

City of Ferndale, Humboldt County, California, U.S.A.
Approved Minutes for City Council Meeting of March 16, 2022

Mayor Hindley called the Regular City Council Meeting to order at 7:00 pm via Zoom Video Conference. Those present did the flag salute. Present were Council Members Stephen Avis, Leonard Lund, Phillip Ostler, and Robin Smith, along with staff: City Manager Jay Parrish, Police Chief Ron Sligh, and City Clerk Kristene Hall.

Report out of Closed Session: None

Ceremonial: City Clerk Hall read a Proclamation to honor the Healthcare Workers within the Community. Mayor Hindley stated that this Proclamation was not for one individual, but to all healthcare workers within the community. Hindley sincerely thanked all the healthcare workers out there and stated that if anyone of them would like a copy of the proclamation, they could request one. Councilman Avis also thanked the workers.

Modifications to the Agenda: City Attorney Ryan Plotz explained the city had received a letter from California River Watch after the agenda had been sent out. Plotz stated the letter alleges the city is out of compliance with certain requirements of the clean water act relating to the Wastewater Treatment Plant. Plotz added that the letter provides a 60-day notice of its intent to bring a lawsuit against the city. Plotz stated that this is a time sensitive matter and since it was received after the posting of the agenda, he is asking the Council to amend the agenda by motion to add a Closed Session as follows:

Conference with legal counsel; anticipated litigation, Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: one case. Facts and circumstances involve the allegation by California River Watch that the city is out of compliance with the Clean Water Act in regards to the City's Wastewater Treatment Plant.

Plotz added that under the Brown Act, the council upon a two thirds vote can move to add an item to the agenda if both the following findings are made. 1. If the matter is of an urgent matter; and 2. If the need for action arose after the publishing of the agenda. Plotz stated that both of those finding had been met.

MOTION: to add the closed session item to the agenda. **(Avis/Ostler) Unanimous**

Report out of Study Session: None

Public Comment: None

Consent Calendar: There were three items on the Consent Calendar for approval. There were no questions from the council or public.

MOTION: to approve the consent calendar. **(Lund/Ostler) Unanimous**

Call Items Removed from Consent Calendar: None

Presentation:

Arlington Avenue Drainage Technical Assistance Project: City Manager Parrish stated that Brett Vivyan was present. Parrish added that Vivyan was part of a state-wide specialized group of Engineers that gives technical assistance to small disadvantaged cities. Parrish added that the city had previously applied for a Prop 1 grant and we were not successful. The state contacted the city and stated they had additional funds available and offered help from this technical assistance committee. Parrish stated the Vivyan was present to update on the proposed project. Vivyan stated that as Parrish stated there was a previous Prop 1 project developed for stormwater that was unsuccessful. The Council for watershed Health works with small communities for technical assistance. Vivyan explained that the technical assistance takes the unsuccessful project and revises it to make it more competitive for grant funding. Vivyan presented a PowerPoint on the updated project. The PowerPoint went over the existing conditions, the original proposed project, the proposed project to date, benefits of the project, and cost estimates.

Public Hearing- None

Business:

General Plan and Housing Element Annual Progress Report: City Planner Krystle Heaney reported on the General Plan Progress Report. Heaney stated that this is a report that is required every year and is sent to the Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD). Heaney added that the report requires to include when the Elements were developed, any updates that have been done, and how the city is doing at implantation of programs within the elements. Heaney went over the proposed General Plan progress report with the council. Heaney also added that the city does an additional annual progress report for the Housing Element. HCD requires a detailed report on types of housing developed or demolished. Mayor Hindley questioned the development of low and moderate housing with the cost of lumber and materials. Heaney agreed that material cost is a problem and added that building of Accessory Dwelling Units (ADU's) helps to meet the requirements for low-cost housing. Councilman Avis questioned the elements that have been updated and need CEQA to be adopted, funding for these elements, and a timeframe for completion. Heaney stated that the Land Use, Safety, and Noise and Air Quality are currently in the update process and will need CEQA. Heaney also stated that these will hopefully be completed by the end of 2022. Councilman Smith questioned Land Use Redesignations and rezoning to accommodate a broader range of housing types, and how this would be accomplished in an upscale pricing market like Ferndale. Smith also expressed concerns about being out of compliance with HCD for the City to provide means for low and very low housing. Councilman Avis stated that this is a long-term plan. Avis added that rezoning and redesignating provides the direction to a developer on where and how they can develop the land in certain areas of the city. Heaney added that while the rezoning is a long-term plan, the Housing Element gives a shorter time frame for housing numbers. Regional Housing Number Allocation (RHNA) go to 2027. Heaney added the city has already met the low-income numbers, but still need to need to very low-income number which is 9 units. City Planner Blodgett added that RHNA are not units that have to be built, they are numbers that the city has to have land designated for the ability to build on.

MOTION: to approve the General Plan Annual Progress Report. (Avis/Ostler) **Unanimous**

Per Capita Grant Funding Public Comment and Project Recommendations: City Manager Parrish explained that this grant is something the state does approximately every 10 years to improve parks. Parrish added that the city applied for two separate grants. City Planner Krystle Heaney stated the city had submitted two grant options for both Fireman's and Russ Parks that were lengthy lists. Heaney explained that the city held two public input meetings to narrow down the project lists. Heaney went over the top items that the public chose. Heaney stated that staff is looking for project recommendations from the council. A member of the public spoke on the projects that were important to him. The public member spoke about concerns on the trails being outside the Russ Park boundaries, Russ Park signage, Park maintenance, Russ Park Restroom and/or Tool Shed. Councilman Smith stated his concerns of potential litigation from the park not being properly maintained. City Attorney Ryan Plotz stated the City is covered within the park by our Risk Management CIRA. Plotz also added that the city is obligated to maintain it to be safe for public use. Plotz also stated that government codes do provide immunities to public entities for recreation and use of natural resources. Councilman Avis questioned liability issues on the possibility of trails being out of the park boundary. Plotz stated that this would need to be evaluated and determined on a case-by-case basis. Councilman Smith stated his support for any assistance in maintain the trails. Councilman Avis questioned the parking lots and entrances. Avis also commented on the proposed restroom or making the current restroom more attractive. Avis added that the city should be focusing on improvements at Russ Park. Avis also suggested asking the community to provide funding for the BBQ in Fireman's Park. Mayor Hindley stated the funds should be equally shared. The council further discussed the different options and determined a further review of cost estimates for the various projects should be done and reviewed at a study session. **MOTION:** to table this agenda item and hold a Study Session to further discuss. **(Smith/Ostler) Unanimous**

Resolution 2022-03 Approving the Submission of Police Department Military Equipment Use Policy: Police Chief Ron Sligh stated the police department currently has a 1993 HMMWV 4X4 vehicle that was obtained through a 1033 military surplus program for free. Sligh explained the vehicle was obtained with the thought that it could be used in an emergency flooding event, or its ability to go off-road. Sligh added that in September of 2021, Governor Newsom signed AB 481 which provides certain requirements for the use of military equipment by law enforcement agencies including the approval of a Military Equipment Use Policy approved by the City Council. Sligh explained that the HMMWV falls under this requirement and now requires a policy in order to continue the use of it. Sligh added that this is the only piece of military equipment the Police Department has. City Attorney Ryan Plotz went over the process of AB 481 which includes approving the resolution for the submittal of the Military Equipment Use Policy, Adopting an Ordinance Approving the Policy, and annual reporting. Mayor Hindley added that any equipment that falls under this category would need to be approved by council before purchasing. **MOTION:** to approve Resolution 2022-03 Approving the Submission of Police Department Military Equipment Use Policy. **(Ostler/Avis) Unanimous**

COVID 19 Update and Discussion: City Manager Parrish stated that it had now been 25 months since the Emergency Proclamation. Parrish stated he would like to ask the council to stay with Zoom for at least one more month to make sure the dust settles and we are still looking good. Councilman Smith stated that numbers are still scary, and vaccinations are still not where they should be. Smith stated that there is a new variant now emerging in Hong Kong. Smith stated

that this new variant, BA2, is highly contagious. Smith added there is now a second booster coming out and encourages everyone to get it when it becomes available. **MOTION:** to reconfirm the existence of the local emergency and reconfirm the findings of Resolution 2021-21 to continue the use of virtual meetings. **(Avis/Ostler) Unanimous**

Correspondence: None

Council Comments: None

Reports:

City Managers Report: Councilman Avis stated he was pleased with the information in the City Managers Report.

Other Reports: None

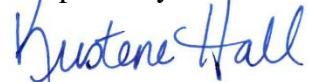
Mayor Hindley adjourned to the Closed Session 9:14pm.

Reconvene to Regular Meeting at 9:23

Report out of Closed Session: City Attorney Plotz reported that the Council unanimously authorized the City Manager to retain outside Clean Water Council for purposes of the notice from California River Watch.

Mayor Hindley Adjourned the Meeting at 9:25pm

Respectfully submitted



Kristene Hall
City Clerk