

MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

APRIL 5, 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

ABSENT: JONES

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 April 5, 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 April 6, 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 April 5, 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); and
unrepresented management, mid-management, and
confidential employees.

Pursuant to *California Government Code Section 54957.6*

C. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation: one case.

Pursuant to California Government Code Section 54956.9(b)

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: City-owned property between "F" and "G" on First Street; APN 001-121-19

Agency negotiator: David Tyson for the City of Eureka

Negotiating parties: Eureka Bayfront One, LLC

Under negotiation: price, terms, and conditions.

Pursuant to California Government Code Section 54956.8

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:

Agenda Item B, C, D

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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 B, C, D

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Mayor's announcements

ACTION:

Mayor La Vallee announced that Item 23 has been postponed at the request of the applicant/appellant.

Mayor La Vallee presented the following proclamations:

National Volunteer Week – April 17-23, 2005
Sexual Assault Awareness Month – April, 2005
Godwit Days – April 15-17, 2005

Mayor La Vallee shared correspondence from Mayor Paul Matheson of our sister-city Nelson, New Zealand.

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 April 5, 2005.

SUBJECT: Council reports

ACTION:

Councilmember Kerrigan expressed appreciation for all of the volunteers who took part in the Redwood Coast Jazz Festival.

Councilmember Kerrigan announced that he and Councilmember Jones have been meeting with a group of citizens headed by Dave Berman with regard to a no-confidence resolution. He announced that a town hall meeting will be held April 28 at 6:00 p.m. at the Wharfinger regarding election reform in Eureka and "ranked choice voting".

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 April 5, 2005.

SUBJECT: Public hearing –State of California 2004/2005 Community Development Block Grant (CDBG) Economic Development Allocation Over-the-Counter (OTC) grant application.

ACTION:

Redevelopment and Housing Director Cindy Trobitz-Thomas provided a report. The public hearing was opened at 6:51 p.m. The following individuals addressed the Council regarding this matter:

Jeff Katz, stated his concern regarding on-going maintenance and the potential need for creation of additional law-enforcement and maintenance jobs to maintain the property. He stated that the average citizen may question why the \$1.439 million wouldn't be spent on roads and sewers, and suggested that it should be made clear to the general public why this money is to be used for what it is being proposed to be used for.

Moss Bittner, stated that the idea of a plaza doesn't seem elaborately conceived and that neither he nor anyone that he's spoken with knows what it is going to look like. He stated that it concerns him that a community development block grant is being applied for, which is supposed to eliminate blight, for an area which has gone a long way from being blighted, and is getting pretty nice. He stated that he hopes that the expectations for this grant aren't so high that they might not remember that this area is probably not the most crucial area in Eureka to be focusing CDBG money on. He stated that he's not saying that the city shouldn't go ahead with this, but that he'd like to see other areas addressed.

Aldo Bongio, stated that redevelopment agencies have too much money which comes from California taxpayers and that it is too easy for some to spend it. He stated that the only good thing he can see about this is that it doesn't go to Arizona. He suggested that the decision-makers should go to any bank and find out the rate at which money can be borrowed, and that we should be careful about how we spend the tax-payers' money.

The public hearing was closed at 6:57 p.m.

On motion by Councilmember LEONARD, seconded by Councilmember WOLFORD, and the following vote, Council adopted Joint City Council Resolution No. 2005-16 and Eureka Redevelopment Agency Joint Resolution No. 2005-1 approving submittal of an application for funding from the Economic Development Allocation Over-the-Counter component of the State of California Community Development Block Grant Program (CDBG); and authorizing the execution of contract agreement and amendments or related documents necessary to participate in the CDBG Program.

MINUTE ORDER, APRIL 5, 2005

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN

NOES: NONE

ABSENT: JONES

ABSTAIN: NONE

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

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Redevelopment and Housing 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 April 5, 2005.

SUBJECT: Public hearing - State of California Community Development Block Grant (CDBG) General/Native American Allocation multi-year grant application.

ACTION:

Redevelopment and Housing Director Cindy Trobitz-Thomas provided a report. The public hearing to consider testimony regarding activities for potential inclusion into the city's CDBG grant application for multi-year funding from the FY 2005/2006 and FY 2006/2007 General/Native American Allocation was opened at 7:04 p.m. The following individuals addressed the Council regarding this matter:

Aldo Bongio, stated that it is up to the Council to make the big decisions about how to spend the money. He stated that it is nice to have a home, but that some don't care whether they have a home or not, and that there are a lot of people who won't do much of anything within their own ability to help buy one. He stated that the first houses he built as an apprentice were two bedroom, one bath, single garage and people were happy to get into those. He stated that the people we send to Sacramento pass these laws that say you have to do this, and that it is time to put people in Sacramento who won't provide all these programs that give away the whole country.

Sue Brandenburg, stated that she sees no need for a new Alzheimer's center based upon phone calls she made this week. She stated that Mad River Community Hospital has openings for Alzheimer's patients and that any licensed care facility in Eureka can take Alzheimer's and dementia patients. She stated that there are too many government buildings coming up in this area, including: the Forest Service building in Orick, Healthy Moms on "H" Street, and the new school building. She stated that we don't have enough sheriffs and have too much crime, so the money should go for the criminal problem in Eureka. She stated that in regard to the Veterans' Administration, the city just put in the MAC. She stated that in regard to the 20% low housing rule, Section 33334.2 states that there can be exceptions to that rule. She stated that there have been no studies to bring up how many low-cost housing are in the redevelopment areas to begin with. She stated that the city has nothing to back up any of the facts but that she does. She stated that RCAA has transitional homes in that area, the Vets has fourteen beds in the redevelopment, Silvercrest has beds, and there are lots of project houses in that area, as well as Section 8. She stated that to carry this any further would be an injustice to the taxpayer.

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Joyce Hayes, Executive Director-Humboldt Senior Resource Center, stated that the need for this Alzheimer's center does exist now in Eureka and will continue to grow as the population shift occurs. She stated that people aged 65 and over comprise the fastest growing population in Humboldt County, and that the older the population, the greater the incidence of Alzheimer's disease, so that by age 85, nearly 50% of older people will have some symptoms. She stated that there is already a greater need for individuals with Alzheimer's in Humboldt County than can be served by existing programs. She stated that there may be some openings in Arcata, but that individuals are currently being transported from Eureka to Arcata and Fortuna, and that as people progress with the disease, they are less able to be transported. She stated that the current program in Eureka has a waiting list, and that the new center will enable eighty clients to attend a medically-based daycare program. She stated that the building is designed to maximize the patients' abilities and to slow down the disease process, and that this will give caregivers six hours of respite a day, which is critically important for people to maintain their families, their jobs and normalcy.

Ben Fewell, Director-North Coast Veterans' Resource Center, stated that this request is being made to extend the funding that was allocated some time ago, and that had it not been for the situation which occurred in the course of trying to put the project into place, they would have already taken advantage of the funds that are there. He stated that this action would allow them to move forward, and that they are in the process of trying to get the project established and would appreciate a vote to continue.

Kay Kaylor, asked the question of how this ties into the Native American allocation, and suggested that the funds could be used for Native Americans, perhaps cleaning up Indian Island. She also requested that the historic home on the site slated for the Alzheimer's center be protected.

Ann White, stated that the house on the proposed Alzheimer's site is old but not an historic house. She stated that there are other sites available, so the old house wouldn't have to be bull-dozed.

The public hearing was closed at 7:17 p.m.

Agenda Item 2

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Council adopted City Council Resolution No. 2005-17 approving an application and contract execution for multi-year funding from the FY 2005/2006 and FY 2006/2007 General/Native American Allocation of the State Community Development Block Grant (CDBG) Program and authorizing the execution of a grant agreement and any amendments thereto with the State of California for the purposes of this grant.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN
NOES: NONE
ABSENT: JONES
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 April 6, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Redevelopment and Housing Director

Agenda Item 2

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

Paul Sands, spoke regarding a public walkway next to the Ingomar in which passage has been blocked.

Lisa Ollivier, read and submitted a letter from Lorene Dunaway regarding planned four-plex apartments in the Clark District historic neighborhood.

Ann White, submitted a document titled "Eureka Victorian Seaport – an Architectural View" and spoke regarding the loss of single-family houses in historic neighborhoods and the construction of esthetically offensive structures.

Suzanne, spoke in reference to zoning code 155.053 in regard to higher densities in areas where single-family dwellings are expected to be progressively replaced by multi-family dwellings.

Kay Kaylor, made a request for support in regard to the Eureka Heritage Society's request to stop construction at 126 Washington until an appeal is scheduled, and made a request to re-zone the Clark district and surrounding historic neighborhoods to single-family residential, and to change the demolition policy.

Sue Brandenburg, spoke in reference to redevelopment ordinance 224-C.S. relating to single-family, larger yards. She also spoke in regard to 20% low-cost housing exceptions to the rule, and the crime problem in relation to welfare, the missions, and the MAC.

Aldo Bongio, spoke regarding the importance of checking the zoning before buying a home.

Howard Rien, requested Item 5 be pulled from the consent calendar.

Moss Bittner, spoke regarding blight in areas other than the redevelopment.

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Kay Strickland, spoke regarding the nice home in which she lives. She also spoke regarding section 155.053 relating to promotion of higher densities, and the need for more affordable homes.

Ruth Jameson, spoke regarding the need for a community workshop about percentage designations relating to single and multi-family homes. She also spoke regarding the excessive speed of traffic on residential streets.

On request by Councilmember Wolford and with approval of three Council members, staff was directed to agendize this subject matter on a future agenda.

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 3

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular council meeting minutes of March 15, 2005 as submitted.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN
NOES: NONE
ABSENT: JONES
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 4

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Claim for damages of Rien, Howard.

ACTION:

City Attorney Tranberg provided a report. The following individual addressed the Council regarding this subject matter:
Howard Rien

Council rejected the claim of Rien, Howard.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN
NOES: NONE
ABSENT: JONES
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 5

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Claim for damages of Page, Mary.

ACTION:

Council rejected the claim of Page, Mary.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN
NOES: NONE
ABSENT: JONES
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 6

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: City Manager contract extension.

ACTION:

Council authorized the Mayor to execute a five-year extension to the City Manager's At-Will Employment Agreement.

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

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

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Eureka High Safe and Sober.

ACTION:

Council took action to waive Adorni facility fees to allow for Eureka High's Safe and Sober Graduation Event.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN
NOES: NONE
ABSENT: JONES
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 April 5, 2005.

SUBJECT: Eureka Redevelopment Agency First & C Street property Exclusive Right to Negotiate Extension request.

ACTION:

Council took action to authorize a 180-day Exclusive Right to Negotiate Agreement extension between the Eureka Redevelopment Agency and Glenn G. Goldan & ReProp Investments, Inc. for the sale and development of AP #'s 1-054-13, 14, 15, 16, 20, 22 & 30.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN

NOES: NONE

ABSENT: JONES

ABSTAIN: NONE

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

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Redevelopment and Housing 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 April 5, 2005.

SUBJECT: Eureka Redevelopment Agency Fisherman's Terminal property Exclusive Right to Negotiate Extension request.

ACTION:

Council took action to authorize a 180-day Exclusive Right to Negotiate Agreement extension between the Eureka Redevelopment Agency and J.P. & Associates, Inc. for the sale and development of AP # 001-011-014.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN

NOES: NONE

ABSENT: JONES

ABSTAIN: NONE

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

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Redevelopment and Housing 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 April 5, 2005.

SUBJECT: Reallocate Engineering Technician to Assistant Engineer.

ACTION:

Council approved the reallocation of one (1) Engineering Technician position to one (1) Assistant Engineer position.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN

NOES: NONE

ABSENT: JONES

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 11

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Resolution to accept permanent easement from Union Pacific Railroad.

ACTION:

Council adopted Resolution No. 2005-18 authorizing the acceptance of an easement from Union Pacific Railroad (UPRR) on real property located between "J" and "I" Streets on portions of APNs 001-161-008 and 001-121-022.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN

NOES: NONE

ABSENT: JONES

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 12

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Purchase of Five (5) 2005 Police Patrol Sedans.

ACTION:

Council awarded Bid No. 2005-18 to lowest responsive bidder, Harper Motors in the amount of \$122,314.11.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN
NOES: NONE
ABSENT: JONES
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 April 6, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Public Works Director/Building Official

Agenda Item 13

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Request for exception to the hiring freeze – Maintenance Worker I/II.

ACTION:

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

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN
NOES: NONE
ABSENT: JONES
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 April 6, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Personnel Director

Agenda Item 14

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Request for exception to the hiring freeze – Utilities Operations Supervisor.

ACTION:

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

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN
NOES: NONE
ABSENT: JONES
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 April 6, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Personnel 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 April 5, 2005.

SUBJECT: Headwaters Community Investment Fund – grant contract for Fisherman’s Terminal Project.

ACTION:

Council authorized City Manager to execute Headwaters Community Investment Fund grant agreement between the City of Eureka and County of Humboldt for \$200,000 to fund specific Fisherman’s Terminal Project components.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN

NOES: NONE

ABSENT: JONES

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 April 6, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Redevelopment & Housing 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 April 5, 2005.

SUBJECT: Municipal Auditorium staff fee waiver for Project STEM.

ACTION:

Council took action to waive staff fees for skating party to be held April 22, 2005 at the Municipal Auditorium.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN
NOES: NONE
ABSENT: JONES
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 April 6, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

Agenda Item 17

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Site remediation services for Old Carson Mill Site (Halvorsen Property).

ACTION:

Council took action to authorize the City Manager to enter into a Professional Services Agreement (PSA) with SHN Consulting Engineers & Geologists, Inc., a local consulting firm, in an amount not to exceed \$40,000 to provide site remediation services at the former Foundry Area of the Old Carson Mill Site (Halvorsen property) to assist with site cleanup and to comply with EPA Brownfields Cleanup Grant requirements.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN
NOES: NONE
ABSENT: JONES
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 April 6, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Special Projects Manager

Agenda Item 18

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: E-mail Retention Policy and Procedures.

ACTION:

Council adopted Council Policy and Procedure 1.11 relating to e-mail retention.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN
NOES: NONE
ABSENT: JONES
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 April 6, 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 April 5, 2005.

SUBJECT: An Ordinance amending Title XV, Chapter 150, Building Regulations, Subchapter 150.065, "Earthquake Hazard Reduction In Existing Buildings" Section 150.070 Time Limits.

ACTION:

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

Aldo Bongio

Council introduced, waived reading, and read by title only, Bill No. 742-C.S., an ordinance amending Title XV, Chapter 150, Building Regulations, Section 150.070 pertaining to "Earthquake Hazard Reduction in Existing Buildings".

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN
NOES: NONE
ABSENT: JONES
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 April 6, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Public Works Director/Building Official

Agenda Item 20

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Accept the Sequoia Park Zoo Pavilion improvements.

ACTION:

Public Works Director/Building Official Mike Knight and Zoo Superintendent Gretchen Ziegler provided a report. No individuals expressed an interest in addressing the Council regarding this subject matter.

Council took action to accept the Sequoia Park Zoo Pavilion improvements.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN
NOES: NONE
ABSENT: JONES
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 April 6, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Public Works Director/Building Official

Agenda Item 21

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Resolution supporting Humboldt Bay Management Plan Process.

ACTION:

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

David Hull, Executive Director-Humboldt Bay Harbor, Recreation and Conservation District

Aldo Bongio

Kay Strickland

Council adopted Resolution No. 2005-19 in support of the Humboldt Bay Harbor, Recreation and Conservation District's ongoing planning process toward completion of the Humboldt Bay Management Plan.

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

AYES: WOLFORD, BASS-JACKSON, LEONARD, KERRIGAN

NOES: NONE

ABSENT: JONES

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 April 6, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

Agenda Item 22

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Ocean View Cemetery; 3875 Broadway; APN 019-341-003; Appeal of the action of the Planning Commission to deny the Design Review application for a new 20' freestanding sign (AA-05-003).

ACTION:

This item was postponed at the appellant's request.

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 April 6, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Community Development

Agenda Item 23

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Cable franchise renewal process: status report.

ACTION:

Council received a report by Sue Buske, Cable Franchise Consultant to cities and county.

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 April 6, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

Agenda Item 24

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Appointment of annexation sub-committee.

ACTION:

Without objection, Council appointed Councilmembers Jeff Leonard and Chris Kerrigan to serve on the annexation sub-committee.

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 April 6, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Council

Agenda Item 25

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: City Manager/Executive Director's reports

ACTION:

City Manager Tyson provided information regarding the following:

- Fishermen's Work Area
- Seaport Village
- Eureka Waterfront Partners

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 April 6, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 5, 2005.

SUBJECT: Adjournment

ACTION:

There being no further business to come before the Council, the meeting was adjourned at 9:29 p.m.

Adopted without objection on motion by Councilmember WOLFORD, seconded by Councilmember BASS-JACKSON.

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 April 6, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK