

**CITY OF EUREKA
CITY COUNCIL
AGENDA**

**REGULAR MEETING
TUESDAY, APRIL 5, 2016
CLOSED SESSION 5:00 P.M.
REGULAR SESSION 6:00 P.M.
COUNCIL CHAMBER
531 K STREET
EUREKA, CA 95501**



Marian Brady 1st Ward
Linda Atkins 2nd Ward
Kim Bergel 3rd Ward
Melinda Ciarabellini 4th Ward
Natalie Arroyo 5th Ward

Frank J. Jäger, Mayor

Greg L. Sparks, City Manager
Pam Powell, City Clerk
Cyndy Day-Wilson, City Attorney

CLOSED SESSION

If closed session items cannot be completed by 5:55 P.M., they will be continued at the conclusion of the regular agenda, provided there is time. If time does not allow then those closed session items will be continued to the next regular meeting.

A. PUBLIC COMMENT PERIOD

(Limited to 3 minutes each speaker on closed session agenda items only)

B. Conference with legal counsel- existing litigation

Livingwell Medical Clinic, Inc.; Pregnancy Care Center of the North Coast, Inc.; and Confidence Pregnancy Center, Inc. v. Kamala Harris, Attorney General of the State of California, in her official capacity; Karen Smith, M.D., Director of California Department of Public Health, in her official capacity; Michael Colantuono, City Attorney of Grass Valley, California, in his official capacity; Alison Barrat-Green, County Counsel of Nevada County, California, in her official capacity; Cindy Day-Wilson, City Attorney of Eureka, California, in her official capacity; Jeffrey S. Blanck, County Counsel of Humboldt County, California, in his official capacity; Christopher A. Callihan, City Attorney of Salina, California, in his official capacity; Charles J. McKee, County Counsel of Monterey County, California, in his official capacity.
Pursuant to California Government Code Section 54956.9(a)

REGULAR SESSION – 6:00 P.M.

ROLL CALL

PLEDGE OF ALLEGIANCE

REPORT OUT OF CLOSED SESSION

MAYOR’S ANNOUNCEMENTS

Presentation of Proclamations:

National Public Safety Telecommunications
Week
Distracted Driving Awareness Month

COUNCIL REPORTS / CITY-RELATED TRAVEL REPORTS

BOARD/COMMISSION REPORTS

PUBLIC COMMENT PERIOD

This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. Pursuant to City Council Resolution No. 2011-22, City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers. The public will be allowed to speak concurrently with the calling of an agenda item following the staff presentation of that item.

Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on the Agenda.

1. Is there any person in the audience who wishes to address the Council at this time?
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PUBLIC HEARINGS

Public Hearings are scheduled for a time certain of 6:00 P.M. unless noticed otherwise, or as soon thereafter as possible.

2. Public Hearing – Vacation Dwelling Units Ordinance and Local Coastal Plan Amendment
Recommendation: Public Hearing for this item rescheduled to the June 7, 2016 regular Council meeting.
(Development Services Director)
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CONSENT CALENDAR

Notice to the Public: *All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Pursuant to City Council Resolution 2011-22, if a member of the public would like an item on the Consent Calendar pulled and discussed separately, the request shall be made to a Councilmember prior to the meeting. Unless a specific request is made by a Councilmember, the Consent Calendar will not be read. There will be no separate discussion of these items.*

3. Council Meeting Minutes.
Recommendation: Approve the regular Council meeting minutes of March 15, 2016 as submitted.
(City Clerk)

4. North Coast Recycling Market Development Zone (North Coast RMDZ)
Recommendation: Approve a Resolution of the City Council authorizing the City of Eureka to remain in the North Coast Recycling Market Development Zone as re-designated by the California Department of Resources Recycling and Recovery (CalRecycle)
(Development Services Director)

5. Truesdale Shoreline Emergency Repair
Recommendation:
 1. Receive report regarding the Truesdale shoreline emergency repair; and
 2. Appropriate \$190,000 in Wastewater Reserves to account number 512-47000-7510 PJ 577 to cover costs associated with the repair, professional services, and permitting.
(Public Works Director)

6. Wastewater Flow Monitoring Equipment Acquisition
Recommendation: Authorize staff to negotiate and execute a sole-source agreement with Oratech Controls to provide and install wastewater flow monitoring equipment.
(Public Works Director)

7. Eureka Police Heating and Thermostat System
Recommendation:
 1. Receive report regarding Eureka Police Department's heating and cooling system emergency repair.
 2. Appropriate \$35,500 for
(Police Chief)

8. Elk River Estuary and Tidal Wetlands Enhancement Planning
Recommendation:
 1. Accept the Prop 1 Grant with its conditions; and
 2. Adopt a Resolution of the City Council accepting the initial funding for the Elk River Estuary and Inter-Tidal Enhancement Project.
(Development Services Director)

ORDINANCES/RESOLUTIONS

9. Shelter Crisis Declaration
Recommendation:
 1. Rescind Resolution 2016-06; and
 2. Adopt a Resolution of the City Council declaring the existence of a shelter crisis within the City of Eureka designating: (a) the City owned parking lot located at Koster and Washington Streets as a place where homeless

individuals can sleep from 8 p.m. until 7 a.m. for sixty (60) days beginning April 11, 2016 and ending on June 10, 2016; and (b) St. Vincent de Paul located at 35 West 3rd Street as a warming center for six (6) months; and

3. Authorize staff to enter into an agreement with St. Vincent de Paul to operate a warming center for homeless individuals from 8 p.m. until 7 a.m. for six (6) months.

(City Attorney)

10. Waterfront Drive Street Vacation

Recommendation: 1. Receive the Planning Commission's recommendation to vacate a portion of the subject right-of-way; and
2. Adopt a Resolution of the City Council listing Findings of Fact; and
3. Declare the Council's intention to "order the Vacation: by adopting a Resolution of the City Council declaring its intention to order the Vacation of a portion of Waterfront Drive)APN 003-062-024) (City of Eureka, Case No. SV-16-0001); and
4. Direct the City Clerk to publish the "Resolution of Intention" in accordance with the law; and
5. Direct the Engineering Department to post the street to be vacated in accordance with the law; and
6. Set a public hearing before the City Council for May 3, 2016, to "Order the Vacation".

(Development Services Director)

11. Pardoe Street Vacation

Recommendation: 1. Receive the Planning Commission's recommendation to vacate the subject right-of-way; and
2. Adopt a Resolution of the City Council listing the Findings of Fact; and
3. Declare the Council's intention to "Order the Vacation" by adopting a Resolution of the City Council Declaring its intention to order the Vacation of a portion of "Q" Street along the West side of 1603 Hayes Street with conditions (APN 012-171-017) (Pardoe, Case No. SV-15-0001)

(Development Services Director)

12. Art and Culture Commission Number of Members

Recommendation: Waive reading, read by title only and introduce Bill No. 912-C.S an Ordinance amending EMC Chapter 33, Section 33.025-6 to increase the number of members from five to seven.

(Development Services Director)

13. Sewer Service Lateral and Cleanouts Ordinance

Recommendation: Waive reading, read by title only and adopt Bill No. 909-C.S, an Ordinance of the City of Eureka adding Title V Chapter 50 Section 50.201 through 50.212 "Sewer Service Laterals and Cleanouts" of the EMC regarding inspection, testing repair or replacement of all sewer service laterals and cleanouts within the City.

(City Attorney)

REPORTS/ACTION ITEMS

14. City Marketing, Economic and Visitor Service Agreements

Recommendation: Receive reports from Eureka Chamber of Commerce, Eureka Main Street and Humboldt County Convention and Visitors Bureau.

(City Manager)

15. Betty Kwan Chinn Homeless Foundation Request

Recommendation: Approve \$50,000 in Housing Successor Agency funds to the Betty Kwan Chinn Homeless Foundation for a supportive housing program.

(City Manager)

16. 2016/17 Fiscal Year Budget

Recommendation: 1. Receive a report on the 2016/17 fiscal year budget; and
2. Confirm Budget Study dates to receive a detailed report.

(Finance Director)

CITY MANAGER REPORTS

Department Report: Palco Marsh Update

ADJOURNMENT

If open session items cannot be completed by 9:30 P.M., the meeting may be adjourned to the next regular meeting or Council may vote to extend the meeting.

NOTICES

- The City Council agenda and supporting documents are available for public review on the Friday afternoon prior to the Tuesday meeting at the City Clerk's Office, the Eureka Humboldt County Library and on-line at www.ci.eureka.ca.gov.
- The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon the request and consensus of the Mayor and Council.
- Any writing that is a public record not exempt from public disclosure and relating to an agenda item for open session of the City Council is available for public inspection at the Office of the City Clerk, 531 K Street, Room 207, Eureka, CA 95501.
- The meeting rooms are ADA accessible. Accommodations and access to City meetings for people with special needs must be requested of the City Clerk at 441-4175 72 hours in advance of the meeting. This agenda and other materials are available in alternate formats upon request.
- All persons in attendance at public meetings are requested to observe the following rules of civil debate:
 1. We may disagree, but we will be respectful of one another.
 2. All comments will be directed to the issue at hand.
 3. Personal attacks are unacceptable.

Applauding or other displays of approval/disapproval are discouraged.

- Regular City Council/Redevelopment Agency meetings are broadcast live by Humboldt Access on Cable Channel 10. Council meetings can also be viewed on line at www.accesshumboldt.net – Search archives “Eureka City Council Meetings”.
- To minimize distractions, please be sure all personal communication devices are turned off or on silent mode.

Questions? Please e-mail ppowell@ci.eureka.ca.gov or contact the City Clerk's office at (707) 441-4175.