

MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

FEBRUARY 1, 2005

The City Council/Redevelopment Agency of the City of Eureka met in REGULAR Session on the above date, 5:30 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 February 1, 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 February 2, 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 February 1, 2005.

SUBJECT: Closed session

ACTION:

Council met in closed session to discuss the following matters:

B. CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: David Tyson for the City of Eureka
Employee organizations: Eureka Police Officers' Association (EPOA)
Pursuant to *California Government Code Section 54957.6*

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager
Pursuant to *California Government Code Section 54957*

Upon reconvening to open session, it was announced that the Council conducted an evaluation of the City Manager and took action to extend his contract to December 2010.

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 February 1, 2005.

SUBJECT: Mayor's announcements

ACTION:

Mayor La Vallee presented a proclamation for the Annual Health Fair, February 5, 2005.

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 February 1, 2005.

SUBJECT: Council reports

ACTION:

Councilmember Leonard made an announcement regarding the Wiyot Sacred Sites Fund benefit concert, February 5, 2005, 6:00-11:00 pm, at the Municipal Auditorium.

Councilmember Leonard sponsored a report by Jeff Lamoree - Sequoia Park Zoo Foundation.

Councilmember Jones sponsored a report by Don Leonard regarding the Humboldt County Convention & Visitors Bureau – Marketing Plan.

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 C/R

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 1, 2005.

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

Barbara Schultz, animal advocate, spoke regarding the Humboldt County Animal Shelter, Spay and Neuter Month, and the need to give recognition to the solution of animal welfare issues.

Xandra Manns, spoke regarding traffic engineering and transportation planning in regard to pedestrian safety; read and submitted a letter by Carol Binder; and proposed solutions such as stop signs, street bumps, "sleeping policemen", and street barriers. She asked that the policy on providing for cars to travel through neighborhoods be revisited.

Fred Carmichael, "A" Street resident, read and submitted a letter regarding a dangerous condition at the intersection of "D" and 5th Streets.

Richard Tollison, spoke regarding vehicles which turn on green lights while pedestrians are in the crosswalk.

Chet Edeline, spoke regarding the decision on the Veterans' Center and the need to find a better location near medical and shopping.

Dave Berman, spoke regarding election irregularities and media miss-reporting, and asked that a townhall forum be held on election reform issues.

George Clark, requested to pull item 3 from the consent calendar for discussion.

Anthony Williams, Neuroscape Communications, spoke regarding concern about money being exported out of the community for the development of the city's website.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Agenda Item 1

MINUTE ORDER, FEBRUARY 1, 2005

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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 February 1, 2005.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the Council/Redevelopment Agency Board meeting minutes of January 18 and the special meeting minutes of January 25, 2005as submitted.

Adopted on motion by Councilmember JONES, seconded by Councilmember BASS-JACKSON, 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 February 1, 2005.

SUBJECT: Mayor's appointment to the Planning Commission.

ACTION:

Mayor La Vallee provided a report. The following individuals addressed the council regarding this subject matter:

George Clark
Joan Rainwater-Gish
Bob Fasic
Kaye Strickland
Greg Pierson
Charlene Cutler-Ploss

A motion by Councilmember KERRIGAN, seconded by Councilmember WOLFORD, to approve the Mayor's appointment of Robert Fasic to the Planning Commission, failed by the following vote:

AYES: WOLFORD, KERRIGAN
NOES: BASS-JACKSON, LEONARD, JONES
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 February 1, 2005.

SUBJECT: 5-minute break.

ACTION:

On motion by Councilmember WOLFORD, seconded by Councilmember KERRIGAN, and without objection, Council elected to take a 5-minute break. The council re-convened at 9:00 p.m., with Councilmember KERRIGAN absent, due illness.

AYES:

NOES:

ABSENT:

ABSTAIN:

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 February 1, 2005.

SUBJECT: Redwood Coast Dixieland Jazz Festival event sponsorship.

ACTION:

The following individual addressed the council regarding this subject matter:
Brenda Steinberg, Director of Redwood Coast Dixieland Jazz Festivals

Council took action to sponsor the Dixieland Jazz Festival by waiving facility fees at the Adorni Center and Municipal Auditorium.

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

AYES: WOLFORD, LEONARD, JONES
NOES: BASS-JACKSON
ABSENT: KERRIGAN
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 4

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 1, 2005.

SUBJECT: Eureka Redevelopment Final Program Environmental Impact Report.
(SCH# 2004072042).

ACTION:

Community Development Director Kevin Hamblin and Senior Planner Sidnie Olson provided a report. The following individuals addressed the council regarding this subject matter:

Mary Ann McCulloch, Chair of Preservation Committee of Eureka Heritage Society
Raymond Hillman, Consulting Curator-Humboldt Bay Maritime Museum

Council adopted Resolution No. 2005-05 certifying the adequacy of the Redevelopment Final Program Environmental Impact Report (SCH# 2004072042).

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

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

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

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Community Development Director

Agenda Item 5

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 1, 2005.

SUBJECT: Ordinance adopting Chapter 32, Sections 32.35-32.55 of the Eureka
Municipal Code: "Private security alarms and fire alarms".

ACTION:

Police Chief Dave Douglas and Fire Marshall Rick Bennett provided a report. No individuals expressed an interest in addressing the council regarding this subject matter.

Council adopted, waived reading, and read by title only, Bill No. 739.-C.S., Ordinance No. 684-C.S.; an ordinance adding Title IX, Chapter 32, General Regulations, sections 32.35-32.55, "Private Security Alarms and Fire Alarms".

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

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

Agenda Item 6

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 1, 2005.

SUBJECT: An ordinance amending Title XV, Chapter 150, Building Regulations, Section 150.015(B), adopting by reference the update to structural standards.

ACTION:

Public Works Director/Building Official Mike Knight provided a report. No individuals expressed an interest in addressing the council regarding this subject matter.

Council introduced, waived reading, and read by title only, Bill No. 740.-C.S., an ordinance amending Title XV, Chapter 150, Building Regulations, Section 150.015(B), adopting by reference an update to structural standards contained in Building Standards Bulletin 01-03; and made the finding that Eureka is located in an area of high seismic activities as indicated by United States Geological Survey and California Division of Mines and Geology and recent earthquake activities in California have indicated the lack of adequate design and detailing as a contributing factor to damages that reduced the protection of the life-safety of building occupants.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, JONES
NOES: NONE
ABSENT: KERRIGAN
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 7

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 1, 2005.

SUBJECT: Vehicle license fee gap receivable financing program.

ACTION:

Finance Director Carolynn Thomas provided a report. No individuals expressed an interest in addressing the council regarding this subject matter.

Council adopted Resolution No. 2005-06 approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the City of Eureka's \$445,485 vehicle license fee receivable from the State of California; and directing and authorizing certain other actions in connection therewith.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, JONES
NOES: NONE
ABSENT: KERRIGAN
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 February 1, 2005.

SUBJECT: Extension of council meeting curfew.

ACTION:

Council took action to extend the 10:00 p.m. meeting curfew to complete the remaining items on the agenda.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, JONES
NOES: NONE
ABSENT: KERRIGAN
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 February 1, 2005.

SUBJECT: Request from Humboldt Community Services District for city review of their sphere of influence expansion.

ACTION:

Community Development Director Kevin Hamblin, Senior Planner Joel Canzoneri, and City Engineer Brent Siemer provided a report.

The following individuals addressed the council regarding this subject matter:
Kermit Thobaben, representing Humboldt Housing and Homeless Coalition
Bud Duncan, Myrtle Avenue
Bob Higgons, Homebuilders Association
Tina Christensen, Realtor
Kirk Gothier, Assistant Planning Director-Humboldt County and LAFCO staff-member
Rob McLaughlin, Old Arcata Road
Andy Elsberge, Vitus Lane

Council considered and deliberated on the request by Humboldt Community Services District to LAFCO to expand their sphere of influence; received a verbal report from Engineering on water capacities in the city; determined that the district's plans for a sphere of influence amendment in the Indianola area may conflict with future city plans; directed city staff to submit a competing sphere of influence request to LAFCO pursuant to section 56428(a) of the Government Code; considered revising city policy regarding extension of water supplies outside city limits; and tabled action on the district's request for the city to allow Mad River Pipeline tie-ins north of Indianola Road and the additional sale of water to service this area until an appropriate environmental document is completed.

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

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

MINUTE ORDER, FEBRUARY 1, 2005
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STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Community Development Director

Agenda Item 9

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 1, 2005.

SUBJECT: Public Safety issues (*continued from Townhall meeting of January 25, 2005*).

ACTION:

The following individual addressed the council regarding this subject matter:
Ruth Jameson

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 Council

Agenda Item 10

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 1, 2005.

SUBJECT: City Manager/Executive Director's reports

ACTION:

City Manager Tyson deferred making a report, due to the lateness of the hour.

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 11

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 1, 2005.

SUBJECT: Adjournment

ACTION:

There being no further business to come before the Council, the meeting was adjourned at 10:45 p.m.

Adopted without objection on motion by Councilmember JONES, seconded by Councilmember WOLFORD.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

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CITY CLERK