

MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

MARCH 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 March 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 March 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 March 1, 2005.

SUBJECT: Closed session

ACTION:

Council met in closed session to discuss the following matters:

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*

Upon reconvening to Open Session, it was announced that there was no action to be reported.

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

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

MINUTE ORDER

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

SUBJECT: Mayor's announcements

ACTION:

A Girl Scout troop led the Pledge of Allegiance. Mayor La Vallee presented a proclamation to the troop honoring Girl Scout Birthday Week – March 6-12.

Mayor La Vallee led a moment of silence in memory of Police Captain Murl Harpham's wife Blanche.

Mayor La Vallee reported on his recent visit to Eureka's Sister City Nelsen, New Zealand and extended his appreciation for their hospitality.

Mayor La Vallee announced the postponement of Item 14 to a meeting in April.

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 March 1, 2005.

SUBJECT: Council reports

ACTION:

Councilmember Kerrigan spoke regarding recent acts of vandalism at the Jewish Temple in the Fourth Ward.

Councilmember Kerrigan proposed that the Redevelopment street tree pilot program be revisited. Without objection, a sub-committee made up of Councilmembers Bass-Jackson, Kerrigan and staff was formed to look into developing a scaled-down or different street-tree pilot program.

Councilmembers Wolford and Jones provided a joint report regarding public safety issues, and reported that Councilmembers Wolford and Kerrigan are meeting on a weekly basis with Ruth Jameson and others. By consensus, Council directed staff to make a priority to bring back findings that would evidence the fact that monies from the Redevelopment Agency could be used to provide a program of improved security and additional maintenance measures to reduce crime and blight in Old Town/Downtown and the Waterfront; also to work with Eureka Main Street to coordinate best efforts at implementing a program; and to consider extending some of the security systems to the Redevelopment neighborhoods.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Agenda Item C/R

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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 C/R

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

MINUTE ORDER

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

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

Ann White, spoke regarding the importance of preserving historic architecture, and submitted a letter.

Sally Riley, requested Item 4 be pulled for discussion.

Lisa Ollivier, spoke regarding the necessity of restructuring the Design Review committee and the need for balance in voting members and their backgrounds.

Chet Edeline, spoke regarding the need to make public safety a high priority, and the need to give consideration to the allocation of staff time and money in regard to all boards and commissions. He also spoke regarding direction to the Historic Preservation Commission to consider an "opt-off procedure" to the historic preservation ordinance.

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 March 1, 2005.

SUBJECT: Public comment period – Public Safety issues (*continued from Townhall meeting of January 25*).

ACTION:

No individuals addressed the council regarding this subject matter.

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 2

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

MINUTE ORDER

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

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular council meeting minutes of February 15, and special meeting minutes of February 17 and 24, 2005 as submitted.

Adopted on motion by Councilmember LEONARD, 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

Originating Dept. City Clerk

Agenda Item 3

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

MINUTE ORDER

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

SUBJECT: Water Improvements 2005, Bid No. 2005-02.

ACTION:

City Engineer Brent Siemer and Associate Engineer Jeff Tedder provided information. The following individuals addressed the council regarding this subject matter:
Sally Riley, Northern California representative-Construction Industry Force Account Council
Rich Olson, RAO Construction

Council continued consideration of the matter of declaring RAO Construction Co., Inc. of Eureka, CA low bidder and the award of the construction contract for Water Improvements 2005, Bid No. 2005-02 to the March 15 Council meeting to allow time to look into the matter further.

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

AYES: BASS-JACKSON, LEONARD, KERRIGAN
NOES: WOLFORD, 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. City Engineer

Agenda Item 4

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

MINUTE ORDER

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

SUBJECT: Request for exception to the hiring freeze – Custodian.

ACTION:

Council approved the exception to the hiring freeze for the Custodian position, which is already included in the FY 04/05 budget.

Adopted on motion by Councilmember LEONARD, 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

Originating Dept. Personnel 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 March 1, 2005.

SUBJECT: Request for exception to the hiring freeze – Animal Control Officer.

ACTION:

Council approved the exception to the hiring freeze for the Animal Control Officer position, which is already included in the FY 04/05 budget.

Adopted on motion by Councilmember LEONARD, 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

Originating Dept. Personnel Director

Agenda Item 6

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

MINUTE ORDER

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

SUBJECT: Request for exception to the hiring freeze – Police Records Specialist .

ACTION:

Council approved the exception to the hiring freeze for the Police Records Specialist position, which is already included in the FY 04/05 budget.

Adopted on motion by Councilmember LEONARD, 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

Originating Dept. Personnel Director

Agenda Item 7

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

MINUTE ORDER

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

SUBJECT: Department of Homeland Security's Office for Domestic Preparedness:
mobile live-fire trainer grant.

ACTION:

Council awarded bid to the lowest qualified bidder: Fireblast in the amount of \$262,763; appropriated the local share of \$24,400 from the ERA Capital Projects - Eureka Tomorrow Fire Drill Facility Replacement Reserve; appropriated an additional \$18,763 from the ERA Capital Projects - Eureka Tomorrow Fire Drill Facility Replacement Reserve for the upgrading of the base unit; and appropriated \$750 for personnel and travel expenses to attend pre-construction meeting from the ERA Capital Projects - Eureka Tomorrow Fire Drill Facility Replacement Reserve.

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

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

MINUTE ORDER

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

SUBJECT: Allocation of funds for City share of Utility Agreements.

ACTION:

Council authorized the allocation a total of \$32,500.00 for the city's share of Utility Agreements associated with the State of California's 5th and R Street project.

Adopted on motion by Councilmember LEONARD, 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

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 March 1, 2005.

SUBJECT: Fee waiver – Tri County Independent Living Transportation Forum.

ACTION:

Council waived Municipal Auditorium facility and staffing fees for the Creative Solutions Transportation Forum to be held on May 3, 2005.

Adopted on motion by Councilmember LEONARD, 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

Originating Dept. City Manager

Agenda Item 10

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

MINUTE ORDER

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

SUBJECT: Local Hazard Mitigation Planning Resolution.

ACTION:

Council adopted Resolution No. 2005-07 declaring the City of Eureka's commitment to work in partnership with the County of Humboldt towards the development of a Multi-Jurisdictional Local Hazard Mitigation Plan.

Adopted on motion by Councilmember LEONARD, 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

Originating Dept. 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 March 1, 2005.

SUBJECT: An ordinance of the City of Eureka amending Chapter 92, Section 92.082 of the Eureka Municipal Code "Prohibiting Fireworks on Woodley Island."

ACTION:

Assistant Fire Chief Rick Bennett provided a report. No individuals addressed the council regarding this subject matter.

Council adopted, waived reading, and read by title only, Bill No. 741-C.S., Ordinance No. 686-C.S.; an ordinance amending title IX, Chapter 92, General Regulations, Section 92.082 "Prohibiting Fireworks on Woodley Island."

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

Originating Dept. Fire Chief

Agenda Item 12

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

MINUTE ORDER

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

SUBJECT: Resolution rescinding Coastal Development Permit, Conditional Use Permit issued to NCVRC.

ACTION:

City Attorney David Tranberg provided a report. The following individuals addressed the council regarding this subject matter:

Ben Fewell, Director-NCVRC

Council adopted Resolution No. 2005-08 rescinding the Coastal Development Permit (Permit No. CDP-04-004) and the Conditional Use Permit (Permit No. C-04-003) issued to the North Coast Veterans Resource Center (hereinafter NCVRC) for its proposed project at the property commonly known as 1716 Fifth Street, Eureka, California.

Adopted on motion by Councilmember LEONARD, seconded by Councilmember JONES, 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 March 1, 2005.

SUBJECT: A General Plan Amendment petition for property located at 2934 "H" Street from a "Low Density Residential" general plan designation to "Office Residential" along with implementing zoning.

ACTION:

Without objection, this item was postponed to a meeting in April at the request of the applicant.

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. Community Development

Agenda Item 14

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

MINUTE ORDER

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

SUBJECT: Residential street tree and landscaping policies.

ACTION:

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

Michelle McKeegan, Chair-Keep Eureka Beautiful

Xandra Manns

Charlene Cutler-Ploss

Lisa Ollivier

Richard Tollison

Jeff Katz

Ken Pinkerton, Teacher-Zane

A motion by Councilmember WOLFORD, seconded by Councilmember KERRIGAN to direct staff to amend the residential street tree and landscaping policies to eliminate the fee; and to review and make a recommendation for an alternative to the deed restriction requirement received a friendly amendment from Councilmember LEONARD to direct staff to also look at the possibility of charging for utilization of certain city equipment. The friendly amendment was accepted by the maker of the motion and the second. The motion as amended was approved by unanimous vote.

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

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

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Agenda Item 15

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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. City Manager

Agenda Item 15

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

MINUTE ORDER

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

SUBJECT: City Manager/Executive Director's reports

ACTION:

City Manager Tyson provided information regarding the following:

- Councilmembers Kerrigan and Bass-Jackson to meet Wednesday with City Garbage regarding universal garbage collection and recycling;
- Correspondence with Humboldt Fire District 1, County of Humboldt and Humboldt Bay Municipal Community Services District regarding establishing an annexation committee;
- Correspondence from law office of W.G. Watson or Phillips Watson regarding parking lot at 4th and G Street; without objection, this subject will be scheduled for a future meeting;
- United Indian Health Services invitation to their annual board meeting, to receive special recognition award.

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 16

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

MINUTE ORDER

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

SUBJECT: Adjournment to closed session

ACTION:

The Council adjourned back to closed session at 8:40 p.m.

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember JONES, 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)

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 March 2, 2005.

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 March 1, 2005.

SUBJECT: Adjournment

ACTION:

There being no further business to come before the Council, the closed session portion of the meeting was adjourned at approximately 9:40 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)

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 March 2, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK