Minutes of the Fortuna City Council  
Regular Meeting  
Monday, April 18, 2016 - 6:00 p.m., Fortuna City Hall

I. CALL TO ORDER:  
Mayor Long called the Public Session to order at 6:00 PM

FLAG SALUTE:  
Mayor Long led the salute to the flag.

ROLL CALL

<table>
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<tr>
<th>Council</th>
<th>Staff</th>
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<tr>
<td>Council Member Brown</td>
<td>City Manager Regan Candelario</td>
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<td>Council Member Gardner</td>
<td>City Attorney David Tranberg</td>
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<td>Council Member Douglas Strehl</td>
<td>City Clerk/HR Manager 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>Director of Public Works Merritt Perry</td>
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<td>Deputy Director of Public Works Kevin Carter</td>
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II. NEW EMPLOYEE

- Jennifer Jackson, Community Services Field Officer – Introduced by Police Office Supervisor Robin Paul
- Justin Primofiore, Field Training Officer/K-9 Handler and Canine: Nordy- Introduced by Police Chief Dobberstein

III. PROCLAMATION

- National Distracted Driving Enforcement Campaign – Presented to Police Chief Dobberstein

IV. PRESENTATION

- Certificate of Recognition for Toddy Thomas School – Presented to Superintendent of Schools Julie Johanson
- Boy Scout Troop 1030 – Presentation about Residential Curb Painting Fundraiser
- Fortuna Volunteer Fire Department Update – Fire Chief Lon Winburn
- Fortuna Police Department Update – Police Chief Bill Dobberstein
- HOPS in Humboldt presented a check to the City of Fortuna

V. ORAL COMMENTS FROM THE PUBLIC

Sylvia Jutila spoke about being pulled over for a headlight out and that she appreciated the police officer letting them know. She also spoke about “Just Serve Day” happening on the next Saturday at 10am to clean up the cemeteries in Fortuna. Dianna Rios mentioned that the “Clean Team” will be happening on Saturday as well starting at 10am at Kidliscious at the Strongs Creek Plaza. She also spoke about a fundraising BBQ for the River Life Foundation that is being held at Rohner Park on Friday night. City Manager Candelario asked Dianna to comment on the help FBID has provided to community events over the years including the Ice Rink, which will be back next year for 8 weeks over the holidays. Mike Johnson spoke about a Rohner Creek clean-up project happening on Saturday at 10am. He also mentioned the City Compost giveaway at the Corp Yard. There being no further comment Mayor Long closed this public comment section

VI. CONSENT CALENDAR

1. City Council Minutes – April 4, 2016 (Regular Meeting), April 7, 2016 (Special Meeting) MO-2016-56
2. Administration Division Monthly Report for March 2016 MO-2016-57
3. Community Development Department Monthly Report for March 2016 MO-2016-58
5. Parks & Recreation Monthly Report for March 2016 MO-2016-60
9. Report of Disbursements for April 5, 2016 MO-2016-64
10. Authorize City Manager to Execute a Letter of Opposition for AB 2501, AB 2522 and AB 2697 and a Letter of Support for AB 2319 and AB 2734, MO-2016-65

CITY COUNCIL ACTION: Approve Consent Calendar Items
Mayor Pro Tem Trent moved, seconded by Council Member Brown. Voice Vote.

AYES: Council Member Brown, Gardner, Strehl, Mayor Pro Tem Trent, Mayor Long
NOES: None
ABSENT: None
ABSTAIN: None
Motion Carried 5-0

VII. BUSINESS

A. PUBLIC HEARING: CONSIDER AMENDMENTS TO THE FORTUNA MUNICIPAL CODE TITLE 5, CHAPTER 5.36 TAXICABS AND VEHICLES FOR HIRE; FIRST READING OF ORDINANCE 2016-722

STAFF RECOMMENDATION:
Conduct a public hearing and hold the first reading of Ordinance 2016-722 amending the Fortuna Municipal code to update the process and procedures related to Taxicabs and vehicles for hire.

STAFF REPORT:
The City Council received a written and oral report from City Clerk McGill and City Manager Candelario

PUBLIC HEARING:
Steve Rogers spoke about the Eureka Taxi service and the logistics of how it operates. Dianna Rios said that that she has encouraged the applicant to start the process. She said she thought staff made great changes to the ordinance and thinks it’s reasonable. There being no further comment Mayor Long closed this public hearing section.

CITY COUNCIL ACTION:
Council Member Brown moved, seconded by Mayor Pro Tem Trent to hold the first reading of Ordinance 2016-722, An Ordinance Of The City Council Of The City Of Fortuna Amending Title 5, Chapter 5.36; Taxicabs And For-Hire Vehicles, Of The Fortuna Municipal Code., and read by title only. Roll call vote.

AYES: Council Member Brown, Strehl, Mayor Pro Tem Trent, Mayor Long
NOES: Council Member Gardner
ABSENT: None
ABSTAIN: None
Motion Carried 4-1 by First Reading of Ordinance 2016-722
B. WASTEWATER TREATMENT PLANT (WWTP) FLOOD PROTECTION PROJECT - REQUEST TO INCREASE THE MAXIMUM CONTRACT AMOUNT FOR MERCER FRASER CONSTRUCTION CONTRACT

STAFF RECOMMENDATION:
Authorize the City Manager to increase the maximum amount of the construction contract with Mercer Fraser Company by $17,793 for necessary extra work completed for the project within the approved project budget.

STAFF REPORT:
The City Council received a written and oral report from Director of Public Works Perry

PUBLIC COMMENT:
There being no comment Mayor Long closed this public comment section.

CITY COUNCIL ACTION:
Council Member Gardner moved, seconded by Council Member Brown to increase authorize the City Manager to increase the maximum contract with Mercer Fraser Company by $17,793.37 and authorize City Manager to execute the contract change orders and other related documents. Voice vote.

AYES: Council Member Brown, Gardner, Strehl, Mayor Pro Tem Trent, Mayor Long
NOES: None
ABSENT: None
ABSTAIN: None
Motion Carried 5-0 by MO-2016-66

C. AN ORDINANCE OF THE CITY OF FORTUNA ADDING CHAPTER 9.28 TO TITLE 9 OF THE FORTUNA MUNICIPAL CODE TO PROHIBIT AGGRESSIVE AND INTRUSIVE SOLICITATION. FIRST READING OF ORDINANCE 2016-723

STAFF RECOMMENDATION:
Hold the first reading and introduce Ordinance 2016-723 adding chapter 9.28 to Title 9 of the Fortuna Municipal Code to prohibit aggressive and intrusive solicitation.

STAFF REPORT:
The City Council received a written and oral report from City Clerk McGill, City Attorney Tranberg, and City Manager Candelario

PUBLIC HEARING:
Sandi Peterson applauded the City and Council for trying to get this ordinance passed. She said she thinks the prohibiting of handing anything out of a vehicle portion of the ordinance is the most important. A member of the public mentioned a lawsuit against Arcata for a panhandling ordinance and the inequality of wealth in the country and thinks that an enforcement against a class of people is unconstitutional. Another member of the public said that many people are scared of the panhandlers that are in Fortuna. He spoke of specific instances of aggressive panhandling. He said he thinks this ordinance is a good building block. Dennis Wendt agreed that people are scared of the panhandlers. There being no further comment Mayor Long closed this public hearing section.

CITY COUNCIL ACTION:
Council Member Brown moved, seconded by Mayor Pro Tem Trent to hold the first reading of Ordinance 2016-723, An Ordinance Of The City Of Fortuna Adding Chapter 9.28 To Title 9 Of The Fortuna Municipal Code To Prohibit Aggressive And Intrusive Solicitation, and read by title
only, and directed staff to come back with another ordinance to address the prohibition of handing anything out of a car and include exemptions for Police and mental health staff. Roll call vote.

AYES: Council Member Brown, Gardner, Strehl, Mayor Pro Tem Trent, Mayor Long
NOES: None
ABSENT: None
ABSTAIN: None
Motion Carried 5-0 by First Reading of Ordinance 2016-723

D. PUBLIC HEARING TO DISCUSS AND CONSIDER A TRAFFIC IMPACT FEE FOR NEW DEVELOPMENT

Mayor Long recused herself from the council chambers due to a potential conflict of interest based on her employment with Wendt Construction.

STAFF RECOMMENDATION:
Conduct a public hearing, review the Traffic Impact Fee Nexus Study, fee resolution and fee ordinance, and provide direction to staff to return with a final resolution and ordinance amending the Fortuna Municipal Code to adopt a traffic impact fee.

STAFF REPORT:
The City Council received a written and oral report from Deputy Director of Community Development Shorey

PUBLIC HEARING:
Jeremy Stanfield asked about the difference in the current impact fee and the proposed fee and said he feels the high fees would stifle development. Dennis Wendt stated that he thinks the amounts being proposed are completely out of line. He asked whether there would be a size limit that would put the fee into effect. He asked the council to continue the PH and revisit this issue. Wally Wright asked how implementing these fees and encouraging business to come to Fortuna would work together. He also expressed concern with the use of City discretion in waiving fees for certain projects. There being no further comment Council Member moved Brown seconded by Council Member Gardner to close the public hearing. Motion Carried 4-0

CITY COUNCIL ACTION:
Council Member Gardner moved, seconded by Council Member Strehl to provide direction to staff to return with a resolution and ordinance with any changes requested by the Council. Council also directed staff to provide more information and determine what fees would be reasonable. Voice Vote.
AYES: Council Member Brown, Gardner, Strehl, Mayor Pro Tem Trent,
NOES: None
ABSENT: None
ABSTAIN: Mayor Long (Recused due to Conflict of interest)
Motion Carried 4-0 by MO-2016-67

E. CONTINUED PUBLIC HEARING: ADOPTION OF VARIOUS FEES FOR CITY SERVICES PROVIDED IN THE AREAS OF ADMINISTRATIVE FEES; COMMUNITY DEVELOPMENT / BUILDING PERMIT FEES. ADOPT RESOLUTIONS; 2016-14, 2016-15, 2016-21 (This item was moved from Item F on the agenda to Item E)

Mayor Long chose to recuse herself from this item due to a potential conflict of interest based on her employment with Wendt Construction.
STAFF RECOMMENDATION:
Adopt proposed Fees for Fiscal Year 2016/2017 for the following categories through the adoption of the following Resolutions:

A. Resolution 2016-14; Community Development / Development Review Fees (NO CHANGES); and
B. Resolution 2016-15; Community Development / Building Permit Fees (NO CHANGES); and
C. Resolution 2016-21; Administrative Fees; and

STAFF REPORT:
The City Council received a written and oral report from City Clerk/Human Resources Manager McGill

PUBLIC HEARING:
There being no comment Mayor Long closed this public comment section.

CITY COUNCIL ACTION:
Council Member Brown moved, seconded by Council Member Gardner to adopt Resolution 2016-14, A Resolution Of The City Of Fortuna Establishing A Schedule Of Fees And Charges For Community Development – Development Review For Fiscal Year 2016-2017, and read by title only. Roll call vote.

AYES: Council Member Brown, Gardner Strehl, Mayor Pro Tem Trent
NOES: None
ABSENT: None
ABSTAIN: Mayor Long (Recused due to conflict of interest)
Motion Carried 4-0 by Resolution 2016-14

CITY COUNCIL ACTION:
Council Member Brown moved, seconded by Council Member Gardner to adopt Resolution 2016-15, A Resolution Of The City Of Fortuna Establishing A Schedule Of Fees And Charges For Community Development – Building Permit For Fiscal Year 2016-2017, and read by title only. Roll call vote.

AYES: Council Member Brown, Gardner Strehl, Mayor Pro Tem Trent
NOES: None
ABSENT: None
ABSTAIN: Mayor Long (Recused due to conflict of interest)
Motion Carried 4-0 by Resolution 2016-15

CITY COUNCIL ACTION:
Council member Brown moved, seconded by Council Member Gardner to adopt Resolution 2016-21, A Resolution Of The City Of Fortuna Establishing A Schedule Of Fees And Charges For Administration For Fiscal Year 2016-2017, and read by title only. Roll call vote;

AYES: Council Member Brown, Gardner Strehl, Mayor Pro Tem Trent
NOES: None
ABSENT: None
ABSTAIN: Mayor Long (Not in Chambers for this item)
Motion Carried 4-0 by Resolution 2016-21
F. AUTHORIZATION TO AWARD THE CONTRACT FOR THE WASTEWATER TREATMENT PLANT PERCOLATION POND REHABILITATION PROJECT 2016 (This item was moved from Item E on the agenda to Item F)

STAFF RECOMMENDATION:
Authorize the City Manager to enter into a construction contract with the lowest, responsible/responsive bidder for the Annual Percolation Pond Rehabilitation Project 2016, located within the Wastewater Treatment Plant (WWTP).

STAFF REPORT:
The City Council received a written and oral report from Deputy Director of Public Works Carter

PUBLIC COMMENT:
There being no comment Mayor Long closed this public comment section.

CITY COUNCIL ACTION:
Mayor Pro Tem Trent moved, seconded by Council Member Brown to award the contract to John’s Trucking in the amount of $37,850 and establish a maximum contract amount (including 10% contingency) of $41,635, and authorize City Manager to execute the contract and other related documents. Voice vote.

AYES: Council Member Brown, Gardner, Strehl, Mayor Pro Tem Trent, Mayor Long
NOES: None
ABSENT: None
ABSTAIN: None
Motion Carried 5-0 by MO-2016-68

VIII. CITY MANAGER REPORT, PENDING LEGISLATION AND CALENDAR OF EVENTS

IX. FUTURE AGENDA ITEMS
Mayor Long asked to have a designated signer for League of California Cities (LOCC) support/opposition letters. Council Member Gardner asked to have a formal item to create a committee on a future agenda.

X. CITY COUNCIL REPORTS AND COMMENTS

- Council Member Tiara Brown
  Parks & Recreation Commission, Redwood Coast Energy Authority
- Council Member Linda Gardner
  Historical Commission
- Council Member Doug Strehl
  Humboldt County Association of Governments
- Mayor Pro Tem Tami Trent
  Humboldt Transit Authority, Fortuna Business Improvement District, League of California Cities Employer Relations Policy Committee, Indian Gaming Committee
- Mayor Sue Long
  Redwood Region Economic Development Commission, Fortuna Oversight Board, Local Agency Formation Commission, League of California Cities Legislative Committee

XI. ORAL COMMENTS FROM THE PUBLIC
There being no comment Mayor Long closed this public comment section.
XII. ADJOURN TO CLOSED SESSION
Council Member Brown moved, seconded by Council Member Gardner to adjourn to closed session at 9:29 PM. Voice Vote. Motion Carried 5-0

1. CONFERENCE WITH LABOR NEGOTIATORS, City Negotiator: City Manager Regan Candelario, Employee Organizations: Fortuna Police Employees Association, Fortuna Employees Association, and the Unrepresented/Management group in accordance with Section 54957.6 of the Government Code.

2. PUBLIC EMPLOYEE DISCIPLINE – in accordance with Section 54957 of the Government Code.

XIII. REPORT OUT AND ADJOURN

1. No Reportable Action
2. No Reportable Action

Council Member Brown moved, seconded by Mayor Pro Tem Trent to adjourn at 10:53 PM. Voice Vote. Motion Carried 5-0

Respectfully submitted by
Linda McGill, CMC
City Clerk