

MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

JANUARY 4, 2005

The City Council/Redevelopment Agency of the City of Eureka met in REGULAR Session on the above date, 4:30 p.m. Closed Session, 6:30 p.m. Open Session, at the Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

PRESIDING: MAYOR LA VALLEE

PRESENT: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN, JONES

ABSENT: NONE

MINUTES PREPARED BY:

COUNCIL APPROVAL ACKNOWLEDGED:

Kathleen L. Franco Simmons
City Clerk

Peter La Vallee
Mayor

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Public comment prior to closed session

ACTION:

No one expressed an interest in addressing the council at this time.

Adopted on motion by Councilmember _____, seconded by Councilmember _____, and the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on January 5, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item A

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Closed session

ACTION:

Council met in closed session to discuss the following matters:

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Titles: City Manager

Pursuant to California Government Code Section 54957

C. CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Susan Christie for the City of Eureka

Employee organizations: Eureka City Employees Association (ECEA); Eureka
Firefighters' Local #652 (EFL); and
Eureka Police Officers' Association (EPOA)

Pursuant to California Government Code Section 54957.6

D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation: one case

Pursuant to California Government Code Section 54956.9

E. PUBLIC EMPLOYMENT

Title: City Attorney

Pursuant to California Government Code Section 54957

F. CONFERENCE WITH PROPERTY NEGOTIATORS

Property: APN 001-143-07, 4th and G Street parking lot

Agency negotiator: David W. Tyson for the City of Eureka

Negotiating parties: John Dalby, Pres.; Redwood Capital Bank

Under negotiation: price, terms, and conditions

Pursuant to California Government Code section 54956.8

Closed session was adjourned prior to the completion of items C, D, E and F at 6:27 p.m., to be resumed immediately following regular open session. Upon reconvening to open session, it was reported that there was nothing to report out of closed session.

Agenda Item B, C, D, E, F

MINUTE ORDER, JANUARY 4,2005
ITEM: B, C, D, E, F
PAGE: 2

Adopted on motion by Councilmember _____, seconded by Councilmember _____, and the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item B, C, D, E, F

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Mayor's announcements

ACTION:

Mayor La Vallee encouraged citizens to support organizations raising money to help with tsunami relief.

Adopted on motion by Councilmember _____, seconded by Councilmember _____, and the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item M/A

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Board/Commission reports

ACTION:

Keep Eureka Beautiful Committee member Marge Creighton presented an award of merit to Mrs. Ginger Casanova, owner of Fin-N-Feather in Henderson Center, for their new mural by Randy Spicer.

Adopted on motion by Councilmember _____, seconded by Councilmember _____, and the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item B/C

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

Dave Berman, spoke regarding a press conference to be held Thursday by the "Election Response Committee" in regard to the recent elections and an upcoming event called Humboldt Day, and urged passage of a no-confidence resolution January 18.

Adopted on motion by Councilmember _____, seconded by Councilmember _____, and the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item 1

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular council meeting minutes of December 21, 2004 as submitted.

Adopted on motion by Councilmember BASS-JACKSON, seconded by Councilmember LEONARD, and the following vote:

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN, JONES

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Clerk

Agenda Item 2

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Mayor's appointment to Planning Commission.

ACTION:

Mayor La Vallee provided a report. No individuals expressed an interest in addressing the council regarding this subject matter.

Council provided direction to re-convene the council sub-committee to meet with the Mayor to review the list of Planning Commission candidates before the Mayor's appointment is brought back for action.

Adopted on motion by Councilmember JONES, seconded by Councilmember WOLFORD, and the following vote:

AYES: WOLFORD, BASS-JACKSON, LEONARD, JONES
NOES: KERRIGAN
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Mayor

Agenda Item 3

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Purchase of two used 45 KVA generators; Bid No. 2005-11.

ACTION:

Council awarded Bid No. 2005-11 to lowest responsive bidder, Wendt Construction Co., Inc. in the amount of \$20,913.75.

Adopted on motion by Councilmember BASS-JACKSON, seconded by Councilmember LEONARD, and the following vote:

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Public Works Director/Building Official

Agenda Item 4

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Destruction of records.

ACTION:

Council approved Resolution No. 2005-01 requesting destruction of records pursuant to city policy.

Adopted on motion by Councilmember BASS-JACKSON, seconded by Councilmember LEONARD, and the following vote:

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Police Chief

Agenda Item 5

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Donation of memorial plaque for Brooke Pierce DeWitt by the Eureka City Employees Association.

ACTION:

Council accepted a donation from Eureka City Employees Association of a bronze memorial plaque (6" x 12") in memory of Brooke Pierce DeWitt valued at \$310.00 to be installed at the entrance to the Garden Gazebo at Sequoia Park.

Adopted on motion by Councilmember BASS-JACKSON, seconded by Councilmember LEONARD, and the following vote:

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN, JONES

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Public Works Director/Building Official

Agenda Item 6

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Sewer Improvements 2004, Bid No. 2004-02.

ACTION:

Council accepted this project and authorized the filing of a 'Notice of Completion' at the Office of the County Recorder.

Adopted on motion by Councilmember BASS-JACKSON, seconded by Councilmember LEONARD, and the following vote:

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on January 5, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Engineer

Agenda Item 7

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Discovery Museum "Perilous Plunge" sponsorship.

ACTION:

Council took action to sponsor the "Perilous Plunge" at the foot of F Street floating dock on January 29, 2005.

Adopted on motion by Councilmember BASS-JACKSON, seconded by Councilmember LEONARD, and the following vote:

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

Agenda Item 8

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: "C" Street and Piazza project design services contract.

ACTION:

Council approved a contract for engineering design services with SHN Consulting Engineers & Geologists, Inc. for an amount not to exceed \$130,000.00.

Adopted on motion by Councilmember BASS-JACKSON, seconded by Councilmember LEONARD, and the following vote:

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on January 5, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Engineer

Agenda Item 9

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Greater Eureka Strategic Transportation Plan Memorandum of Understanding.

ACTION:

Council adopted Resolution No. 2005-02 directing the city manager to negotiate and execute a Memorandum of Understanding with the County of Humboldt, the Humboldt County Association of Governments, and Caltrans, District 1 for joint coordination of short-term and long-term transportation planning activities.

A Adopted on motion by Councilmember BASS-JACKSON, seconded by Councilmember LEONARD, and the following vote:

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Engineer

Agenda Item 10

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Ordinance adopting Chapter 32, Sections 32.35-32.55: "Private security alarms and fire alarms" and resolution adopting a fee schedule for police and fire departments.

ACTION:

Fire Chief Eric Smith and Fire Captain Rick Bennett provided a report. The following individuals addressed the council regarding this subject matter:

Chuck Petrusha, President and co-owner - Advanced Security Systems

Richard Tollison

A motion by Councilmember LEONARD to postpone consideration of this matter to a future meeting when it can be brought back with someone on the council who will stand as the sponsor of this ordinance, died for lack of a second.

On motion by Councilmember KERRIGAN, seconded by Councilmember JONES, and the following vote, Council took action to continue the matter to January 18:

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN, JONES

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Police Chief and Fire Chief

Agenda Item 11

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: County general plan recommendations.

ACTION:

Community Development Director Kevin Hamblin and Senior Planner Gary Bird provided a report regarding the Planning Commission recommendations on the Humboldt County general plan update. The following individuals addressed the council regarding this subject matter:

Aldo Bongio

A motion was made by Councilmember KERRIGAN, seconded by Councilmember BASS-JACKSON, to direct staff to forward the city's comments on the general plan update as preliminary comments, as additional comments may be drafted in future phases of this effort. A friendly amendment was proposed by Councilmember LEONARD to add point number 18: "Annexation". The maker of the motion amended his motion to direct staff to forward the city's comments on the general plan update as preliminary comments, points 1 through 17 as presented, as additional comments may be drafted in future phases of this effort, and direct staff to begin the process of looking at possible language for annexation to add in a future phase of this effort. The amended motion was accepted by the maker of second, and approved as amended by the following vote:

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN, JONES

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Discussion regarding the city's facility fee waiver policy.

ACTION:

City Manager Tyson provided a report. The following individuals addressed the council regarding this subject matter:

Aldo Bongio

Council took action not to change the fee waiver structure as it is in place, but to continue consideration of the issue at budget time.

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember WOLFORD, and the following vote:

AYES: WOLFORD, BASS-JACKSON, KERRIGAN, JONES

NOES: LEONARD

ABSENT: NONE

ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

Agenda Item 13

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: City Manager/Executive Director's reports

ACTION:

City Manager Tyson provided information regarding the following:

- Fishermen's Work Area
- Reminder of the Gordon Graham sessions on Risk Management
- Commendation to Finance Director Carolynn Thomas and staff for completion of the Comprehensive Annual Financial Report for 2004.

Without objection, Councilmember Leonard requested staff to organize a special Townhall meeting to discuss policing in the city.

Adopted on motion by Councilmember _____, seconded by Councilmember _____, and the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

Agenda Item 14

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Adjourn to closed session

ACTION:

The meeting was adjourned to closed session at 8:57 p.m. to complete unfinished business.

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember WOLFORD, and the following vote:

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

CITY COUNCIL, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2005.

SUBJECT: Adjournment

ACTION:

There being no further business to come before the council, the meeting was adjourned at 10:05 p.m.

Adopted on motion by Councilmember _____, seconded by Councilmember _____, and the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK