I. CALL TO ORDER / FLAG SALUTE/ ROLL CALL

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<th>Council</th>
<th>Staff</th>
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<td>Council Member Tiara Brown</td>
<td>City Manager Regan Candelario</td>
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<td>Council Member Douglas Strehl</td>
<td>City Clerk Linda McGill</td>
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<td>Mayor Pro Tem Tami Trent</td>
<td>Police Chief Bill Dobberstein</td>
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<td>Mayor Sue Long</td>
<td>Deputy Director of Community Development Liz Shorey</td>
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<td>Absent</td>
<td>Director of Public Works Merritt Perry</td>
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<td>Council Member Linda Gardner</td>
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II. ORAL COMMENTS FROM THE PUBLIC

Members of the Public may be heard at this time on any item within the subject matter jurisdiction of the City that is not on the Public Meeting Agenda. It is the practice of this Council to hold public comment for every item of business on the agenda at the time that item is heard. If a speaker cannot stay for a particular item of business they may be heard during this time. Speakers addressing the Council will be limited to 3 minutes per speaker. Be advised that, by law, the City Council can only deliberate or take action on items that are included on the agenda.

III. DISCUSSION ITEMS

A. Waiver for Sewer Hookup Requirement on Pine View Dr. Parcel 202-112-042
B. Discussion related to the proposed Strongs Creek Valley Annexation – Informational Item only
C. Discussion related to Citywide Traffic Impact Fees – Informational Item only
D. Discussion related to creating a City Council Ad Hoc Committee to participate with Rotary on their Downtown beautification projects.
E. Discussion related to an inquiry regarding Rent Control for Mobile Home Parks in Fortuna – Informational Item Only

IV. REPORT OUT AND ADJOURN

Pursuant to Government Code Section 54957.5, any non-confidential documents or writings that the City distributes, less than 72 hours before a regular meeting, to all or a majority of the legislative body's members must be made available to members of the public at the same time as the distribution. Documents and information related to the agenda topics are available for review at City Hall, 621 11th Street, between the hours of 8:00 AM to 5:00 PM. Members of the public are invited to come to the meeting and comment. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 725-7600. Notification prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Linda McGill CMC
City Clerk
DATE: April 7, 2016
TO: Honorable Mayor and Council Members
FROM: Merritt Perry, City Engineer / Public Works Director
THRU: Regan M. Candelario, City Manager

SUBJECT: Waiver for Sewer Hookup Requirement on Pine View Dr. Parcel 202-112-042

STAFF RECOMMENDATION:

Authorize the city’s health officer to grant hardship to Jennifer Braud allowed by MC 130.090 Part A.3.

EXECUTIVE SUMMARY:

Pine View Drive is a privately maintained road off of Kenmar and does not have public sewer. Because of this, all the homes on the street are on private septic systems. The Brauds are in the process of purchasing a parcel at the end of Pine View Drive and are requesting a personal hardship determination in regards to the city’s municipal code, Section 13.20.070, requiring customers within 1000 feet of the public sewer to connect. Following is the language from the city’s Municipal Code that addresses this issue:

Section 13.20.070 of the Municipal Code states,
A. The owner of any building situated within the city and abutting on any street in which there is now located or may in the future be located a public sewer of the city, is required at his expense to connect the building directly with the proper public sewer in accordance with the provisions of this division within 90 days after date of official notice to do so; provided, that the building is within 1,000 feet of the public sewer.
B. It is unlawful for any person whose building is required to be connected to a public sewer under this section to connect to, construct, install or provide, maintain and use any other means of sewage disposal from the building except by connection to a public sewer in the manner as provided in this division. (Ord. 76-360 §§ 207, 305).

Section 13.60.090 of the Municipal Code states,
A. The health officer shall issue such regulations as he deems necessary to carry out the provisions of this division.
B. Any such regulations issued by the health officer shall:
   1. Be consistent with the intent and purpose of this division;
   2. Recognize the most current technical information relevant to the provisions of this division;
3. Provide for exceptions where a strict application of this division or regulations issued by the health officer would inflict a substantial personal hardship upon the occupants of the building or place in question.

4. Be designed to minimize and eliminate public nuisance hazards or the potential thereof;

5. Recognize that any single sewage disposal system is in reality a subunit of a larger sewage disposal system comprised of numerous subunits.

The homes built on Pineview are within 1000 feet of the public sewer on Kenmar Road, but since there was no public sewer on the street, the home owners installed private septic systems prior to this municipal code being in effect. The property in question is at the end of the road and a sewer lift station would have to be installed as well as public sewer would need to be installed the entire length of the street bypassing homes with septic systems. There is a lift station on Xavier Court which the sewer could flow by gravity but a public easement would have to be obtained through private property in order to do this and it’s unlikely that this current lift station is sized for this application.

The purpose stated in Section 13.20.020 of the municipal code is to provide for the maximum possible beneficial public use of the city’s facilities through adequate regulation of sewer construction, sewer use, and industrial wastewater discharges, to provide for equitable distribution of the city’s costs, and to provide procedures for complying with requirements placed upon the city by other regulatory agencies. While it is always good to have every home within the city limits connected to the public sewer system in order to fulfill this purpose it is the position of the Public Works Department that installing a public sewer line on Pine View Street is not an equitable solution and recommends that the hardship be granted for the following reasons:

1) Eleven other homes are using septic systems and there is no current or past history that these systems are failing in any way. The environmental impact would be minimal for adding one more septic system to this area.

2) It is not equitable for the City to install a public sewer line and related infrastructure for one customer and require the adjacent property owners to abandon their private septic systems and hook up to the public sewer system while in addition sharing the expense of this capital construction project. These abandoned septic systems would have to be maintained in such a way as not to cause potential environmental and health problems due to non-use which would violate the intended purpose of this section.

3) The expense of unilaterally installing this public sewer line is beyond the means available for the customer and they will not be able to afford the property if the hardship is denied.

4) The process of obtaining a Public Utility Easement (PUE) to hook up to the existing lift station is not simple nor is a favorable result guaranteed.

5) If a PUE is obtained it’s unlikely the sizing of the current lift station would be sufficient to handle the added flows from the potential use required from the existing homes on Pine View Street.

FINANCIAL IMPACT:

If the request is granted there would be no fiscal impact on the City as the customer would be installing a private septic system. Future revenue potential to the City will be foregone.
RECOMMENDED COUNCIL ACTION:

1. Receive staff presentation and review Council questions with staff
2. Open Public Comment
3. Close Public Comment; voice vote
4. Motion to authorize hardship designation for Justin and Jennifer Braud in accordance with MC Section 13.60.090 B.3.

Attachments:
- Exhibit A – Letter of request from Justin and Jennifer Braud
- Location map showing potential sewer options
Justin and Jenifer Braud
2784 Joseph Street
Fortuna, CA 95540
(707) 498-3151
March 16, 2016

Fortuna City Council
621 11th Street
Fortuna, CA 95540

Dear Fortuna City Council:

We are interested in building a family home at the end of Pine View Drive in the City of Fortuna. We have done research, and spoke to several city employees who have informed us that the city sewer lines are over 800 feet away from our potential building site. Pine View Drive is a privately maintained road, and as a result, most of the residents on the street are not hooked up to the public sewer.

The problem we are facing is that Fortuna Municipal Code 13.20.070 states, "The owner of any building situated within the city and abutting on any street in which there is now located or may in the future be located a public sewer of the city, is required at his expense to connect the building directly with the proper public sewer in accordance with the provision of this division within 90 days after date of official notice to do so, provided that the building is within 1000 feet of the public sewer".

Pursuant to Fortuna Municipal code section 13.20.180 the Relief from Provisions Application, we are requesting the City Council waive the above mentioned requirements in order to allow us the opportunity to put in a septic system and then build a home on the property. If we were required to connect to city sewer, it would cost approximately $40,000 to dig up the street, run new lines and have the street paved again. This added cost would prevent us from being able to build our home on this property.

We appreciate your consideration in this matter and are available to answer any questions or address any concerns you may have.

Sincerely,

Justin and Jenifer Braud