CITY FACILITY.

C. Provide personnel necessary for the direction or supervision of activities sponsored by the DISTRICT at CITY FACILITIES.

D. Notify the CITY when reconfiguring fields or parking lots, at least 30 days prior to doing such.

E. May provide and maintain additional toilet facilities at DISTRICT FACILITIES, if necessary, in conjunction with CITY activities. DISTRICT will approve and locate the type of toilet facilities being portable, mobile, temporary, or fixed. DISTRICT may require user groups to pay for the additional toilet facilities at DISTRICT FACILITIES.

F. Perform normal maintenance on DISTRICT FACILITIES as required under normal working conditions and fair wear and tear.

G. Any obligation for custodial services necessary to keep DISTRICT FACILITIES in a neat, orderly, and sanitary condition at all times during its use thereof under this AGREEMENT will be the DISTRICT'S responsibility.

7. ADDITIONAL IMPROVEMENTS

A. CITY/DISTRICT will obtain prior written consent of CITY/DISTRICT to make any alterations, additions, or improvements to FACILITIES. CITY/DISTRICT understand that any such alterations, additions, or improvements must comply with all state and local standards.

B. Any such alterations, additions, or improvements will be at the expense of the requesting party, unless otherwise agreed upon.

C. Each party may, for good cause, require the demolition or removal of any alterations, additions, or improvements at the expiration or termination of this AGREEMENT. "Good cause" includes reasons of health, safety, or the DISTRICT'S need for the FACILITY for educational purposes.

D. CITY/DISTRICT will have the right to make emergency repairs on any improvements made by the other and each party agrees to split the cost of such emergency repairs.

E. DISTRICT agrees to pay electrical, lighting, water, and other utility service costs associated with all alterations, additions, or improvements made by CITY upon DISTRICT FACILITIES, as identified in site-specific agreements when mutually beneficial to the DISTRICT.

F. If any alterations, additions, or improvements are destroyed by fire, war, earthquake, flood, storm, or other casualty beyond the control of the parties hereto, to such an extent which they cannot be restored to their previous condition within one hundred-twenty (120) days after the casualty, CITY will have the option to restore the structure or improvements to their condition as of the date of the casualty. In the event CITY does not elect to perform such restoration, CITY will remove all structures, improvements, and personal property from the site and return the site to its original condition, insofar as practical, unless otherwise mutually agreed. If site and improvements are destroyed by any of the causes enumerated above, and in the event they can be restored within one hundred-twenty (120) days after the casualty, CITY will restore them as soon as feasible. DISTRICT will do the same for alterations, additions, or improvements, which it has placed on CITY FACILITIES.

8. LIABILITIES AND INDEMNIFICATION

A. CITY is financially responsible for damages caused by CITY use of DISTRICT FACILITIES; DISTRICT is financially responsible for damages caused by DISTRICT use of CITY FACILITIES.

B. CITY will indemnify, defend, and hold harmless DISTRICT, its officers, agents, employees, representatives, and volunteers from damage to property and for injury to or death of any person and from all claims, demands, actions, liability, or damages of any

kind or nature arising out of or in connection with activities or programs sponsored by CITY at DISTRICT FACILITIES, except those which arise out of the sole negligence of DISTRICT.

C. DISTRICT will indemnify, defend, and hold harmless CITY, its officers, agents, employees, representatives, and volunteers from damage to property and for injury to or death of any person and from all claims, demands, actions, liability, or damages of any kind or nature arising out of or in connection with activities or programs sponsored by DISTRICT at CITY FACILITIES, except those which arise out of the sole negligence of CITY.

9. ASSIGNMENTS AND SUBLEASE

A. CITY may enter into agreements of use by permit with groups for recreational and educational purposes. Such agreements for use are subject to and deemed to incorporate by reference all provisions of this AGREEMENT.

B. CITY may charge a fair and responsible fee or accept in-kind services from permitted users to offset the costs associated with the use of DISTRICT FACILITIES. Any fees generated for the use of District Facilities in the City of Rio Dell shall be turned over to the School District for the on-going maintenance of those facilities unless maintenance responsibility is established as the City's and in such case those funds will be retained by the City for on-going maintenance costs.

C. Neither CITY nor DISTRICT may assign or transfer this AGREEMENT, or any part thereof, without the written consent of the other party.

10. NOTICES

A. All notices, statements, demands, requests, consents, approvals, authorizations, appointments, or designations hereunder by either party to the other will be in writing and will be deemed given and served upon the other party, if delivered personally or three (3) days after depositing in the United States mail, postage prepaid, addressed to:

If to CITY:

City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA 95562

Attention: City Manager

If to DISTRICT:

Rio Dell School District
95 Center Street
Rio Dell, CA 95562

Attention: Superintendent

11. TERMINATION

A. This AGREEMENT may be terminated only by mutual consent of both parties or with cause, at any time during the term hereof by either party of this AGREEMENT upon two (2) years written notice to the other party.

12. SEVERABILITY AND APPLICABLE LAW

Whenever possible, each provision of this AGREEMENT will be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of this AGREEMENT will be invalid under the applicable law, such provision will be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision, or the remaining provisions of this AGREEMENT. This AGREEMENT has been made and entered into in the State of California and the laws of said State will govern the validity and interpretation hereof and the performance hereunder by the parties herein.

Every provision of law and clause required by law to be inserted in this Contract shall be deemed to be inserted, and this Contract shall be read as enforced as though it were included, as if through mistake or otherwise any provision is not inserted or is not correctly inserted, upon application of either party the contract shall be amended to make the insertion or correction.

13. AGREEMENT

This AGREEMENT sets forth the entire AGREEMENT between the parties with respect to the facilities listed in Exhibit "A". Both parties must in the form of a written amendment agree to any modifications.

14. WAIVER

The failure of CITY or DISTRICT to insist upon strict performance of any of the terms, conditions, or covenants in this AGREEMENT will not be deemed a waiver of any right or remedy which CITY or DISTRICT may have and will not be deemed a waiver of any right or remedy for a subsequent breach or default of the terms, conditions, or covenants herein contained.

15. BINDING EFFECT

This AGREEMENT and all the terms, covenants, conditions, and agreements herein contained will be binding upon and inure to the benefit of the parties hereto and their respective successors.

IN WITNESS WHEREOF, this AGREEMENT has been duly approved by both DISTRICT and CITY.

DISTRICT:

CITY:

Rio Dell School District

City of Rio Dell

By: Jamdy O'Donell
(Insert typed name)
President, Board of Education

By: R. L. Leonard
(Insert typed name)
Mayor R. L. Leonard

Dated: 2-8-07

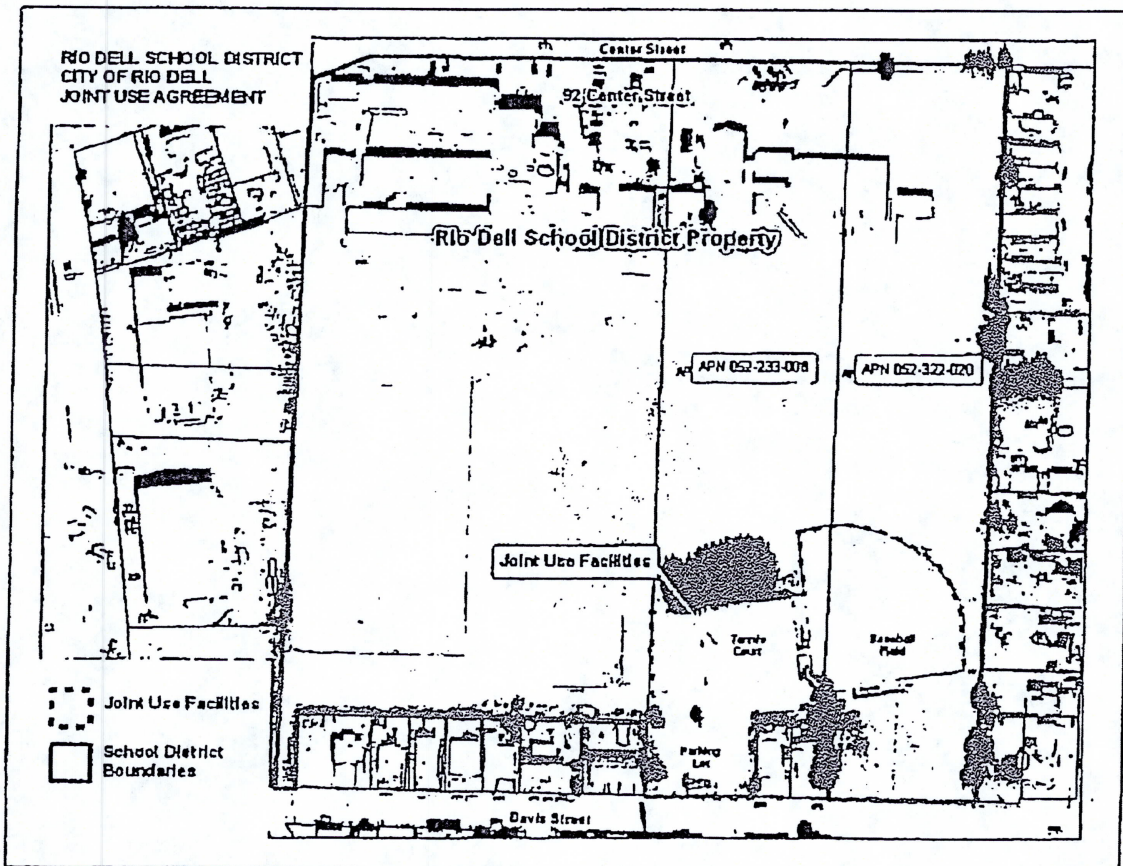
Dated: 1/29/07

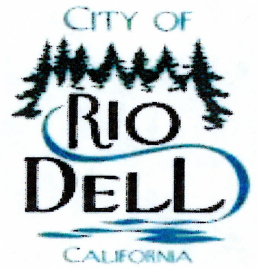
EXHIBIT "A"

FACILITIES that require a third party lease interest or sites with special provisions must be identified as such and are included in this AGREEMENT listed in Exhibit "A".

FACILITIES

The Specified facilities are commonly known as the "tennis courts", "baseball fields", "parking lot", and "landscaping" located on the southern portion of Rio Dell School District property located at 95 Center Street in Rio Dell and is comprised of Assessor's Parcel's 052-322-020-000, and 052-233-008-000.





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

February 1, 2022

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Authorize the Mayor to Sign Correspondence to the Region IX Administrator of the Federal Emergency Management Agency.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the Mayor to sign the attached correspondence.

BACKGROUND AND DISCUSSION

The City Manager can provide an update on the status of the Monument Road slip out. According to the County, the process is currently stalled with FEMA who have denied a request for an adequate repair to the roadway in favor of a cheaper solution not supported by engineering work. The letter seeks to encourage FEMA to bring a resolution to this issue and states the City's position as aligned with the County of Humboldt related to the repair work.

///

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



February 1, 2022

Mr. Robert J. Fenton, Jr. Regional Administrator
Federal Emergency Management Agency, Region IX
U.S. Department of Homeland Security
1111 Broadway, Suite 1200
Oakland, CA 94607-4052

RE: Request for Assistance with Federal Emergency Management Agency (FEMA) Related to Federal Disaster: FEMA 4308-CA-DR, PW#1276, FEMA ID: 023-99023-00

Dear Mr. Fenton,

The City of Rio Dell is requesting your assistance related to Monument Road, which was severely damaged during the February 2017 storm event (FEMA-4308-DR-CA) resulting in an authorization for Public Assistance (PA) in forty-three California counties, including Humboldt County where Rio Dell is located. The County of Humboldt is the lead local agency on this project, which is on the border of the Rio Dell city limits and unincorporated County of Humboldt.

This letter seeks to confirm the position of the County of Humboldt and encourage timely resolution to this matter that is in the hands of Region IX.

Monument Road is a vital east-west roadway that serves residents of the City of Rio Dell and County of Humboldt including ranchers, vineyards, timber operators, farms, residences, a rock quarry and important telecommunications and federal NOAA facilities. The road is also critical for the immediate area's emergency response, evacuation and firefighting capabilities. This critical infrastructure demands timely repair. Further inaction will result in the roadway's total failure, severing a significant number of city residents from Rio Dell and resulting in a two-hour detour for a trip that should only take two minutes. This issue has an impact on the lives and safety of the citizens of Rio Dell.

On August 10, 2021 FEMA denied the County of Humboldt's (the subrecipient) request related to necessary modifications to the scope of the repair. On September 10, 2021 Mr. Tony Seghetti, PE with County Public Works issued their appeal to this decision. This

appeal was further supported by Mr. Ryan Buras, the Deputy Director for Recovery and the Governor's Authorized Representative with CalOES. As of the issuance of this letter, there has been no resolution. We request your support in concluding this issue in a timely manner.

Further, the City of Rio Dell supports the County of Humboldt's March 3, 2021 request to FEMA for Scope of Work (SOW) changes related to the implementation of a "soldier pile wall" solution as opposed to a "mechanically stabilized embankment." This request was made by the County of Humboldt based upon an engineering study recommendation that is fully supported by the City. As you may know, this area has a very unique, site specific and esoteric geology that is best summarized as unstable.

We thank you for your attention to this matter and appreciate your agency's work on disaster recovery in the region.

Sincerely,

Debra Garnes, Mayor
City of Rio Dell

Cc: Thomas Mattson, Public Works Director, County of Humboldt
Humboldt County Board of Supervisors
Ryan Buras, Deputy Director of Recovery at CalOES
David Gillings, CalOES

*675 Wildwood Avenue
Rio Dell, CA 95562*



TO: Mayor and Members of the City Council

FROM: Karen Dunham, City Clerk

THROUGH: Kyle Knopp, City Manager

DATE: February 1, 2022

SUBJECT: Resolution Declaring the Need for Continued Virtual Meetings in Accordance with AB 361, or Resolution Discontinuing Virtual Meetings and Resuming In-Person/Virtual (Hybrid) Meetings

RECOMMENDATION

Adopt Resolution No. 1525-2022 declaring the need for continued virtual City Council and Commission meetings during declared State of Emergency pursuant to Government Code Section 54953 (AB 361) (Version 1); or

Adopt Resolution No. 1525-2022 declaring the need to resume with in-person/virtual (hybrid) meetings (Version 2).

BACKGROUND AND DISCUSSION

At the October 5, 2021 regular meeting, the City Council adopted Resolution No. 1505-2021 declaring the need for virtual City Council and Commission meetings during declared State of emergency related to AB 361 exempting the City from certain Brown Act teleconferencing rules. At the November 2, 2021 regular meeting, the City Council adopted Resolution No. 1509-2021 extending the order for another 30 days, followed by subsequent resolutions extending the order through the end of January.

To continue utilizing the AB 361 exemptions to the Brown Act teleconferencing rules, the Council must make the following findings by majority vote every 30 days:

- The legislative body has reconsidered the circumstances of the emergency; and
- Either of the following circumstances exist: The state of emergency continues to directly impact the ability of members to meet safely in person, or State or local officials continue to impose or recommend social distancing measures.

The Humboldt County Public Health Division reported a daily total of **412** confirmed COVID cases on January 25, 2022 including 2 hospitalizations followed by **241** confirmed cases on January 26, 2022 with no hospitalizations.

It should be noted that staff has scheduled Wednesday, February 2, 2022 for office reorganization and staff will need to utilize the City Council Chambers as a staging area for office furniture and files for a short time, anticipating a few days or possibly up to a week of disruption.

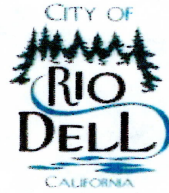
With passage of Resolution 1525-2022 to continue conducting City Council meetings remotely, staff will bring the item back at the March 1, 2022 regular meeting to reconsider the circumstances of the emergency and, if appropriate, make findings to continue to hold virtual meetings pursuant to AB 361, or to resume in-person/virtual (hybrid) meetings. The other option is to discontinue conducting meetings remotely and resume with in-person (hybrid) meetings, effective with next regular meeting on February 15, 2022 or the March 1, 2022, regular meeting.

In speaking with the County Board of Supervisors staff, they are scheduled to resume with in-person (hybrid) meetings on March 1, 2022 provided the equipment is installed and working properly.

As previously noted, all participants at in-person meetings are required to wear masks during the entire meeting regardless of vaccination status.

Attachments:

Resolution No. 1525-2022 – Continuing with Remote Meetings
Resolution No. 1525-2022 – Resuming with In-Person Meetings



RESOLUTION NO. 1525-2022

**RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF RIO DELL DECLARING THE NEED TO CONTINUE
CONDUCTING CITY COUNCIL AND COMMISSION MEETINGS
REMOTELY DURING DECLARED STATE OF EMERGENCY
PURSUANT TO GOVERNMENT CODE SECTION 54953 (AB 361)**

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up Zoom meetings for all City Council and Commission meetings; and

WHEREAS, on March 27, 2020, the City Council adopted Resolution No. 1449-2020 declaring a local emergency due to COVID-19; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N08-21, which placed an end date of September 30, 2021, for agencies throughout the state and requiring local agencies to observe all the usual Brown Act requirements as they existed prior to the issuance of the orders; and

WHEREAS, since issuing Executive Order N-08-21, the Delta variant has emerged, causing a spike in COVID-19 cases throughout the state; and

WHEREAS, on August 6, 2021, in response to the Delta variant, the Humboldt County Health Department ordered all individuals to wear masks when inside public spaces and maintain social distancing; and

WHEREAS, on November 8, 2021, the Humboldt County Health Department extended the order requiring all individuals to wear face coverings when indoors in workplaces and public settings, with limited exceptions; and

WHEREAS, on September 16, 2021 Governor Newsom signed AB 361 which allows cities to continue to meet remotely during proclaimed states of emergency under modified Brown Act requirements that are similar but not identical to the rules and procedures established by the previous Executive Brown Act Orders; and

WHEREAS, the City cannot maintain social distancing requirements for the public, staff, Councilmembers, and Commissioners in their respective meeting locations; and

WHEREAS, on October 5, 2021 the City Council adopted Resolution No. 1505-2021 declaring the need for virtual City Council and Commission meetings during declared State of Emergency pursuant to Government Code Section 54953 (AB 361) and;

WHEREAS, the City Council extended the declaration through November, 2021 with passage of Resolution No. 1509-2021; and

WHEREAS, the City Council then extended the declaration through December, 2021 with passage of Resolution No. 1513-2021; and

WHEREAS, the City Council then extended the declaration through January, 2022 with passage of Resolution No. 1519-2022; and

WHEREAS, AB 361 provides that, if the state of emergency remains active for more than 30 days, a local agency must make certain findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell declares the following:

1. In compliance with AB 361, and in order to continue to teleconference without the usual teleconference requirements of the Brown Act, the City Council makes the following findings:
 - a. The City Council has reconsidered the circumstances of the state of emergency; and

- b. The state of local emergency continues to directly impact the ability of the City Council and its Commissions, as well as staff and members of the public from meeting safely in person; and
 - c. County of Humboldt Health Department orders require all individuals in public spaces to maintain social distancing; however, the City cannot maintain social distancing requirements for the Councilmembers, Commissioners, staff and the public in the meeting spaces.
2. City Council and Commission meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361, in order to better ensure the health and safety of the public.
3. The City Council will revisit the need to conduct meetings remotely within 30 days of the adoption of the resolution.

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk of the City of Rio Dell, certify that the foregoing Resolution was introduced at a regular meeting of the City Council held on February 1, 2022 and was adopted thereafter by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Karen Dunham, City Clerk



RESOLUTION NO. 1525-2022

**RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF RIO DELL DECLARING THE NEED TO DISCONTINUE
CONDUCTING CITY COUNCIL AND COMMISSION MEETINGS
REMOTELY DURING DECLARED STATE OF EMERGENCY
PURSUANT TO GOVERNMENT CODE SECTION 54953 (AB 361)
RESCINDING RESOLUTION NO. 1519-2022**

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up Zoom meetings for all City Council and Commission meetings; and

WHEREAS, on March 27, 2020, the City Council adopted Resolution No. 1449-2020 declaring a local emergency due to COVID-19; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N08-21, which placed an end date of September 30, 2021, for agencies throughout the state and requiring local agencies to observe all the usual Brown Act requirements as they existed prior to the issuance of the orders; and

WHEREAS, since issuing Executive Order N-08-21, the Delta variant has emerged, causing a spike in COVID-19 cases throughout the state; and

WHEREAS, on August 6, 2021, in response to the Delta variant, the Humboldt County Health Department ordered all individuals to wear masks when inside public spaces and maintain social distancing; and

WHEREAS, on November 8, 2022, the Humboldt County Health Department extended the order requiring all individuals to wear face coverings when indoors in workplaces and public settings, with limited exceptions; and

WHEREAS, on September 16, 2021 Governor Newsom signed AB 361 which allows cities to continue to meet remotely during proclaimed states of emergency under modified Brown Act requirements that are similar but not identical to the rules and procedures established by the previous Executive Brown Act Orders; and

WHEREAS, on October 5, 2021 the City Council adopted Resolution No. 1505-2021 declaring the need for virtual City Council and Commission meetings during declared State of Emergency pursuant to Government Code Section 54953 (AB 361) and;

WHEREAS, the City Council extended the declaration through November, 2021 with passage of Resolution No. 1509-2021; and

WHEREAS, the City Council then extended the declaration through December, 2021 with passage of Resolution No. 1513-2021; and

WHEREAS, the City Council then extended the declaration through January, 2022 with passage of Resolution No. 1519-2022; and

WHEREAS, AB 361 provides that, if the state of emergency remains active for more than 30 days, a local agency must make certain findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules.

WHEREAS, the City Council reviewed the findings and determined that social distancing requirements can be maintained for the public, staff, Councilmembers, and Commissioners in their respective meeting locations.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell declares the following:

- a. The City Council has reconsidered the circumstances of the state of emergency; and
- b. The state of local emergency does not continue to directly impact the ability of the City Council and its Commissions, as well as staff and members of the public from meeting safely in person; and

c. County of Humboldt Health Department orders require all individuals in public spaces to maintain social distancing; and the City can maintain those social distancing requirements for the Councilmembers, Commissioners, staff and the public in the meeting spaces.

2. City Council and Commission meetings will resume as in-person/
virtual (hybrid) meetings while ensuring the health and safety of the public, staff, councilmembers and commissioners in their respective meeting locations

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk of the City of Rio Dell, certify that the foregoing Resolution was introduced at a regular meeting of the City Council held on February 1, 2022 and was adopted thereafter by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Karen Dunham, City Clerk


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: February 1, 2022

Consent Item; Public Hearing Item

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: January 26, 2022

Subject: Zoning and General Plan Designation of City Owned Parcel
File No. 052-321-000; Case No. ZR/GPA 22-01

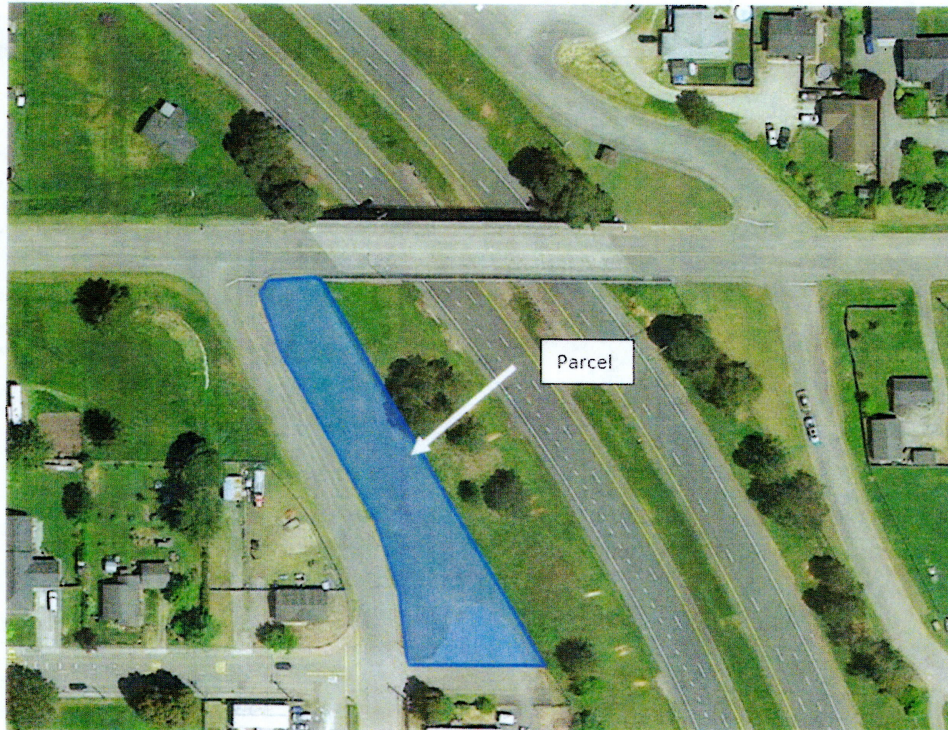
Recommendation:

That the City Council:

1. Receive staff's report introducing the first reading of Resolution No. 1524-2022 and Ordinance No. 389-2022 designating the Caltrans give-back parcel located south of Painter Street, east of Ireland Street, north of Center Street and west of Highway 101 Public Facility; and
2. Open the public hearing, receive public input and deliberate; and
3. Close the public hearing; and
4. Schedule the second reading and adoption of Resolution No. 1524-2022 and Ordinance No. 389-2022 for the meeting of February 15, 2022.

Background

This parcel and portions of many others were originally acquired by Caltrans in the mid 1970's for the realignment of Highway 101. After construction, Caltrans deeded the excess properties back to the original landowners and the City. After the parcel was deeded back to the City it was never zoned. This was recently brought to staff's attention as part of a grant application to establish a dog park on the parcel. As such, staff is recommending that the parcel be zoned and designated Public Facility (PF).



The Planning Commission met on January 25, 2022 and considered the designation of the parcel to Public Facility. After discussion, the Commission adopted Resolution No. 166-2022 recommending that your Council designate the parcel Public Facility (PF).

Procedures for Plan Amendments

California Government Code § 65350-65362 contains the following procedural requirements to amend a general plan:

- Prior to action to amend a general plan, the proposed action **should** be referred to and circulated for 45 days to the City, County, school districts, LAFCo, regional planning agencies, any federal or state agencies, water providers, and Native American tribes with traditional lands located within the City;
- The Planning Commission shall hold at least one public hearing before approving a recommendation on the amendment;

- The Planning Commission shall make a written recommendation on the amendment;
- Prior to amending the general plan, the City Council shall hold at least one public hearing;
- The City Council shall amend the general plan by resolution, which shall be adopted by not less than a majority of the legislative body;
- City Council may approve, modify, or disapprove the Planning Commission's recommendations, however any substantial modifications not previously considered by the Planning Commission shall first be referred to the Planning Commission for its recommendation;
- Copies of the adopted general plan amendment shall be made available for inspection by the public one working day following adoption;
- Within two working days after a request, copies shall be furnished to those so requesting;
- Any specific plan or other plan of the City that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the General Plan;

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to

be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.

- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Plan and Zone Amendment Required Findings:

1. The proposed amendments are deemed to be in the public interest.

State law requires that parcels have a land use designation to ensure planned orderly development. Staff believes that the parcel not being designated was an oversight when the current General Plan was adopted. It is in the public interest and required by State law that parcels have a land use designation.

As a City owned parcel, the appropriate designation of the parcel is Public Facility. The Public Facility or PF zone is intended to be applied to lands owned by public agencies or to lands upon which such agencies operate public facilities.

2. The proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

The proposed Plan designation is also Public Facility. Staff is not aware of any policies and/or programs which are inconsistent or incompatible in designating the parcel Public Facility.

3. The potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

There is no evidence to suggest that the proposed designation of Public Facility to the parcel would be detrimental to the public health, safety or welfare.

4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

The City determined that the development of the Dog Park qualified for Categorical Exemption per Sections 15301, 15303 and 15304 of the CEQA Guidelines as it involves the minor alteration

of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use and consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure and consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, and scenic trees.

Because the development of a Dog Park on the is exempt from CEQA, staff believes designating the parcel Public Facility is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment.

Attachments

Attachment 1: Planning Commission Resolution No. 166-2022 recommending that the City Council designate the parcel Public Facility.

Attachment 2: City Council Resolution No. 1524-2020 applying the Public Facility General Plan designation to the parcel.

Attachment 3: Ordinance No. 389-2020 applying the Public Facility Zoning designation to the parcel.

RESOLUTION NO. PC 166-2022



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING THAT A CALTRANS GIVE-BACK PARCEL BE DESIGNATED TO
PUBLIC FACILITY.**

WHEREAS the subject parcel and portions of many others were originally acquired by Caltrans in the mid 1970's for the realignment of Highway 101; and

WHEREAS after construction of Highway 101, Caltrans deeded the excess properties back to the original landowners and the City; and

WHEREAS after the parcel was deeded back to the City, a zoning and plan designation was never applied to the parcel; and

WHEREAS this was recently brought to staff's attention as part of a grant application to establish a dog park on the parcel; and

WHEREAS staff is recommending that the parcel be zoned and designated Public Facility (PF); and

WHEREAS the City has reviewed and processed the proposed designation of the parcel in conformance with Sections 65350-65362 of the California Government Code and Section 17.30,010 of the Rio Dell Municipal Code; and

WHEREAS the proposed designation of the parcel has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that:

1. That the parcel should be designated Public Facility (PF); and
2. Designating the parcel is in the public interest; and

RESOLUTION NO. 1524-2022



RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL DESIGNATING THE CALTRANS GIVE-BACK PARCEL LOCATED SOUTH OF PAINTER STREET, EAST OF IRELAND STREET, NORTH OF CENTER STREET AND WEST OF HIGHWAY 101 TO PUBLIC FACILITY.

WHEREAS the subject parcel and portions of many others were originally acquired by Caltrans in the mid 1970's for the realignment of Highway 101; and

WHEREAS after construction of Highway 101, Caltrans deeded the excess properties back to the original landowners and the City; and

WHEREAS after the parcel was deeded back to the City, a zoning and plan designation was never applied to the parcel; and

WHEREAS this was recently brought to staff's attention as part of a grant application to establish a dog park on the parcel; and

WHEREAS staff is recommending that the parcel be zoned and designated Public Facility (PF); and

WHEREAS pursuant to the requirements of state and local law, the Planning Commission conducted a duly noticed public hearing on January 25, 2022 to consider the proposed zone boundary adjustment, at which time all interested person were given an opportunity to be heard; and

WHEREAS after discussion, the Planning Commission adopted Resolution No. 166-2022 recommending that your Council designate the parcel Public Facility (PF); and

WHEREAS the City has reviewed and processed the proposed designation of the parcel in conformance with Sections 65350-65362 of the California Government Code and Section 17.30,010 of the Rio Dell Municipal Code; and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Rio Dell finds that:

1. That the parcel should be designated Public Facility (PF); and
2. Designating the parcel is in the public interest; and
3. Designating the parcel Public Facility is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected; and
4. The potential impacts of designating the parcel to Public Facility is not to be detrimental to the public health, safety, or welfare; and
5. The proposed designation of the parcel to Public Facility is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell hereby designates the parcel identified in the attached Exhibit A to Public Facility (PF).

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the City Council of the City of Rio Dell on February 15, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor Debra Garnes

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 Resolution No. 1524-2022 adopted by the City Council of the City of Rio Dell on February 15, 2022.

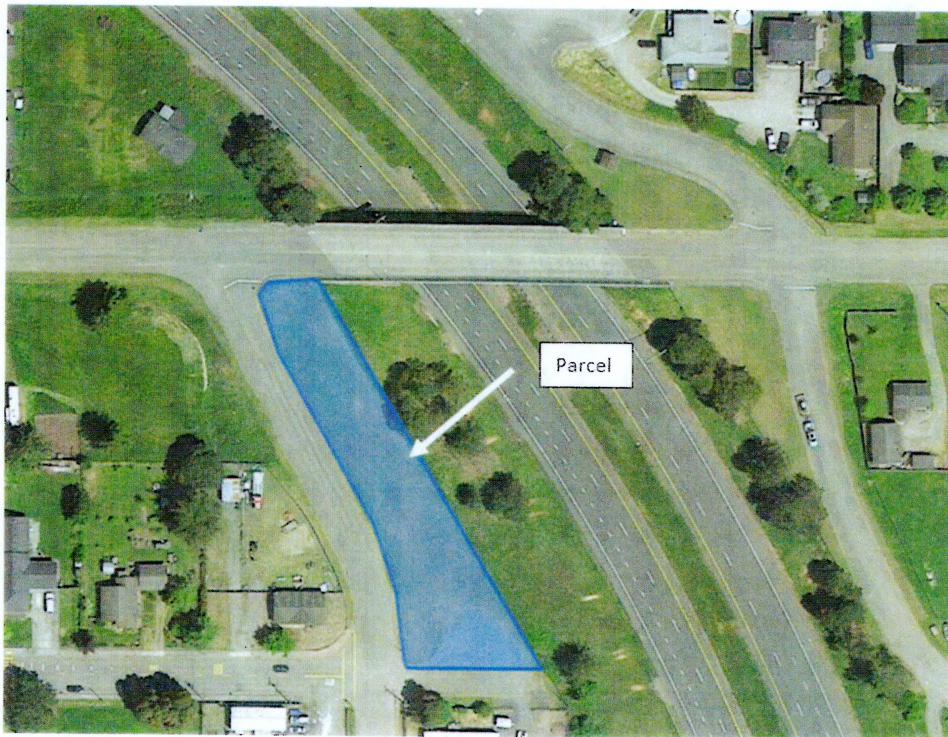
Karen Dunham, City Clerk, City of Rio Dell

EXHIBIT A

RESOLUTION NO. 1524-2022



RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL DESIGNATING THE CALTRANS GIVE-BACK PARCEL LOCATED SOUTH OF PAINTER STREET, EAST OF IRELAND STREET, NORTH OF CENTER STREET AND WEST OF HIGHWAY 101 TO PUBLIC FACILITY.



**Zoning and General Plan Designation of City Owned Parcel
File No. 052-321-000; Case No. ZR/GPA 22-01**

ORDINANCE NO. 389-2022



ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL ZONING THE CALTRANS GIVE-BACK PARCEL LOCATED SOUTH OF PAINTER STREET, EAST OF IRELAND STREET, NORTH OF CENTER STREET AND WEST OF HIGHWAY 101 TO PUBLIC FACILITY.

WHEREAS the subject parcel and portions of many others were originally acquired by Caltrans in the mid 1970's for the realignment of Highway 101; and

WHEREAS after construction of Highway 101, Caltrans deeded the excess properties back to the original landowners and the City; and

WHEREAS after the parcel was deeded back to the City, a zoning and plan designation was never applied to the parcel; and

WHEREAS this was recently brought to staff's attention as part of a grant application to establish a dog park on the parcel; and

WHEREAS staff is recommending that the parcel be zoned and designated Public Facility (PF); and

WHEREAS pursuant to the requirements of state and local law, the Planning Commission conducted a duly noticed public hearing on January 25, 2022 to consider the proposed zone boundary adjustment, at which time all interested person were given an opportunity to be heard; and

WHEREAS after discussion, the Planning Commission adopted Resolution No. 166-2022 recommending that your Council designate the parcel Public Facility (PF); and

WHEREAS the City has reviewed and processed the proposed designation of the parcel in conformance with Sections 65350-65362 of the California Government Code and Section 17.30,010 of the Rio Dell Municipal Code; and

WHEREAS the proposed designation of the parcel has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Rio Dell finds that:

1. That the parcel should be designated Public Facility (PF); and
2. Designating the parcel is in the public interest; and
3. Designating the parcel Public Facility is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected; and
4. The potential impacts of designating the parcel to Public Facility is not to be detrimental to the public health, safety, or welfare; and
5. The proposed designation of the parcel to Public Facility is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

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

Section 1. Zoning Map Amendment

Section 17.15.030 (Zoning Map) of the Rio Dell Municipal Code is hereby amended to zone the parcel identified in the attached Exhibit A to Public Facility (PF)..

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 thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was PASSED and ADOPTED at a regular meeting of the City Council of the City of Rio Dell on February 15, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor Debra Garnes

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. 389-2022 adopted by the City Council of the City of Rio Dell on February 15, 2022.

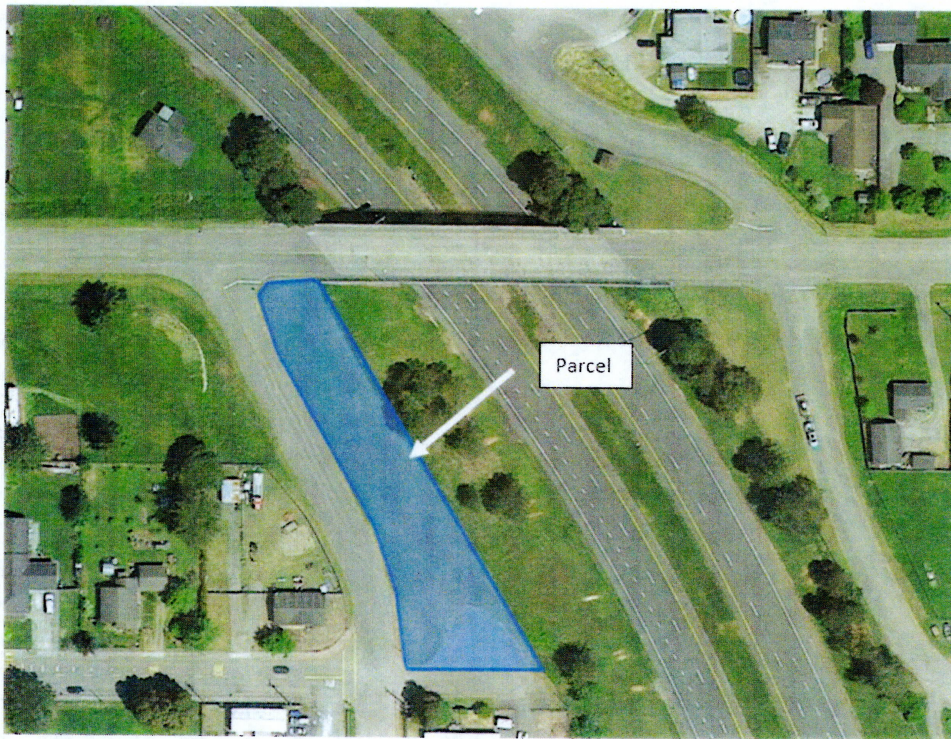
Karen Dunham, City Clerk, City of Rio Dell

EXHIBIT A

ORDINANCE NO. 389-2022



RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL ZONING THE CALTRANS GIVE-BACK PARCEL LOCATED SOUTH OF PAINTER STREET, EAST OF IRELAND STREET, NORTH OF CENTER STREET AND WEST OF HIGHWAY 101 TO PUBLIC FACILITY.



**Zoning and General Plan Designation of City Owned Parcel
File No. 052-321-000; Case No. ZR/GPA 22-01**