

MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

May 17, 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 (arrived following Closed Session and presided during Open Session)

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 May 17, 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 May 18, 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 May 17, 2005.

SUBJECT: Closed session

ACTION:

Council met in closed session to discuss the following matters:

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

Pursuant to California Government Code Section 54957

Upon reconvening to open session, it was announced that the city council in closed session considered and determined to continue the city attorney's employment with the city.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item B

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 17, 2005.

SUBJECT: Mayor's announcements

ACTION:

Mayor La Vallee presented the following proclamation:
"Amateur Radio Week" June 1-7, 2005

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item M/A

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 17, 2005.

SUBJECT: Council reports

ACTION:

Councilmember Leonard reported that Councilmember Mary Beth Wolford and he attended a Planned Parenthood fundraiser and thanked all of the council members for contributing to the cause.

Councilmember Leonard made an announcement regarding the Town Hall meeting sponsored by the Art & Culture Commission regarding "What is public art?"

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 May 17, 2005.

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

Aldo Bongio, requested to pull item 6 from the consent calendar for discussion.

Colleen Giampaolo, President-Henderson Center Merchants Association, spoke in support of a vote of approval for the Henderson Center Farmers Market this summer.

Pamela McKnight, 20-year merchant in Henderson Center, spoke in support of the Farmers Market.

Bill Hole, Dolbeer Street, spoke regarding filing a public improvement appeal relating to an encroachment permit for a section of 6-foot wood fence, and requested it be placed on a future agenda.

Aldo Bongio, spoke in support of Mr. Hole's fence.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Agenda Item 1

MINUTE ORDER, MAY 17, 2005

ITEM: 1

PAGE: 2

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 May 17, 2005.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular council meeting minutes of April 19 and May 3, 2005 as submitted.

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

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

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

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Clerk

Agenda Item 2

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 17, 2005.

SUBJECT: Request for exception to the hiring freeze – Senior Utility Worker.

ACTION:

Council approved the exception to the hiring freeze for the Senior Utility Worker position.

Adopted on motion by Councilmember JONES, seconded by Councilmember KERRIGAN, 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 3

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 17, 2005.

SUBJECT: Sewer Improvements 2005, Bid No. 2005-03.

ACTION:

Council declared John N. Peterson, Inc. of Eureka, CA low bidder; awarded the construction contract for Sewer Improvements 2005, Bid No. 2005-03, to John N. Peterson, Inc. in the amount of \$595,900.00 and approved a total of \$656,000.00 to provide a contract contingency.

Adopted on motion by Councilmember JONES, seconded by Councilmember KERRIGAN, 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 4

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 17, 2005.

SUBJECT: 2-hour parking restriction on the west side of "J" Street south of Second Street.

ACTION:

Council adopted Resolution No. 2005-23 establishing a 2-hour parking restriction on the west side of "J" Street from Second Street south 120' to the alley.

Adopted on motion by Councilmember JONES, seconded by Councilmember KERRIGAN, 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 5

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 17, 2005.

SUBJECT: No parking: north side of Hemlock, east of "W" Street.

ACTION:

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

Aldo Bongio

Council adopted Resolution No. 2005-24 establishing a "no parking zone" along the north side of Hemlock between "W" Street and Dolbeer Street.

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

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

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

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

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City 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 May 17, 2005.

SUBJECT: 1-hour parking restriction on the north side of Fourth Street from Commercial Street west 240'.

ACTION:

Council adopted Resolution No. 2005-25 establishing a 1-hour parking restriction on the north side of Fourth Street from Commercial Street west 240'.

Adopted on motion by Councilmember JONES, seconded by Councilmember KERRIGAN, 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 7

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 17, 2005.

SUBJECT: Claim for damages of Littlejohn, Christopher.

ACTION:

Council rejected the claim of Littlejohn, Christopher.

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

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

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

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on May 18, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Attorney

Agenda Item 8

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 17, 2005.

SUBJECT: Ordinance amending Title III, Chapter 39, pertaining to "Purchasing System."

ACTION:

Finance DirectorCarolynn Thomas provided a report. The following individual addressed the council regarding this subject matter:

Aldo Bongio

Council adopted, waived reading, and read by title only, Bill No. 744-C.S., Ordinance No. 690-C.S.: an ordinance amending Title III, Chapter 39, City Policy, Sections 39.36, 39.43 and 39.49 pertaining to the "Purchasing System in the City of Eureka"; and adopted Policies and Procedures No. 2.45 "Retaining Consulting & Professional/Technical Services" as revised.

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. Finance 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 May 17, 2005.

SUBJECT: Ocean View Cemetery; 3975 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:

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

Patty Weber, Appellant

Ron Kuhnel, Chair-Planning Commission

Council took action to uphold the February 14, 2005, action of the Planning Commission and deny the appeal.

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

AYES: WOLFORD, LEONARD, KERRIGAN

NOES: BASS-JACKSON, 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. Community Development 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 May 17, 2005.

SUBJECT: Redwood Empire Alliance for Culture & History (REACH) – Market & Feasibility Study for proposed facility.

ACTION:

Council received a presentation by Economic Research Associates' consultants Steve Spickard and Linda Cheu regarding the completed REACH Market and Feasibility Study. The following individuals addressed the council regarding this subject matter:

Aldo Bongio

Mike Kellogg, Timber Heritage Association

Mary Ann McCulloch, Eureka Heritage Society

Council took action to receive and file the final report.

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. Redevelopment and Housing 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 May 17, 2005.

SUBJECT: Movies in the Park proposal and agreement.

ACTION:

Without objection, this item was postponed to the next council meeting.

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 May 18, 2005.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

Agenda Item 12

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 17, 2005.

SUBJECT: Animal regulations.

ACTION:

Councilmember Jones provided a report. No action taken.

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. Councilmember Jones

Agenda Item 13

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 17, 2005.

SUBJECT: Mayor's request for authorization to send a letter to the governor opposing his initiatives on the teachers' retirement and merit system.

ACTION:

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

Aldo Bongio

Following Council discussion, no formal action was taken on 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)

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. Mayor

Agenda Item 14

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 17, 2005.

SUBJECT: Mayor's request for authorization to send a letter to Secretary Carlos Gutierrez, U.S. Dept of Commerce in support of a disaster declaration for the 2005 Salmon fishery.

ACTION:

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

Council took action to give authorization to send a letter to Secretary Carlos Gutierrez, US Dept of Commerce in support of a disaster declaration for the 2005 Salmon fishery.

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

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

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

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Mayor

Agenda Item 15

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 17, 2005.

SUBJECT: City Manager/Executive Director's reports

ACTION:

City Manager Tyson presented the GFOA Distinguished Budget Award to Finance Director Carolynn Thomas.

City Manager Tyson provided information regarding the following:

- Consideration of canceling the July 5th council meeting;
- Upcoming Kinetic Sculpture race;
- KEET auction;
- Thank you to Economic Research Associates

Brief discussion was held regarding the subject matter presented under Public Comment by Bill Hole. On motion by Councilmember KERRIGAN, seconded by Councilmember LEONARD, and the following vote, Council directed staff to provide information on the next agenda regarding the matter of the 6-foot fence constructed in the public right-of-way:

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 16

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of May 17, 2005.

SUBJECT: Adjournment

ACTION:

There being no further business to come before the Council, the meeting was adjourned at 9:00 p.m.

On motion by Councilmember JONES, seconded by Councilmember WOLFORD, without objection, the meeting was adjourned.

AYES:

NOES:

ABSENT:

ABSTAIN:

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

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK