

MINUTES OF  
EUREKA CITY COUNCIL  
EUREKA REDEVELOPMENT AGENCY

JUNE 7, 2005

The City Council/Redevelopment Agency of the City of Eureka met in REGULAR Session on the above date, 5:30 p.m. Closed Session, 6:30 p.m. Open Session, at the Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

PRESIDING: MAYOR LA VALLEE

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

ABSENT: NONE

MINUTES PREPARED BY:

COUNCIL APPROVAL ACKNOWLEDGED:

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Kathleen L. Franco Simmons  
City Clerk

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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 June 7, 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 June 8, 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 June 7, 2005.

SUBJECT: Closed session

ACTION:

Council met in closed session to discuss the following matters:

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of case: Eureka Citizens for Responsible Government, James Emery, Andrew Nash and Ida Nash v. City of Eureka, City Council of the City of Eureka; Eureka Church of the Nazarene, Redwood Christian School; Case No. CV050270

*Pursuant to California Government Code Section 54956.9(a)*

C. CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION

Name of case: Don Davenport v. City of Eureka and North Coast Veterans' Resource Center, Case No.'s CV040572 and CV040824

*Pursuant to California Government Code Section 54956.9(a)*

D. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation: one case.

*Pursuant to California Government Code Section 54956.9(b)*

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

MINUTE ORDER, JUNE 7, 2005  
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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 June 8, 2005.

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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 June 7, 2005.

SUBJECT: Mayor's announcements

ACTION:

Councilmember Wolford presented a proclamation for "National Hunger Awareness Day" June 7 2005 to Ann Holcomb, Executive Director – Food for People.

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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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on June 8, 2005.

\_\_\_\_\_  
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 June 7, 2005.

SUBJECT: Council reports

ACTION:

Councilmember Kerrigan sponsored a presentation by Scott Menzies regarding "Instant Runoff Voting".

Councilmember Wolford sponsored an announcement by Mark Lockmiller, Executive Director – Eureka Community Recycling Center regarding the Electronic Waste Drop-off Event, June 11 and 12.

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 C/R

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of June 7, 2005.

SUBJECT: Public hearing - A text amendment to the Eureka Municipal Code amending Title 15 Chapter 155, pertaining to Site Plan and Architectural Review. (TA-04-001).

ACTION:

Community Development Director Kevin Hamblin provided a report.

The public hearing was opened at 7:15 p.m.

The following individuals addressed the Council regarding this matter:

Harvey Harper, stated that he is puzzled as to why the city council would consider changing an already excellent program. He stated that there are competent people on the review committee, planning commissions, and staff. He stated that this would create a situation where more and more regulations would be placed on people who want to do legitimate things that would help the city. He referred to earlier comments made by Ann Holcomb in regard to poverty, and stated that one of the reasons we have poverty is that we don't have enough employment. He stated that, as these committees and regulation are multiplied, it is becoming more and more difficult for people that would do productive things for the city, whether they be contractors, investors. He stated that over-regulation creates poverty, and that the situation has got to be balanced. He stated that there is now the opportunity to start over, and that what we have works and has worked for years, with competent people in charge.

Ron Kuhnel, Chairman – Planning Commission, stated that he sent an email to each council member and the mayor, and submitted a copy for the public record. He stated that the email stated what the Planning Commission was thinking in terms of why they went through the process and the hearings they heard. He stated that the most important item was the heart of the last item. He stated that it said that their intent was to take an ordinance and try to make it better. He stated that the recommendations are intended to make it more efficient for the people who come before Design Review and the public servants who have to support it.

Agenda Item 1

MINUTE ORDER, JUNE 7, 2005

ITEM: 1

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Public Hearing continued:

Kay McClough, stated that she believes that the Design Review Committee is a worthwhile committee, and that our community needs someone to present various planning and design options for various businesses in the community. She stated that she would like to encourage looking at the membership of that committee and make sure that the members of that committee are conducting themselves in a responsible and businesslike manner when they are reviewing design plans from the community. She stated that she recently had an experience with this committee, and that for the most part, the members of the committee conducted themselves in a very businesslike and professional manner, but that some members of the committee did not. She stated that they presented personal facts and turned it into something more personal than the purpose of the Design Review Committee. She stated that she would like to make sure that the members of this committee do conduct themselves in a professional manner and keep it on that level.

Mary Ann McCulloch, Chair-Preservation Committee - Eureka Heritage Society, stated that she attended many of the Design Review meetings over the past few years. She stated that Design Review is very important to the City of Eureka, and that it is important that we maintain the focus on Victorian architecture and architecture that is pleasing and draws people here to visit. She stated that separating design review and site review is impossible, particularly when dealing with historic neighborhoods. She stated that oftentimes, a site plan review might meet the criteria, but in looking at the design, it is not compatible or harmonious to the area. She stated that anything that can be done to strengthen design review, not to make it necessarily more troublesome for a property owner, but to strengthen design review guidelines to make them clear and concise should be supported. She stated that to remove staff would probably alleviate an appearance of some conflict of interest sometimes, as they are giving people suggestions, and then also voting on them.

Michelle McKeegan, President – Keep Eureka Beautiful, stated that KEB is very supportive of the proposed changes, that it strengthens the committee itself and the design review process. She stated that they are also eager to move forward beyond these changes and that two more changes are needed: 1- to expand the areas covered by Design Review to include all commercial areas in Eureka and multi-family units of four units and over; and 2- that continued work needs to be done to clarify Design Review guidelines, which are impossibly vague and very difficult for the committee to work with. She urged support of the changes.

The public hearing was closed at 7:25 p.m.

MINUTE ORDER, JUNE 7, 2005  
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On motion by Councilmember WOLFORD, seconded by Councilmember KERRIGAN, and the following vote, Council took action to adopt the Findings of Fact included in Exhibit A attached and made a part hereof, and introduced, waived reading, and read by title only, Bill No. 747-C.S. "An Ordinance of the City Council of the City of Eureka Amending Title 15, Chapter 155 of the Eureka Municipal Code Pertaining to Site Plan and Architectural Review."

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

By consensus, Council agreed to submit three names each to the Mayor for nomination to the ad hoc committee as soon as possible.

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 June 8, 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 June 7, 2005.

SUBJECT: Continue Public Hearing – Eureka South Gate Industrial Park, APN 302-171-034 & 037

ACTION:

Community Development Director Hamblin provided a report.

Council continued the public hearing to the June 21, 2005 regular meeting of the City Council.

Adopted on motion by Councilmember LEONARD, 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 )

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KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. Community Development 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 June 7, 2005.

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

Dave Berman, spoke regarding the Voter Confidence Committee for ranked choice voting and voter reform.

Ann White, spoke regarding another house which was bull-dozed in the Clark district, and regarding visitor's bureau publications and advertisements with a focus on historic architecture and the arts.

Kermit Thobaben, spoke regarding the impacts of the closure of the Greyhound terminal in Eureka. He also spoke regarding two RCAA matters and submitted a letter with regard to the first: 1- a request to reduce building code minimum square footage requirements to 150 sq/ft for the development of small efficiency units for affordable housing; and 2- the state HOME program has \$50 million available for multi-family housing grants. Mayor La Vallee and Councilmember Kerrigan recused themselves prior to and during Mr. Thobaben's comments regarding RCAA matters. Councilmember Bass-Jackson requested Mr. Thobaben provide a report on the Multiple Assistance Center (MAC) on a future agenda. Without objection, Councilmember Wolford requested staff to bring the RCAA matters back for discussion on a future agenda.

Kaye Strickland, expressed concerns regarding the closure of the Greyhound terminal.

Ron Kuhnel, President-Eureka Heritage Society, read and submitted a letter with regard to Society's participation in the Certified Local Government (CLG) grant program with the California Office of Historic Preservation, and presented a check for \$1000 to the city to show it's commitment toward this or future CLG projects.

Richard Tollison, spoke regarding the relation of the closure of the Greyhound terminal to the Redwood Transit Authority's inability to build a facility, and the failure of state and federal transportation boards to push for access to transportation to all people as they have in past years.

MINUTE ORDER, JUNE 7, 2005  
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Public Comment continued:

Bill Hole, member of the Historic Preservation Commission, made an announcement regarding an upcoming workshop relating to local historic preservation ordinances, June 24, 8:30-4:00 at the Bayside Grande, by the State Office of Historic Preservation.

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 June 7, 2005.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular council meeting minutes of May 17, 2005 and the special Council meeting minutes of June 1, 2005 as submitted.

Adopted on motion by Councilmember LEONARD, 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 )

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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 June 7, 2005.

SUBJECT: Mayor's appointments to boards and commissions.

ACTION:

Council approved the Mayor's appointment of Robert Fasic to the Redevelopment Advisory Board, term expiring 01/01/2009.

Adopted on motion by Councilmember WOLFORD, 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 )

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KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. Mayor

Agenda Item 5

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of June 7, 2005.

SUBJECT: Claim for damages of Upton, Erica.

ACTION:

Council rejected the claim of Upton, Erica.

Adopted on motion by Councilmember LEONARD, 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 )

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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 June 7, 2005.

SUBJECT: Claim for damages of Sanders, Alton J.

ACTION:

Council rejected the claim of Sanders, Alton J.

Adopted on motion by Councilmember LEONARD, 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 )

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KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. City Attorney

Agenda Item 7

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of June 7, 2005.

SUBJECT: Claim for damages of Carriage Car Wash.

ACTION:

Council rejected the claim of Carriage Car Wash.

Adopted on motion by Councilmember LEONARD, 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.

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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 June 7, 2005.

SUBJECT: Request for exception to the hiring freeze – Adorni Center Supervisor.

ACTION:

Council took action to approve the exception to the hiring freeze for the Adorni Center Supervisor position, which is already included in the FY 04/05 budget.

Adopted on motion by Councilmember LEONARD, 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 June 8, 2005.

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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 June 7, 2005.

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

ACTION:

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

Adopted on motion by Councilmember LEONARD, seconded by Councilmember 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.

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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 June 7, 2005.

SUBJECT: Waterfront Drive Connection – Phase 1 services during construction, Bid No. 2005-15.

ACTION:

Council took action to authorize staff to prepare and execute an agreement for services during construction with SHN Consulting Engineers & Geologists of Eureka for the Waterfront Drive Connection – Phase 1 project for a not-to-exceed amount of \$49,882.

Adopted on motion by Councilmember LEONARD, 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 )

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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 June 7, 2005.

SUBJECT: Proposition 13 Infrastructure Rehabilitation Program – Feasibility Study  
Grant Acceptance and Professional Services Contract.

ACTION:

Council took action to accept a Proposition 13 Infrastructure Rehabilitation Program grant from the State of California Resources Agency Department of Water Resources for an infrastructure rehabilitation feasibility study under the California Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act; direct Mayor Peter La Vallee to sign funding Contract No. F68016 on behalf of the City of Eureka; designate Deputy City Engineer Kurt Gierlich as the Local Agency Project Director who shall also have the authority to approve partial payment estimates; and approve a contract for engineering services with Winzler & Kelly Consulting Engineers for an amount not to exceed \$100,000.00 to execute the work plan included as Exhibit “C” in funding Contract No. F68016.

Adopted on motion by Councilmember LEONARD, 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.

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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 June 7, 2005.

SUBJECT: Indian Island Rookery – Agreement of Intent.

ACTION:

Council took action to direct the City Manager to negotiate and sign on the behalf of the City of Eureka an Agreement of Intent for removal of invasive plants on the site with the United States Fish and Wildlife Service, the Wiyot Tribe, the Humboldt Bay Harbor, Recreation and Conservation District and the California Department of Fish and Game.

Adopted on motion by Councilmember LEONARD, 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.

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

Originating Dept. City Engineer

Agenda Item 13

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of June 7, 2005.

SUBJECT: Purchase of body armor.

ACTION:

Council took action to approve the purchase of body armor for all Eureka Police Department Sworn Staff.

Adopted on motion by Councilmember LEONARD, 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 June 8, 2005.

---

KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. Chief of Police

Agenda Item 14

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of June 7, 2005.

SUBJECT: Martin Slough Interceptor Sewer – Final Engineering Design Professional Services Contract.

ACTION:

City Engineer Brent Siemer and Deputy City Engineer Kurt Gierlich provided a report. No one expressed an interest in addressing the Council regarding this subject matter.

Council took action to authorize staff to execute a contract with SHN Consulting Engineers and Geologists and their project team for Final Engineering Design of the Martin Slough Interceptor Sewer project in an amount not to exceed \$1,600,000.

Adopted on motion by Councilmember LEONARD, 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 June 8, 2005.

---

KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. City Engineer

Agenda Item 15

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of June 7, 2005.

SUBJECT: Mayor's request for Council support of SB 792 relating to the North Coast Railroad Authority.

ACTION:

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

Kaye Strickland, Chair of the Railroad Support Coalition

Council took action to confirm support SB 792 relating to the North Coast Railroad Authority and authorize the Mayor to send a letter of support to Senator Chesbro.

Adopted on motion by Councilmember KERRIGAN, 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 )

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 June 8, 2005.

---

KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. Mayor

Agenda Item 16

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of June 7, 2005.

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

ACTION:

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

Kaye Strickland

Larry Henderson representing the applicant

Harry Lesch, applicant

Richard Tollison

Kathy Gruenthal

Jim Larson

Unidentified woman

Council took action uphold staff's recommendation to determine that the General Plan Amendment petition is not in the public interest based on policies contained in the adopted City General Plan relating to Henderson Center and the Downtown/Old Town commercial areas, and the site specific limitations relating to parking.

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

AYES: WOLFORD, KERRIGAN, MAYOR LA VALLEE (to break the tie)

NOES: BASS-JACKSON, LEONARD

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 June 8, 2005.

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

Originating Dept. Community Development Director

Agenda Item 17

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of June 7, 2005.

SUBJECT: Height of obstructions in the city right-of-way.

ACTION:

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

Bill Hole  
Peggy Dorn  
Brienne Hole  
Unidentified woman

Council provided direction to staff to investigate the possibility of vacating the city right-of-way at this address.

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

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

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---

KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of June 7, 2005.

SUBJECT: Extension of Council meeting beyond 10:00 p.m.

ACTION:

Council took action to extend the Council meeting beyond the 10:00 p.m. curfew, to complete Item 18, and include Items 19 and 20.

Adopted on motion by Councilmember WOLFORD, 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 June 8, 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 June 7, 2005.

SUBJECT: Feral cat population control.

ACTION:

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

Barbara Schultz, Host of Animal Advocate

Ann White

Cynthia MacMillan, Executive Director, Sequoia Humane Society and on behalf of Feral Friends

Judy Lewis, Board President, Sequoia Humane

Council took action to direct staff to identify potential property or relocation sites for a managed feral cat colony and report back if there would be one available.

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.

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---

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 June 7, 2005.

SUBJECT: Movies in the Park proposal and agreement.

ACTION:

City Manager Tyson provided a report. Ryan Fabian, with US Cellular made a presentation regarding Movies in the Park. No one expressed an interest in addressing the Council regarding this subject matter.

Council took action to express interest in a project such as this and requested the proposer to find out more information about some options that could be brought forward for consideration at the next meeting.

Adopted on motion by Councilmember WOLFORD, 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.

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---

KATHLEEN L. FRANCO SIMMONS  
CITY CLERK

Originating Dept. City Manager

Agenda Item 20

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of June 7, 2005.

SUBJECT: Developing an Ethics Code.

ACTION:

Council postponed this item to the next meeting due to the lateness of the hour.

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 )

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 Manager

Agenda Item 21

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

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of June 7, 2005.

SUBJECT: Resolution noticing Cox Cable Humboldt Bay, Inc. of noncompliance with franchise terms.

ACTION:

Council postponed this item to the next meeting due to the lateness of the hour.

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 )

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 June 8, 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 June 7, 2005.

SUBJECT: City Manager/Executive Director's reports

ACTION:

City Manager Tyson provided information regarding the following:

- Greyhound station closure

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 June 8, 2005.

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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 June 7, 2005.

SUBJECT: Adjournment

ACTION:

There being no further business to come before the Council, the meeting was adjourned at 11:10 p.m.

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember LEONARD, without objection.

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 June 8, 2005.

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KATHLEEN L. FRANCO SIMMONS  
CITY CLERK