**CITY OF EUREKA**
**CITY COUNCIL**
**AGENDA**

**REGULAR MEETING**
**TUESDAY, OCTOBER 1, 2013**
**CLOSED SESSION 5:00 P.M.**
**REGULAR SESSION 6:00 P.M.**
**COUNCIL CHAMBER**
**531 K STREET**
**EUREKA, CA 95501**

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|---|---|
| Marian Brady | 1st Ward |
| Linda Atkins | 2nd Ward |
| Mike Newman | 3rd Ward |
| Melinda Ciarabellini | 4th Ward |
| Lance Madsen | 5th Ward |

Frank J. Jäger, Mayor

William T. Panos, City Manager
Pam Powell, City Clerk
Cyndy Day-Wilson, City Attorney

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**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 labor negotiators
Agency designated representatives: Gary M. Bird for City of Eureka
Employee organization: Eureka City Employees' Association (ECEA)
*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 legal counsel - existing litigation
KFD Enterprises, Inc., a California Corporation dba Norman's Dry Cleaner v. City of Eureka, United States District Court for the Northern District of California, Case No. CV 08 4571
*Pursuant to California Government Code Section 54956.9(a)*

E. Conference with legal counsel – existing litigation
Baykeeper v. City of Eureka, (Humboldt Co. Superior Court No. CV100494 and CV090822)
*Pursuant to California Government Code Section 54956.9 (a)*

F. Public Employee Performance Evaluation – City Attorney
*Pursuant to California Government Code Section 54957(e)*

G. Conference with labor negotiators
Agency designated representatives: Councilmembers Melinda Ciarabellini and Linda Atkins

Unrepresented Employee: City Attorney
*Pursuant to California Government Code Section 54957.6*

H. Public Employment – City Manager
*Pursuant to California Government Code 54957(e)*

**REGULAR SESSION – 6:00 P.M.**

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**REPORT OUT OF CLOSED SESSION**

**MAYOR'S ANNOUNCEMENTS**

Presentation of Proclamations:
Fire Prevention Week
Domestic Violence Month
HSU Centennial
United Way Month
International Walk to School Day
Tri-County Independent Living

**COUNCIL REPORTS / CITY-RELATED TRAVEL REPORTS**

Marian Brady – League of California Cities Annual Conference Travel
Linda Atkins – League of California Cities Annual Conference Travel
Mike Newman – League of California Cities Annual Conference Travel
Melinda Ciarabellini – League of California Cities Annual Conference Travel
Lance Madsen – League of California Cities Annual Conference Travel

**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?

## 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 – Moratorium on General Plan/Coastal Land Use Plan Amendments and Zone Reclassifications
   Recommendation:
   1. Hold a public hearing.
   2. Waive reading, read by Title only and Adopt Bill No. 867 an Interim Ordinance of the City Council Imposing a Moratorium on General Plan/Coastal Land Use Plan Amendments and Zone Reclassifications.

   (Community Development)

## 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 August 20, 2013, September 3, 2013 and the special Council meeting minutes of September 6, 2013 as submitted.

   (City Clerk)

4. Mayor's Appointment to Housing Advisory Board
   Recommendation: Approve the Mayor's appointment of Chris Jones to the Housing Advisory Board with an term expiration date of January 1, 2017.

   (Mayor)

5. Sewer Improvements 2013- Bid No. 2014-4
   Recommendation: 1. Declare Mercer-Fraser Company the low bidder on Sewer Improvements 2013; and
   2. Award Bid No 2014-4 to Mercer-Fraser Company for the amount of $138,589.00; and
   3. Approve $160,000 for construction, which includes a contingency of approximately 15%.
   (Public Works Director)

6. Street Overlay 2011
   Recommendation: 1. Accept the Street Overlay 2011 construction project; and
   2. Authorize the filing of "Notice of Completion" at the Office of the County Recorder.
   (Public Works Director)

7. Exceptions to the Hiring Freeze
   Recommendation: Approve a total of five exceptions to the hiring freeze for vacant positions in the Finance and Public Works Department
   (Personnel Director)

8. Eureka Police Department and Humboldt Bay Headquarters Exterior Painting Project Bid No. 2014-7
   Recommendation: 1. Declare JPA Designs the low bidder on the Humboldt Bay Headquarters and Eureka Police Department Exterior Painting Project; and
   2. Award Bid No. 2014-7 to JPA Designs in the amount of $46,500 and approve $50,000 for the project, which includes a contingency of approximately 8%.
   (Parks and Recreation Director)

9. Dial a Ride & Dial a Lift Transportation Services
   Recommendation: Authorize the City Manager to execute a contract for Dial a Ride & Dial a Lift transportation services with City Ambulance of Eureka, Inc.
   (Finance)

10. North State Resources Inc. Eureka Coastal Trail Professional Services Agreement Amendment
    Recommendation: Authorize staff to execute a professional services agreement with North State Resources Inc. (NSR) for project approval and environmental documentation (PA&ED) related to Eureka's Waterfront Trail in an amount not to exceed $127,964.
    (Parks and Recreation Director)

11. General Plan Consultant Selection
    Recommendation: Authorize staff to negotiate and execute a contract with ESA in an amount not to exceed $1,250,000.
    (Community Development Director)

12. Budget Adjustments for Prior Year Unused Purchase Orders
    Recommendation: Adopt a Resolution of the City Council approving adjustments to the 2013/14 budget for prior year unused purchase orders.
    (Finance)

13. Police Chief Employment Agreement
    Recommendation: Authorize the City Manager to execute the Police Chief Employment Agreement with Andrew Mills.
    (City Manager)

14. GHD Inc. Eureka Waterfront Trail Professional Services Agreement Amendment
    Recommendation: Authorize staff to negotiate and execute a professional services agreement with GHD Inc. for project approval and environmental documentation (PA&ED) related to Phase C (Tydd to Adorni) of Eureka's Waterfront Trail in an amount not to exceed $90,000.
    (Parks and Recreation Director)

15. Stipulation and Order for Dismissal without Prejudice and Tolling Statutes of Limitation for Humboldt Baykeeper v. City of Eureka, Humboldt Superior No. CV090822 consolidated with CV100494
    Recommendation: Authorize outside City counsel, Meyers, Nave, Riback, Silver & Wilson, to enter into an agreement for dismissal without prejudice and to toll the statute of limitations in Humboldt Superior Cases VV090822 and CV 10094, Humboldt Baykeeper v. City of Eureka.
    (City Attorney)

**ORDINANCES/RESOLUTIONS**

16. Successor Agency to the Former Redevelopment Agency – Recognized Obligation Payment Schedule 13-14A
    Recommendation: Adopt a Resolution of the City Council in the capacity as the Successor Agency to the former Eureka Redevelopment Agency approving the Recognized Obligation Payment Schedule for the period beginning January 1, 2014 and ending June 30 2014.
    (Finance Director)

17. Hotel Lodging Permit Ordinance
    Recommendation: Waive reading, read by title only and Adopt Bill No. 860-C.S. "An Ordinance of the City of Eureka Amending Eureka Municipal Code Title 15 Chapter 150, Adding Sections 150.300 through 150.313, Enacting Certain Regulations Pertaining to the Permitting and Operation of Hotels and Motels within the City of Eureka".
    (Community Development Director)

## REPORTS/ACTION ITEMS

18. City Harbor Facilities Maintenance Dredging
    Recommendation:
    1. Receive report on City facility harbor dredging; and
    2. Provide staff direction.
    (Public Works Director)

19. Regional Lobbyist
    Recommendation:
    1. Receive report on regional lobbying; and
    2. Provide staff direction.
    (City Manager)

## CITY MANAGER/EXECUTIVE DIRECTOR'S REPORTS

Department Report: Fire Department

## 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.