

MINUTES OF  
EUREKA CITY COUNCIL  
EUREKA REDEVELOPMENT AGENCY

MARCH 15, 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, KERRIGAN, JONES

ABSENT: LEONARD

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 15, 2005.

SUBJECT: Public comment prior to closed session

ACTION:

The following individual addressed the Council regarding the closed session item:  
Richard Tollison

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 16, 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 15, 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); Eureka Police Officers' Association (EPOA); and unrepresented management, mid-management, and confidential employees.

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 )

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.

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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 15, 2005.

SUBJECT: Mayor' s announcements

ACTION:

Mayor La Vallee presented the following proclamation:

“Women' s History Month – Women Change America” -- March 2005

Mayor La Vallee made announcements regarding the following subject matters:

- United Indian Health Services - “Good Friends are Good Medicine Award”
- North Coast Air Quality Control Board to hold a public hearing regarding complaints of offensive odor from the pulp mill

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 15, 2005.

SUBJECT: Council reports

ACTION:

Councilmember Bass-Jackson made an announcement regarding upcoming Humboldt Bay Harbor, Recreation, and Conservation District Humboldt Bay Management Plan workshop, March 17.

A report scheduled to be given by Councilmember Leonard regarding the Redwood Coast Energy Authority (RCEA) was postponed due to his absence for illness.

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 March 15, 2005.

SUBJECT: Public hearing - Continued public hearing – Redwood Christian School  
Playground Addition; 2039 “E” Street.

ACTION:

Community Development Director Kevin Hamblin provided a report. Mayor La Vallee announced that representatives for the applicant and the appellant would first be given ten minutes each, then all other speakers will be limited to three minutes each. The public hearing was opened at 6:49 p.m. The following individuals addressed the Council regarding this matter:

Richard Smith, representing the applicant, stated that the Building Department has confirmed by letter that the physical apparatus in this location did not require a permit for construction. He asked the persons in the audience who were present in favor of the project to stand to be recognized. He stated that in regard to the documentation the ESA review of the EIR, independent peer review, was paid for by the applicant, and that it concludes that the EIR is appropriate and consistent with law. He stated that the EIR offers a range of mitigation measures, but that none are required based upon the project's less-than-significant impact on the environment. He stated that he believes there is an error on the Agenda Summary page 19, condition five, which contains a limitation on the overall size of the school. He stated that this was a condition adopted by the Planning Commission, but that on pages 17, 18, and 19 of the EIR a summary of data reports that staff recommendations for mitigation previously presented to Council, was not contained in those recommendations. He stated that the reason is that the overall size of the school incurs no direct connection to the number of students using the playground, or the noises generated. He stated that on page 19, there are some mitigation measure that would be more direct regulation and would be much more preferred, specifically one that requires a 15-to-one ratio of adult supervision, and the other is over limit and the number of students that can be in the playground at any given time.

Larry Kluck, Matthews, Kluck and Walsh, LLP – co-counseling with Diepenbrock Harrison firm representing Jim Emery and the Prairie Addition Neighborhood Association which opposes the Nazarene church's conditional use permit and the grant of the variance. He stated that his clients are not anti-religious or anti-children, but that they want to live in the quiet enjoyment of their own neighborhood. He stated that in 1980, the church granted a conditional use permit for the school and that the school's promise that all of the school's children's physical activities would take place within their buildings, or within adjoining neighborhood parks or playgrounds. He stated that in the EIR, Attachment 4, page 186, the record shows that the 1984 Planning Commission hearing for a conditional use permit

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Kluck (continued):

included communication by Bill Price, a church board member, stating that the church was sympathetic to the neighbors with concerns about noise, and that all physical activities at the church school would take place in the school gymnasium, or indoors, or at neighborhood playgrounds. He stated that this was made a condition of the conditional use permit. He stated that his clients oppose the adequacy of the EIR, the granting of the conditional use permit, and the variance. He stated that the city responded in a cursory and inadequate manner to a number of comments on the Draft EIR, including those of the neighborhood association relating to the basic failure of the Draft EIR to properly describe the proposed project. He stated that the Final EIR fails to cure the Draft EIR substantive inadequacies regarding an analysis of noise, historic and cultural resources, aesthetics, land use issues, recreation and safety, and traffic both on a project-specific and cumulative basis. He stated that the responses to the comments, re-iterate the city's predetermined support for the project. He stated as an example that the Final EIR fails to address the Draft EIR's artificial limitations of its discussions only to the issue of noise despite expert testimony and other substantial evidence in the record of significant adverse impacts related to historical and cultural resources, aesthetics, land use, recreation and safety, and traffic. He stated that the responses contained in the Final EIR skirt the real issues, and avoid any response to the suggested and facially feasible alternatives and mitigation measures that the city is required under CEQA to impose as conditions of approval. He stated that the Draft EIR failed to disclose the project's substantial impacts related to the historic and cultural resources, aesthetics, recreation and safety, land use, and traffic. He stated that the EIR must be revised, analyze those effects, and must be re-circulated. He stated that the EIR failed to disclose the severity of the project's substantial noise impacts and the Final EIR fails to cure the fundamental flaw. He stated that the EIR must be revised to properly analyze the project's noise effects and must be re-circulated. He stated that public comments identified numerous measures and alternatives that would mitigate or avoid the project's significant impact effects. He stated that the EIR must be revised to consider those measures and alternatives, and must be re-circulated. He stated that the city cannot rely on the applicant's biased and conclusory Draft EIR prepared by the applicant's attorney for a belatedly-disclosed "peer review" to cure the numerous fundamental defects in the Draft EIR which were all identified in the letter of December 2004 to the city from the Diepenbrock Harrison law firm. He stated that the city's proposed findings state that all significant impacts of the project have been mitigated to a less-than-significant level and that the findings implicitly reject each alternative identified in the EIR and in the public comments as infeasible. He stated that the findings and the responses to comments are inadequate and fail to show substantial evidence in support of these conclusions. He stated that the findings brush aside the evidence submitted by commenters including the Prairie Addition Neighborhood Association that the project will result in unmitigated significant adverse impacts related to noise, historical and cultural resources, aesthetics, land use, recreation and safety, and traffic. He stated that the findings ignore numerous feasibility mitigation measures and alternatives suggested in the

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Kluck (continued):

public comments on the EIR. He requested that the following documents be incorporated in their opposition as a part of the public record: the Diepenbrock Harrison letter of March 15, 2005 to Sidnie Olsen of the planning department which objected to the EIR and pointed out the inadequacies of the EIR, a Winzler & Kelly letter on behalf of James Emery and the Prairie Addition Homeowners Association, dated March 15, 2005, with attached responses to the lead agency's responses to comments on the Draft EIR, and a March 15, 2005 letter from Jim Emery relating to the Final EIR.

Jim Emery, appellant, stated that he does not hate churches and children and provided examples of his associations with them. He stated that when the playground was put in and he found out later that it didn't have a permit, he presented a letter to Paul Harris offering to pay in full to remove the wall and play structure, to re-landscape the area, and to work with them to design a space where the children could garden and get exercise and fresh air outdoors. He stated that gardening would be a ground-level activity which doesn't project noise as the play structure does as it is up high. He stated that a nice fence that could be seen through would be safer for children coming and going from the school and that group exercise activities could be done with the teachers at a ground level which wouldn't project noise. He stated that no variance or permits would be needed for that, that the minimum front yard would be maintained. He stated that the zoning department has not addressed the issue of free and clear of structures in the front yard. He stated that if the church got one bus all of the kids could be taken once or twice a week to Carson Park, less than a minute's drive away.

Richard Smith, stated that one aspect of the CEQA document included all of the comment letters referred to by Mr. Kluck, and that another section includes responses to those comments. He stated that a lack of basis is found to re-circulate the EIR. He stated that if the CEQA EIR document is adopted, it becomes a matter of policy. He urged that this is an activity that is appropriate, good and proper, and should take place. He stated that this is a significant number of children and this is a very beneficial thing for them. He stated that in terms of what was provided in 1980, the original proposal was to have the children play in the rear of the building, which drew opposition. He stated that this is a different proposal, with a different configuration, different people, and different reasons, and that there is nothing that is so important that it can't be examined and fresh policy be applied. He urged the council to do the right thing.

Public comment limited to three minutes:

Jim Emery, stated that when he bought the house, five women from the church and school came over and asked if they could tour his house while he went through with the realtor. He asked about the church and school and was told that they have a little school with no playground, and that they are quiet and don't do a lot outside. He stated that he circled the alley around the church before he bought to make sure that there weren't playgrounds

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Emery (continued):

and that what they said was true. He stated that he never believed that a 40 by 60 foot front yard, which code requires to have unobstructed, would have a playground put in and the greenery removed. He stated that the code is something that everyone needs to comply with. He stated that in the Veteran's case, the city staff presented erroneous information to the planning commission and city council, and was sent back to be revised because the information was erroneous. He stated that just because staff says the report is adequate, does not mean it is, and that if the council has not been able to read the comments by his lawyer's letters to compare with it, voting tonight will be based just upon what he is saying. He stated that staff is asking for permission to plant a hedge in the public right-of-way, and that a hedge is a screen which decreases vision, which would be a public safety issue to the children. He stated that the mitigation measures for limiting hours for the playground actually worsen the conditions than improve it. He stated that the objectives stated in the EIR was two hours a day for the school, but that this is not the scope of what was approved. He stated that staff is requesting over 60 hours a week year-round and that this does not conform to CEQA.

Paul Harris, Pastor-Church of the Nazarene, stated the church is taking advantage of the circumstances to get to know their neighbors: sponsored community discussion groups, met with some council members, have attempted to meet with the Prairie Addition neighborhood association, and have listened and made modifications. He stated that they at the church understand that the playground is not illegal, but that out of respect for the neighbors' wishes and for the process, they have refrained from using the playground, which they could legally use. He stated that they have learned that there is substantial rapport in the neighborhood and that several neighbors attend the church, while others have talked favorably about programs of the church and expressed their support of the playground. He stated that they will continue to dialogue better with them, and continue to be a better neighbor. He stated that they tried to join the neighborhood association and they want to be a good neighbor.

Bob Giacomini, Principal-Redwood Christian School, stated that some have said they don't like the appearance of the playground, or that it is an unsafe area where homeless people might come. He stated that he hasn't seen one homeless person in the playground in the last year and a half. He stated that in response to the children making too much noise, that E Street is a very busy street. He said this is an issue about children playing outdoors in the sunlight and fresh air for a couple of hours a day. He stated that this kind of activity goes on at schools and parks all over the city, and that there are healthy benefits. He stated that most of these sites are in residential areas. He stated that Redwood Christian School provides the community with an important service offering an alternative to public education that is preferred by many families. He stating that they are simply asking that their students have the same benefit that other schools have. He spoke regarding a young adult who went to RCS earlier who described the school as being like going to school in a dungeon as they never got to go outside.

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Dale Maples, stated that his family moved to Sonoma Street about a year ago, and that he has noticed while living in the city, that there a lot of noises. He stated that the planning commission' s original approval for the variance permit to use the playground suggested five mitigating factors. He stated that they are happy to comply with four of the five and that the fifth mitigating factor created a maximum number for the actual school enrollment at 70 students. He stated that this requirement is not relevant to the actual students using the playground, specifically that the EIR stated that no more than 26 students and two adults use the playground at any time. He stated that it makes no mention of the school' s enrollment, only to the relevant number of actual students and chaperones on the playground. He stated that they feel strongly that this is the correct, stricter, and proper mitigating factor and that it is their belief that the discussions about enrollment and playground usage are distinct from one-another. He requested that the planning commission' s recommendation of a maximum enrollment of 70 be replaced with the EIR' s recommendation of 26 students and two adults on the playground.

Don Filteau, stated that the number of students in the school has nothing to do with the noise level in the playground, but that the noise level is determined by how many students are outside playing. He stated that there are other schools and playgrounds in the area, and he expressed hope that the board would not discriminate or be prejudiced against Redwood Christian School.

Sandy King, stated that she lives next door to the playground and bought the house from the Nashes fifteen months ago. She stated that she knows that Mr. Nash continues to write about this issue, but that she is not affiliated with him. She stated that her hope is that if the playground is allowed to remain, that a hedge could be placed alongside the wall along her property line with them, instead of trees, and that the playground equipment be painted to get rid of the garish yellow and red colors, and that it could remain locked at night and on weekends. She stated that if there is an after-school program, that she doesn' t know how that would go along with playground hours.

Dennese Filteau, stated that she had several students that went to the school years ago, and that it is good school and a lot of great kids have come out of it as very responsible in the community. She stated that you don' t have to worry about those kids doing graffiti on walls because the ones she has seen are really quality citizens. She stated that it is people who really care, who sacrifice in order to school their kids there, and they' ve been excited about the playground for a long time. She stated that things have changed in 25 years since the original plan for the school came into existence, and that they' ve worked very hard to get those donations together to get this playground. She stated that the children really need the playground. She stated that the limit doesn' t apply to the playground, that the school has worked well, that it is a large building with plenty of room. She stated that schools all over the area have playgrounds in neighborhoods, right next to houses.

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Richard Tollison, stated that there are never complaints about noise from the high school when students are having PE, football games or basketball practice. He stated that the church has no other space for a playground other than in the front yard.

Gina McKinney, members-Church of the Nazarene, stated that they have attended for less than two years and have a five year old son to whom they find it difficult to explain why he can't use this beautiful playground. She stated that the church has chosen not to use the playground out of respect for the neighbors until the issue is resolved. She stated that in the 1980's, the trend in education was away from as much physical education and outdoor activity as we are coming back to now, and that the levels of obesity in children in this country is crazy. She stated that while there is a gymnasium indoor at the school and church, it is not the same as being outside in the fresh air which is good for the children to have access to. She stated she is very much in favor of the children being allowed back on the playground.

Austin Grace, stated that she loves her school and her neighbors and that she wants the playground because she wants to play outside with her friends and share her joy and laughter and get exercise.

The public hearing was closed at 7:27 p.m.

On motion by Councilmember KERRIGAN, seconded by Councilmember JONES, by unanimous vote of those present, Council adopted Resolution No. 2005-09 titled: "A Resolution of the City Council of the City of Eureka Certifying the Adequacy of the Redwood Christian School Playground Addition Final Environmental Impact Report (SCH# 2004092045)"; adopted the Findings of Fact as described in the Exhibit "A"; denied the appeal and uphold the Planning Commission's actions to approve the Conditional Use Permit (Case No. C-02-79 modified) and Variance (Case No. V-03-020), subject to the mitigation measures and conditions of approval listed in the Exhibit 'B'; approved the location of the landscape hedge over three feet in height either wholly or partially within the "E" Street right-of-way; and direct that the Engineering Department issue an encroachment permit (subject to fees and insurance); adopted the CEQA 15091 Findings and Statement of Overriding Considerations as found in Attachment 2; and further added two modifications: to remove the 70-student restriction and replace with a 26-student/2-adult ratio at one time, and to amend the hours of use to reflect the hours of operation of the school hours.

A friendly amendment by Councilmember BASS-JACKSON to require a review in one year was accepted by the makers of the motion and the second and approved upon passage of the main motion.

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

AYES: WOLFORD, BASS-JACKSON, KERRIGAN, JONES  
NOES: NONE  
ABSENT: LEONARD  
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 16, 2005.

---

KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. Community Development Director

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 15, 2005.

SUBJECT: Break

ACTION:

Without objection on motion by Councilmember BASS-JACKSON, seconded by Councilmember WOLFORD, Council elected to take a 5-minute break.

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, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 15, 2005.

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

Scott Menzies, submitted a document titled: "Myth Breakers – Facts about electronic elections" and spoke regarding a town hall meeting April 28 at the Wharfinger regarding "ranked choice balloting".

Ann White, spoke regarding the process which she and her neighbors are going through to become an historic district. She also spoke regarding an appeal of the demolition of a single-family home and the construction of an inharmonious 4-plex in the historic neighborhood.

Daniel Pierce, spoke regarding the auction of the pulp mill and a meeting in that regard which has been rescheduled to March 23.

Kay Kaylor, spoke regarding the urgency regarding the demolition of the settlement-era house in an historic district.

Xandra Manns, member-Eureka Heritage Society, spoke regarding appeal of staff's determination that the project is administrative and requested that no demolition permit be issued until the issue of an appeal is resolved.

Dean Kessler, requested Item 6 be pulled for discussion.

Sally Riley, Construction Industry Force Account Council, requested Item 5 be pulled for discussion.

Lisa Ollivier, spoke regarding the imminent demolition of 126 Washington Street and the impact on the neighborhood.

Chet Edeline, spoke in support of the public safety agreements, and recommended looking at the Historic Preservation Board and the Design Review Committee as areas to cut.

Aldo Bongio, spoke regarding zoning.

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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 15, 2005.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular council meeting minutes of March 1, 2005 and the special meeting minutes of March 3, 2005 as submitted.

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

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

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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 15, 2005.

SUBJECT: Claim for damages of Routon, Lloyd.

ACTION:

Council rejected the claim of Routon, Lloyd.

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

AYES: WOLFORD, BASS-JACKSON, KERRIGAN, JONES

NOES: NONE

ABSENT: LEONARD

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 Attorney

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 15, 2005.

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

ACTION:

City Engineer Brent Siemer provided a report. The following individuals addressed the Council regarding this subject matter:

Sally Riley, Construction Industry Force Account Council

Aldo Bongio

Council declared RAO Construction Co., Inc. of Eureka, CA low bidder; and awarded the construction contract for Water Improvements 2005, Bid No. 2005-02, to RAO Construction Co., Inc. in the amount of \$540,622.00 and approved a total of \$560,000.00 to provide a contract contingency.

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

AYES: WOLFORD, BASS-JACKSON, JONES

NOES: KERRIGAN

ABSENT: LEONARD

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.

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KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. City Engineer

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 15, 2005.

SUBJECT: 2005 – 2010 Five-Year Capital Improvement Program.

ACTION:

City Engineer Brent Siemer provided a report. The following individuals addressed the Council regarding this subject matter:

Dean Kessler

Council received and filed the City of Eureka 2005 – 2010 Five-Year Capital Improvement Program.

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

AYES: WOLFORD, BASS-JACKSON, KERRIGAN, JONES

NOES: NONE

ABSENT: LEONARD

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 16, 2005.

---

KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. City Engineer

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 15, 2005.

SUBJECT: Request for exception to the hiring freeze – Administrative Assistant.

ACTION:

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

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

AYES: WOLFORD, BASS-JACKSON, KERRIGAN, JONES  
NOES: NONE  
ABSENT: LEONARD  
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 16, 2005.

---

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 15, 2005.

SUBJECT: Dial-a-Ride/Lift Transportation services – three year extension of contract with City Ambulance of Eureka, Inc.

ACTION:

Council approved a three year extension of Agreement for Dial-a-Ride & Dial-a-Lift Transportation Services with City Ambulance of Eureka, Inc., effective July 1, 2003.

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

AYES: WOLFORD, BASS-JACKSON, KERRIGAN, JONES

NOES: NONE

ABSENT: LEONARD

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 16, 2005.

---

KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. Finance Director

Agenda Item 8

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 15, 2005.

SUBJECT: Memorandum of Understanding – Eureka City Employees’ Association –  
January 1, 2005 – December 31, 2007.

ACTION:

Council adopted Resolution No. 2005-13 authorizing the Mayor to execute the Memorandum of Understanding between the City of Eureka and Eureka City Employees’ Association (ECEA) regarding salaries and supplemental benefits for January 1, 2005, through December 31, 2007.

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

AYES: WOLFORD, BASS-JACKSON, KERRIGAN, JONES  
NOES: NONE  
ABSENT: LEONARD  
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 16, 2005.

\_\_\_\_\_  
KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. Personnel 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 March 15, 2005.

SUBJECT: Memorandum of Understanding – Eureka Firefighters’ Local #652 – July 1, 2004 – December 31, 2007.

ACTION:

Council adopted Resolution No. 2005-14 authorizing the Mayor to execute the Memorandum of Understanding between the City of Eureka and Eureka Firefighters’ Local #652 for July 1, 2004, through December 31, 2007.

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

AYES: WOLFORD, BASS-JACKSON, KERRIGAN, JONES

NOES: NONE

ABSENT: LEONARD

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 16, 2005.

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KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. Personnel Director

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 15, 2005.

SUBJECT: Memorandum of Understanding – Eureka Police Officers’ Association –  
January 1, 2005 – December 31, 2007.

ACTION:

Council adopted Resolution No. 2005-15 authorizing the Mayor to execute the Memorandum of Understanding between the City of Eureka and Eureka Police Officers’ Association (EPOA) regarding salaries and supplemental benefits for January 1, 2005, through December 31, 2007.

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

AYES: WOLFORD, BASS-JACKSON, KERRIGAN, JONES  
NOES: NONE  
ABSENT: LEONARD  
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 16, 2005.

\_\_\_\_\_  
KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. Personnel Director

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 15, 2005.

SUBJECT: Participation in the Federal Surplus Personal Property Program.

ACTION:

Council approved City' s participation in the Federal Surplus Personal Property Program.

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

AYES: WOLFORD, BASS-JACKSON, KERRIGAN, JONES  
NOES: NONE  
ABSENT: LEONARD  
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 16, 2005.

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KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. Chief of Police

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 15, 2005.

SUBJECT: Residential street tree and landscaping program.

ACTION:

Public Works Director/Building Official Mike Knight provided a report. The following individuals addressed the Council regarding this subject matter:

Thomas Stewart  
Dean Kessler  
Lisa Ollivier  
Chet Edeline  
Richard Tollison

On motion by Councilmember KERRIGAN, seconded by Councilmember WOLFORD, by unanimous vote of those present, Council adopted Resolution No. 2005-10 establishing a residential street tree and landscaping program, to be reviewed in one year.

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

AYES: WOLFORD, BASS-JACKSON, KERRIGAN, JONES  
NOES: NONE  
ABSENT: LEONARD  
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 16, 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 15, 2005.

SUBJECT: Redwood Coast Music Festival donation.

ACTION:

Public Works Director/Building Official Mike Knight provided a report. The following individual addressed the council regarding this subject matter:

Lynn McKenna, donor

Council accepted donation of dance floor.

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

AYES: WOLFORD, BASS-JACKSON, KERRIGAN, JONES

NOES: NONE

ABSENT: LEONARD

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 16, 2005.

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KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. Public Works Director/Building Official

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 15, 2005.

SUBJECT: 2005-06 Fee Schedule.

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. 2005-11 titled: "Resolution of the City Council of the City of Eureka establishing various fees and service charges within the City of Eureka."

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

AYES: WOLFORD, BASS-JACKSON, KERRIGAN, JONES  
NOES: NONE  
ABSENT: LEONARD  
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 16, 2005.

---

KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. Finance Director

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 15, 2005.

SUBJECT: City of Eureka Mills Act Historic Property Tax Incentive Program.

ACTION:

Community Development Director Kevin Hamblin and Senior Planner Sidnie Olsen provided a report regarding the revised Mills Act Historic Property Tax Incentive Program. The following individuals addressed the council regarding this subject matter:  
Ted Loring, Chair-Historic Preservation Commission  
Ron Kuhnel, representing Eureka Heritage Society  
Richard Tollison  
Chet Edeline  
Aldo Bongio  
Charlene Cutler-Ploss

Council adopted Resolution No. 2005-12 titled: "A Resolution of the Council of the City of Eureka establishing the Mills Act Historic Property Tax Incentive Program in the City of Eureka, County of Humboldt, State of California."

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

AYES: WOLFORD, BASS-JACKSON, KERRIGAN  
NOES: JONES  
ABSENT: LEONARD  
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 16, 2005.

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KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. Community Development Director

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 15, 2005.

SUBJECT: Appointment of sub-committee to review board and commission applications.

ACTION:

Council appointed Councilmembers Bass-Jackson and Kerrigan to serve as a sub-committee to review applications and make recommendations for appointments to board and commissions.

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

AYES: WOLFORD, BASS-JACKSON, KERRIGAN, JONES

NOES: NONE

ABSENT: LEONARD

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 16, 2005.

---

KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. Public Works Director/Building Official

Agenda Item 17

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 15, 2005.

SUBJECT: Appointment of annexation sub-committee.

ACTION:

The following individual addressed the council regarding this subject matter:  
Aldo Bongio

Council elected to postpone appointment of two council members to serve on the annexation sub-committee when Councilmember Leonard would be present to participate.

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

AYES: WOLFORD, BASS-JACKSON, KERRIGAN, JONES  
NOES: NONE  
ABSENT: LEONARD  
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 16, 2005.

---

KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept.

Agenda Item 18

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 15, 2005.

SUBJECT: City Manager/Executive Director' s reports

ACTION:

City Manager Tyson provided information regarding the following:

- Wastewater Treatment
- Multiple Assistance Center (MAC) opening ceremony March 18
- Correspondence from the Historic Society

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 16, 2005.

\_\_\_\_\_  
KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. City Manager

Agenda Item 19

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of March 15, 2005.

SUBJECT: Adjournment

ACTION:

There being no further business to come before the Council, the meeting was adjourned at 10:07 p.m.

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

AYES: WOLFORD, BASS-JACKSON, KERRIGAN, JONES  
NOES: NONE  
ABSENT: LEONARD  
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 16, 2005.

---

KATHLEEN L. FRANCO SIMMONS  
CITY CLERK