REGULAR MEETING AGENDA
Fortuna City Council
Monday, January 16, 2017 at 6:00 P.M.
621 11th Street at Fortuna City Hall

We May Disagree, But We Will Be Respectful of One Another
All Comments Will Be Directed to the Issue at Hand, and Addressed to the City Council
Personal Attacks are Unacceptable

The City Council May Take Action on any Item on this Agenda.

I. CALL TO ORDER / FLAG SALUTE / ROLL CALL 6:00 PM

<table>
<thead>
<tr>
<th>Council</th>
<th>Staff</th>
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</thead>
<tbody>
<tr>
<td>Council Member Tiara Brown</td>
<td>Interim City Manager Randy Mendosa</td>
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<td>Council Member Dean Glaser</td>
<td>Deputy City Clerk Siana Emmons</td>
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<td>Council Member Doug Strel</td>
<td>Director of Public Works Merritt Perry</td>
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<td>Mayor Pro Tem Tami Trent</td>
<td>Deputy Director of Community Development Liz Shorey</td>
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II. PRESENTATIONS/PROCLAMATIONS

- Fortuna School Choice Week Proclamation
- National Mentoring Month Proclamation
- Fortuna Fire Protection District Update- Fire Chief Lon Winburn
- Fortuna Police Department Update- Police Chief Bill Dobberstein

III. 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. Comments concerning the Consent Calendar may also be heard at 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.

IV. CONSENT CALENDAR

These matters are routine in nature and are usually approved by a single vote. Any member of the Council may pull a particular item for further discussion.

1. City Council Minutes – January 3, 2016 (Regular Meeting), January 5, 2017 (Special Meeting)
4. Finance Department Monthly Report for December 2016 (Included with City Manager’s Report)
9. Report of Disbursements
10. Consideration of Claim Filed by Patrik Griego, Esq., Janssen Malloy, LLP on behalf of Marcia Kitchen
11. Authorize Lease Agreement with the California Department of Fish & Wildlife to Place and Access a Conex (shipping container) at the Corporation Yard Facility
12. Authorize Ratification of the Fortuna Fire Protection Districts Ordinance 2016-2017-1 which adopts the California Fire Codes and the International Fire Code Standards; Resolution 2017-02
13. Consideration of Claims Filed by Zachary Zwerdling on behalf of Joe and Jevin Kitchen
14. Ratification of Mayor Sue Long’s Request for Appointment to the Governing Board for the North Coast Unified Air Quality Management District (NCUAQMD)
V. BUSINESS
A. Public Hearing: Consider Amending Fortuna Municipal Code Replacing Section 17.06.190; Traffic Impact Fees, of Chapter 17.06 of Title 17: Zoning to Establish the Authority and Procedure for Adopting a Traffic Impact Fee. First Reading of Ordinance 2017-729
B. Public Hearing: Amend the Fortuna Municipal Code Title 3 Chapter 3.13 Section 3.13.180; Independent Community Oversight Committee; Hold the First Reading of Ordinance 2017-728
C. Establish the Duties, Responsibilities and Terms of the Independent Community Oversight Committee (Committee) for Measure E; Resolution 2017-02
D. Approval of the Mayor’s Appointments to the Independent Community Oversight Committee (Committee) for Measure E
E. Council Review and Discussion of Commission Applications and Approval of Mayor’s Appointment of Commission Seats for the Planning Commission, Historical Commission and Parks & Recreation Commission

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

VII. FUTURE AGENDA ITEMS
At this time, members of the Council may consider or request items to be placed on a future agenda through a consensus of the majority.

VIII. CITY COUNCIL REPORTS AND COMMENTS

- Council Member Tiara Brown: Fortuna Business Improvement District
- Council Member Dean Glaser: Parks & Recreation Commission, Redwood Coast Energy Authority
- Council Member Doug Strehl: Humboldt County Association of Governments, Historical Commission
- Mayor Pro Tem Tami Trent: Humboldt Transit Authority, Indian Gaming Commission, League of California Cities Public Safety Commission
- Mayor Sue Long: Redwood Region Economic Development Corporation, Local Agency Formation Commission, League of California Cities Legislative Committee & Housing, Community, and Economic Development Committee

Members of the Public may be heard on any item on the Closed Session Agenda. Speakers addressing the Council will be limited to 3 minutes per speaker. Be advised, by law the City Council cannot deliberate or take action on issues presented during Oral Comments that are not shown on the Agenda.

IX. ADJOURN TO CLOSED SESSION

1. PUBLIC EMPLOYEE APPOINTMENT- pursuant to Section 54957 of the Government Code; Title: City Manager.
2. PUBLIC EMPLOYMENT, pursuant Section 54957of the California Government Code. Title: Public Works Director
3. PUBLIC EMPLOYMENT, pursuant Section 54957of the California Government Code. Title: Police Chief
4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9: 1 Case (NPDES Permit- Wastewater System)
X. 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
WHEREAS, all children in Fortuna should have access to the highest-quality education possible; and

WHEREAS, Fortuna recognizes the important role that an effective education plays in preparing all students in Fortuna to be successful adults; and

WHEREAS, quality education is critically important to the economic vitality of Fortuna; and

WHEREAS, Fortuna is home to a variety of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and

WHEREAS, Fortuna has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options.

NOW, THEREFORE, I, Sue Long, by virtue of the authority vested in me as Mayor of the City of Fortuna that January 22-28, 2017 is Fortuna School Choice Week in the City of Fortuna.

SIGNED this 16th day of January, 2017 at the City of Fortuna, in the State of California, and in witness thereof, the seal of Fortuna.

Sue Long, Mayor
City of Fortuna
WHEREAS, January is National Mentoring Month and provides an opportunity to raise community awareness of the importance of mentoring and recognize the efforts of mentoring programs, the mentors and their mentees; and

WHEREAS, Big Brothers Big Sisters of the North Coast celebrates 48 years of service to over 4,000 youth in Humboldt County who have needed and wanted mentors; and

WHEREAS, the future of Fortuna rests on the success of its children and youth; and

WHEREAS, a mentor is a caring, consistent presence who devotes time to a young person to help develop personal strength and achieve their potential through a structured and trusting relationship; and

WHEREAS, quality mentoring encourages positive choices, promotes self-esteem, supports academic achievement and introduces young people to new ideas; and

WHEREAS, research shows that young people who are matched with a caring adult through a quality mentoring program are: 46% less likely to use illegal drugs, 27% less likely to start drinking, 52% less likely to skip school, and are more trusting of their parents or guardians; and,

WHEREAS, youth development experts agree that mentoring is critical to the social, emotional and cognitive development of youth, helping them navigate the path to adulthood more successfully; and,

WHEREAS, our community has a number of individuals, teachers, community volunteers, and so many other who support the mentoring movement and work selflessly to improve our children’s odds for success; and,

WHEREAS, we appreciate all the efforts of these past and present local heroes and say “thank you” for supporting children facing challenging circumstances.

NOW, THEREFORE, I, Sue Long, by virtue of the authority vested in me as Mayor of the City of Fortuna proclaim that January 2017 is National Mentoring Month in the City of Fortuna and I encourage all citizens of Fortuna to promote the creation and expansion of quality mentoring programs to equip young people with the tools needed to lead healthy and productive lives, and for the residents of Fortuna to honor the role models in their lives by becoming mentors to youth in their community.

SIGNED this 16th day of January, 2017 at the City of Fortuna, in the State of California, and in witness thereof, the seal of Fortuna.

_________________________
Sue Long, Mayor
City of Fortuna
I. CALL TO ORDER:
Mayor Long called the Public Session to order at 6:00 PM

FLAG SALUTE:
Council Member Glaser led the salute to the flag.

ROLL CALL

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<th>Council</th>
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<td>City Engineer/Public Works Director Merritt Perry</td>
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<tr>
<td>Mayor Sue Long</td>
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II. ORAL COMMENTS FROM THE PUBLIC
There being no comment Mayor Long closed this public comment section.

III. CONSENT CALENDAR

1. City Council Minutes – December 5, 2015 (Regular Meeting) MO-2017-01
2. Report of Disbursements MO-2017-02

CITY COUNCIL ACTION: Approve Consent Calendar Items 1&2
Council Member Brown moved, seconded by Mayor Pro Tem Trent. Voice Vote.

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

IV. BUSINESS

A. APPROVAL OF AN AMENDED FULL TIME CLASSIFICATION AND SALARY SCHEDULE FOR FISCAL YEAR 2016/2017; RESOLUTION 2017-01

STAFF RECOMMENDATION:
Staff recommends the Council adopt Resolution 2017-01 approving an amended Fiscal Year 2016/2017 Full Time Salary Schedule and increasing the salary range for the Finance Director position.

STAFF REPORT:
The City Council received a written and oral report from Interim City Manager Mendosa

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

CITY COUNCIL ACTION:
Council Member Glaser moved, seconded by Council Member Strehl to adopt Resolution 2017-01, A Resolution Of The City Council of the City Of Fortuna Amending The Full Time Classification And Salary Schedule For Fiscal Year 2016/2017
AYES: Council Member Glaser, Strehl
NOES: Council Member Brown, Mayor Pro Tem Trent, Mayor Long
ABSENT: None
ABSTAIN: None
Motion Not Carried 3-2

**CITY COUNCIL ACTION:**
Mayor Pro Tem Trent moved, seconded by Council Member Strehl to adopt Resolution 2017-01, *A Resolution Of The City Council of the City Of Fortuna Amending The Full Time Classification And Salary Schedule For Fiscal Year 2016/2017 with the following changes:*
1. **The Finance Director salary shall match that of Crescent City $78,183 - $98,037**
2. **The word contract is removed from the salary schedule for this position**

AYES: Council Member Brown, Glaser, Strehl, Mayor Pro Tem Trent, Mayor Long
NOES: None
ABSENT: None
ABSTAIN: None
Motion Carried 5-0 by **Resolution 2017-01**

**B. DETERMINATION THAT A COMBINATION RETAIL STORE AND CAR WASH IS CLASSIFIED AS A PRINCIPALLY PERMITTED USE IN THE FREEWAY COMMERCIAL ZONING DISTRICT**

**STAFF RECOMMENDATION:**
Receive the staff report and make a determination that a combination retail store and car wash is a principally permitted use allowed within the Freeway Commercial (FC) zoning district.

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

**PUBLIC COMMENT:**
Planning Commissioner Jason Davis spoke and explained to the Council why the Planning Commission took the action they did. He explained that if it had been presented as a conditional use it would have been approved. John Egan spoke about the project and his desire to see the project allowed as principally permitted. He said he feels the process needs to be changed. Dennis Wendt spoke of his frustration with the restrictions or zoning that have not been changed in the 4 or 5 years since it was voted on to change it. He said something needs to happen to allow business to go in the River Walk area. Alan Baird said he feels that other businesses have been approved and have gone into that area that should not have been allowed. He feels staff should be working to make things happen. John Egan said he thinks this is just a zoning change and does not require a general plan amendment. There being no further comment Mayor Long closed this public comment section.

**CITY COUNCIL ACTION:**
Council Member Strehl moved, seconded by Council Member Brown to find that the car wash and retail store are principally permitted in the Freeway Commercial district. Voice vote.

AYES: Council Member Brown, Strehl, Mayor Pro Tem Trent, Mayor Long
NOES: Council Member Glaser
ABSENT: None
ABSTAIN: None
V. CITY MANAGER REPORT, PENDING LEGISLATION AND CALENDAR OF EVENTS

VI. FUTURE AGENDA ITEMS
None

VII. CITY COUNCIL REPORTS AND COMMENTS

- Council Member Tiara Brown Fortuna Business Improvement District
- Council Member Dean Glaser Parks & Recreation Commission, Redwood Coast Energy Authority
- Council Member Doug Strehl Humboldt County Association of Governments, Historical Commission
- Mayor Pro Tem Tami Trent Humboldt Transit Authority, Indian Gaming Commission, League of California Cities Public Safety Commission
- Mayor Sue Long Redwood Region Economic Development Corporation, Local Agency Formation Commission, League of California Cities Legislative Committee & Housing, Community, and Economic Development Committee

VIII. ORAL COMMENTS FROM THE PUBLIC

There being no comment Mayor Long closed this public comment section.

IX. ADJOURN TO CLOSED SESSION

Council Member Brown moved, seconded by Council Member Glaser to adjourn at 7:30 PM. Voice Vote. Motion Carried 5-0

1. PUBLIC EMPLOYEE APPOINTMENT – pursuant to Section 54957 of the Government Code; Title: City Manager

X. REPORT OUT AND ADJOURN

1. No Reportable Action

Council Member Brown moved, seconded by Mayor Pro Tem Trent to adjourn at 8:15 PM. Voice Vote. Motion Carried 5-0

Respectfully submitted by,
Linda McGill CMC
City Clerk
I. CALL TO ORDER:
Mayor Long called the Public Session to order at 8:30 AM

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

ROLL CALL

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<td>Mayor Sue Long</td>
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II. ORAL COMMENTS FROM THE PUBLIC
There were no comments and Mayor Long closed the public comment section.

VII. COUNCIL BUSINESS


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

CITY COUNCIL ACTION:
No formal action was taken. Council interviewed 19 applicants for the Measure E Oversight Committee and discussed their choices for the appointments to be made at the January 16, 2017 regular meeting.

VIII. ADJOURN
Council Member Brown moved, seconded by Mayor Pro Tem Trent to adjourn at 1:52 PM. Voice Vote. Motion Carried 5-0

Respectfully submitted by,
Linda McGill CMC
City Clerk
DATE: January 16, 2017

TO: Honorable Mayor and Council Members

FROM: Linda McGill, City Clerk/Human Resources Manager

THRU: Randy Mendosa, Interim City Manager


STAFF RECOMMENDATION: Receive report as an informational item.

EXECUTIVE SUMMARY: The Administration Department monthly report encompasses the following divisions:

CITY ATTORNEY
The City Attorney billing for the month of November and December will be included in the monthly Administration Report for January.

CITY CLERK DIVISION
The City Clerk’s Office prepares the Council meeting agenda, publishes, posts, and mails legal notices, completes arrangements to ensure an effective meeting, administers conflict of interest filing requirements pursuant to State law, and administers contracts and agreements. Additionally, the Office maintains the City’s municipal code and the City seal, conducts bid openings for City projects, provides Notary services for City-related business matters, and is the central repository of the official records of the City and makes such information available pursuant to the Public Records Act. The Office also maintains and indexes the original minutes, Ordinances, Resolutions, deeds, easements, liens, bonds, contracts, and other vital records.

City Council Meetings

<table>
<thead>
<tr>
<th>Council Meeting Date</th>
<th>Agenda Items Processed</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 6, 2016</td>
<td>10</td>
</tr>
<tr>
<td>December 19, 2016</td>
<td>14</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>24</strong></td>
</tr>
</tbody>
</table>

City Clerk’s Office Key Duties

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<thead>
<tr>
<th>City Clerk’s Office Key Duties</th>
<th>December</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Records Act Requests</td>
<td>3</td>
</tr>
<tr>
<td>General Information Requests</td>
<td>25 – 30 per day, average</td>
</tr>
<tr>
<td>Ordinances</td>
<td>1</td>
</tr>
<tr>
<td>Resolutions</td>
<td>2</td>
</tr>
<tr>
<td>Minutes Prepared</td>
<td>2</td>
</tr>
<tr>
<td>Notary Services Provided</td>
<td>19</td>
</tr>
<tr>
<td>Claims for Damages Filed</td>
<td>2</td>
</tr>
<tr>
<td>FPPC Filings:</td>
<td>0</td>
</tr>
<tr>
<td>Legal Publications</td>
<td>0</td>
</tr>
<tr>
<td>Notices Posted (Public Hearing, Agenda, Ordinance, etc.)</td>
<td>3</td>
</tr>
</tbody>
</table>
RISK MANAGEMENT / HUMAN RESOURCES DIVISION

Risk Management
There are 5 open liability claims as of December 31, 2016. There were 3 claims closed in December.

Citywide employee safety training is ongoing with monthly trainings sent to City Hall and Police employees and weekly trainings held for Public Works staff.

Human Resources
One recruitment was opened in November for the position of Community Services Officer/Dispatcher. The Conference Center Worker recruitment was extended to December 23, 2016. A conditional offer of employment was given to Stephen Harrison for the Police Officer Position, his background check and physical are still in the process of being completed.

There are 19 open Workers Compensation claims as of December 31, 2016 and no claims were closed.

Staff continues to work on updating the administrative policy manual and individual personnel policies, job descriptions, personnel processes and an update of the personnel rules and regulations as time permits.

Through our REMIF Humboldt Employment Relations Consortium (ERC) with Liebert Cassidy Whitmore (LCW), there are 8 half day trainings scheduled throughout the year pertaining to various matters related to employment relations.

INFORMATION TECHNOLOGY DIVISION

City of Fortuna Facebook Page Statistics
The City Facebook page now has 1,083 likes.

City Website Statistics (www.friendlyfortuna.com)
There were 7,129 unique visitors to the City website in December with 14,485 page views. Employment Opportunities, Police Department, and Online Bill payments had the most visitors for the month.

Computer/Network
Nylex spent a total of 38.5 hours for the month of December working on various issues throughout the City network. The average time Nylex spends working for the City of Fortuna is 30 to 40 hours a month. Nylex is working with staff to develop a replacement schedule and complete inventory of computers citywide.

RECOMMENDED COUNCIL ACTION:

Receive monthly Administration Division Report. Consent Agenda Vote.
DATE: January 16, 2017

TO: Honorable Mayor and Council Members

FROM: Liz Shorey, Deputy Director of Community Development

THRU: Randy Mendosa, Interim City Manager

SUBJECT: Community Development Department Monthly Report for December 2016

STAFF RECOMMENDATION:

Receive report as an informational item.

BACKGROUND:

Attached is the Monthly Community Development Department Report for December 2016. The following attached tables provide detailed descriptions of the monthly activities of the Department.

ACTIVITIES & ACCOMPLISHMENTS
List of activities and recent accomplishments of the Department.

GENERAL PLAN IMPLEMENTATION
List of the current status and progress made in the implementation of the Fortuna General Plan 2030 programs.

DEVELOPMENT APPLICATION ACTIVITY
Status of development projects that have been submitted and either approved or in process, including those activities considered by the Planning Commission and the Zoning Administrator.

SUBDIVISION STATUS REPORT
Subdivisions that have been approved but not yet finalized, and status of improvement plan and/or final map review process.

BUILDING PERMIT ACTIVITIES
The Building Department’s report for the month’s permits and valuation is attached.

RECOMMENDED COUNCIL ACTION:

Receive monthly Community Development Department Report. Consent Agenda Vote.
ONGOING ACTIVITIES & ACCOMPLISHMENTS

- Open Door’s permit for grading and site improvements has been issued and grading and site work has been ongoing. Building plan review is complete (including third-party review, City Engineering and Planning Division review, and Fortuna Fire District review) and the building permit was recently issued. Inspections by the Building Department will be a significant undertaking in the coming months.

- Greens Pharmacy building permit has been issued, and building activity and inspections are underway.

- The McLean Foundation has submitted a conditional use application for a community center on 36.7 acres located on Newburg Road adjacent to Newburg Park. Staff has circulated the project referral to local agencies, and circulated the Initial Study/Mitigated Negative Declaration to the State Office of Planning and Research (in compliance with the California Environmental Quality Act (CEQA)) for the required 30 days. Once comments are received and responded to, the project will be scheduled before the Planning Commission for consideration. Staff is tentatively expecting a hearing in February.

- A total of 21 building permits were issued in December, including one single family residence, one new accessory structure, four residential remodels, two commercial remodels, and 17 permits for mechanical, electrical, plumbing, and roofing (see full building division report, attached). Value of improvements is $571,463.

- Building permit totals for the entire year 2016 include: 367 building permits issued; 29 permits issued for new residential units; $17,666,318 in building valuation; $236,918.44 in building permit fees paid.

- The Fortuna Zoning Map is now available on the City Website for public use. The “Zoning Map” button can be found under both the Community Development and Planning Division tabs.

- Code compliance: Staff is monitoring approximately 10 code compliance cases, and actively enforcing several cases. Several enforcement hearings have recently been held, and notices to abate have been issued; staff is monitoring abatement by the property owners.

- Fortuna Trailer Park: The state inspector from the Department of Housing and Community Development (HCD) is investigating the health and safety conditions at Fortuna Trailer Park, and HCD has issued a compliance order to the park. Violations consist of trash, abandoned cars, car parts, and substandard living conditions. The inspector made his second visit on November 2nd, and reported to City staff that there has been moderate progress in the clean-up and some troublesome tenants have been or are in process of being evicted. The inspector anticipates a third visit in late January, which could give the park an additional 30 day clean-up period, followed by a last inspection and final determination approximately 30 days after that.

- City staff is continuing to support several businesses interested in new commercial development within the City by providing site information, permit process information, and scheduling.

- Other ongoing tasks completed this month:
  - Held several pre-application meetings to provide early guidance to project proponents.
  - Met with City departments for review and input on various ongoing City projects.
  - Reviewed and issued approximately 9 business licenses.
  - Responded by phone and at the counter to numerous requests for information needed for property purchases, building permits, permitted and allowable activities, business feasibility, permit inquiries, and related inquiries.
GENERAL PLAN IMPLEMENTATION
The following program activities are underway.

- **Strongs Creek Annexation:** On September 21st, LAFCo considered the City’s annexation application and approved annexation of 21 parcels and 83 acres of land along Newburg Road and North Loop Road. Once all terms and conditions are complied with, a Certificate of Completion will be recorded and then filed with the State Board of Equalization, and the annexation will take effect. LAFCo staff expects the conditions to be completed in the next few months.

- **Design Review** The Planning Commission and Council met in a joint session on January 10, 2017, to discuss the draft guidelines prepared by the Commission and identify the next steps that are needed to finalize the draft guidelines. The Council has agreed to review them and provide comments back to the Commission.

- **The Traffic Impact Fee** nexus study and ordinance have been adopted and first reading held. The item had been placed on hold until a full council is seated. The hearing is scheduled for January 16th.

- **Riverwalk Commercial Rezone** The Council has given staff direction to proceed with the rezone expanding allowable uses to include general retail. Staff is preparing a scope of work to identify necessary steps, and expects to move the rezone forward in the next several months.

- **The housing element** has been updated, with a draft review copy sent to the State Housing and Community Development Department (HCD). City staff is responding to HCD’s comments, and then will schedule public hearings, public input, and adoption by the Council.

- **Marijuana Ordinance** should be considered by the public, Commission, and Council, as the current prohibition was adopted as a short-term response to State restrictions. Staff will be bringing this forward as time and other responsibilities allow.

- **Quimby Fee** At the request of the Parks and Recreation Commission, Planning staff has assisted the Parks Department on a proposed Quimby Act parks acquisition fee (development impact fee), which would implement General Plan policies. The City Manager has not prioritized this task.

Given the understaffing of Community Development based on budget constraints, Staff can work with the City Manager to identify support from outside resources if necessary to facilitate the many projects and tasks that are expected through 2016-17. Staff’s immediate priority continues to be current development projects and responding to the needs of homeowners, developers, business owners, real estate agents and other professionals, and the general public.
### PROJECTS RECENTLY ACTED UPON:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Submittal</th>
<th>Complete</th>
<th>Status</th>
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<tbody>
<tr>
<td>Conditional use permit and design review application for construction of a new mixed use (1,440 office space and six multifamily residential units).</td>
<td>11/29/16</td>
<td>11/29/16</td>
<td>Considered by Planning Commission on 1/10/17. Continued for applicant to respond to traffic issues.</td>
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<td>Will Adams</td>
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<td>North side of Main Street near Rohnerville Rd.</td>
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<td>Commercial Thoroughfare (C-T)</td>
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<td>Request for a Determination that a Combination Retail Store and Car Wash Development is a Principally Permitted Use in the Freeway Commercial (F-C) Zoning District</td>
<td>11/16/16</td>
<td>11/16/16</td>
<td>Considered by Planning Commission on 12/13/16; determined not principally permitted. Reversed by Council on 1/3/17.</td>
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<tr>
<td>John Egan</td>
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<td>Vacant parcels on Riverwalk Drive</td>
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### PROJECTS SUBMITTED AND PENDING:

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<tr>
<th>Project</th>
<th>Submittal</th>
<th>Status</th>
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<tr>
<td>McLean Community Center on 36.87 acre vacant site to include community-based education, social activities, and recreation, as well as natural resource enhancements with a trail system, community garden, riparian protection, and wetland mitigation.</td>
<td>11/30/16</td>
<td>Under review by City. Initial Study/Mitigated Negative Declaration under 30-day review per California Environmental Quality Act.</td>
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<td>McLean Foundation</td>
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<td>Rohnerville Road and Newburg Road, adjacent to Newburg Park.</td>
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### The following projects are on hold by the applicant.

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<thead>
<tr>
<th>Project</th>
<th>Submittal</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hastings Minor Subdivision of 1.46 acres into three residential lots.</td>
<td>1/20/14</td>
<td>Applicant responding to City review/correction letter.</td>
</tr>
<tr>
<td>Stephen Hastings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2200 &amp; 2204 Smith Lane</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project</th>
<th>Submittal</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>McKenney Conditional use permit &amp; subdivision for development of a shopping center, 48,600 square feet of gross floor area on a 5.8-acre site, and a tentative map to create three parcels 43,385 square feet to 193,582 square feet in size. Located northeast of Strongs Creek Drive and Fortuna Blvd.</td>
<td>9/6/12</td>
<td>City review letter dated 10/17/12 requesting additional information for completeness and compliance with City standards and General Plan policies.</td>
</tr>
<tr>
<td>Kevin McKenny;</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project</th>
<th>Submittal</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>McKenney Subdivision of an approximately 10.7-acre lot into 20 single family lots ranging in size from 10,025 to 93,124 square feet.</td>
<td>12/22/05</td>
<td>Staff review comments returned to applicant.</td>
</tr>
<tr>
<td>Kevin McKenney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corner of Newburg Road and Elizabeth Barcus Way</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Subdivision Status Report**  
(Approved projects, not yet completed)  
1/10/2017

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Approval Date</th>
<th>Completion Date</th>
<th>Status Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jones/Dunn - Smith Lane – 24</td>
<td>8/8/06</td>
<td>2/7/17</td>
<td>Improvement plans approved.</td>
</tr>
<tr>
<td>multifamily units</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MacDonald - Ross Hill Road – 39</td>
<td>8/21/06</td>
<td>8/20/17</td>
<td>Improvement Plans approved. Some storm drainage installed.</td>
</tr>
<tr>
<td>lots</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Egan – River Ranch Road</td>
<td>6/25/13</td>
<td>6/26/15</td>
<td>Final Map Recorded. Improvement agreement executed. Project at punch list phase. Improvement plans approved, final Parcel Map approved. Lot line adjustment approved. Deed being prepared by surveyor so that map, LLA, and deed can be recorded.</td>
</tr>
<tr>
<td>Jensen – Bartlett Lane</td>
<td>10/22/13</td>
<td>4/22/17</td>
<td>Tentative Map approved.</td>
</tr>
<tr>
<td>Grundman – Nelson Lane</td>
<td>9/22/15</td>
<td>9/21/17</td>
<td>Final Map recorded. Improvements to be complete during building permit phase.</td>
</tr>
<tr>
<td>Redwood Memorial Foundation – Lot Split</td>
<td>12/16/14</td>
<td>12/15/16</td>
<td></td>
</tr>
</tbody>
</table>

All applicants, upon project approval, have been provided with schedules showing the series of discretionary and non-discretionary extensions that are allowed by State legislation (SB 1185, AB 333, AB 208, and AB 116) and the Subdivision Map Act. The Map Act places responsibility for tracking expiration dates with the applicant. Upon project approval, applicants are provided with notification of expiration dates and renewal requirements.
## BUILDING PERMIT SUMMARY

### RESIDENTIAL

<table>
<thead>
<tr>
<th>Type</th>
<th>Number of Permits</th>
<th>Living Units</th>
<th>Value/Cost of Construction</th>
<th>Building Permit Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Residences</td>
<td>1</td>
<td>1</td>
<td>$213,544.00</td>
<td>$4,786.66</td>
</tr>
<tr>
<td>Duplex Family Residences</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Family Residences</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured Residences</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second Dwelling Unit (Attached)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second Dwelling Unit (Detached)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Remodels</td>
<td>4</td>
<td></td>
<td>$97,557.00</td>
<td>$1,482.92</td>
</tr>
<tr>
<td>Garages/Carports</td>
<td>1</td>
<td></td>
<td>$85,000.00</td>
<td>$1,232.28</td>
</tr>
<tr>
<td>Accessory Structures</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### COMMERCIAL

<table>
<thead>
<tr>
<th>Type</th>
<th>Number of Permits</th>
<th>Living Units</th>
<th>Value/Cost of Construction</th>
<th>Building Permit Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Structures</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>On-Site Improvements/Grading</td>
<td>1</td>
<td></td>
<td>$25,000.00</td>
<td>$290.05</td>
</tr>
<tr>
<td>Additions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tenant Improvement/Remodel</td>
<td>2</td>
<td></td>
<td>$35,000.00</td>
<td>$370.35</td>
</tr>
<tr>
<td>Repairs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### OTHER PERMITS

<table>
<thead>
<tr>
<th>Type</th>
<th>Number of Permits</th>
<th>Living Units</th>
<th>Value/Cost of Construction</th>
<th>Building Permit Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical</td>
<td>1</td>
<td></td>
<td>$4,361.00</td>
<td>$122.67</td>
</tr>
<tr>
<td>Plumbing</td>
<td>5</td>
<td></td>
<td>$9,225.00</td>
<td>$490.50</td>
</tr>
<tr>
<td>Mechanical</td>
<td>2</td>
<td></td>
<td>$3,175.00</td>
<td>$243.90</td>
</tr>
<tr>
<td>Roofing</td>
<td>4</td>
<td></td>
<td>$33,985.00</td>
<td>$690.98</td>
</tr>
<tr>
<td>Grading - Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Siding/Windows</td>
<td>1</td>
<td></td>
<td>$2,016.00</td>
<td>$123.96</td>
</tr>
<tr>
<td>Deck</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solar Photo-Voltaic System</td>
<td>4</td>
<td></td>
<td>$62,600.00</td>
<td>$1,181.84</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TOTALS

<table>
<thead>
<tr>
<th>Type</th>
<th>Number of Permits</th>
<th>Living Units</th>
<th>Value/Cost of Construction</th>
<th>Building Permit Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL THIS MONTH:</td>
<td>26</td>
<td>1</td>
<td>$571,463.00</td>
<td>$11,016.11</td>
</tr>
</tbody>
</table>

### 2016 TOTAL YEAR TO DATE:

<table>
<thead>
<tr>
<th>Type</th>
<th>Number of Permits</th>
<th>Living Units</th>
<th>Value/Cost of Construction</th>
<th>Building Permit Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016-TOTAL YEAR TO DATE:</td>
<td>367</td>
<td>29</td>
<td>$17,666,318.00</td>
<td>$236,918.44</td>
</tr>
</tbody>
</table>
DATE: January 16, 2017

TO: Honorable Mayor and Council Members

FROM: Kevin Carter, Deputy Director of Public Works/Interim Parks and Recreation Director

THRU: Randy Mendosa, Interim City Manager


STAFF RECOMMENDATION:

Receive report as an informational item.

EXECUTIVE SUMMARY:

Administration

(Prepared by Kevin Carter, Deputy Director of Public Works/Interim Parks & Recreation Director)

During the month of November, Admin continued worked on multiple long term projects. A project which has been in consideration for a few years is a disc golf course. Staff located a potential site which also is the site of the Vancil Reservoir. The site is a thirteen acre wooded park like setting on a hillside. Staff brought the location to a Parks and Recreation Commission meeting and was directed to move forward with informational mailings to the neighboring property owners. During the regularly scheduled Parks and Recreation Meeting on December 12, 2016 the disc golf course was on the agenda as a discussion item to discuss next steps. A large showing of property owners was present to express their concerns for the potential use of this property. The concerns ranged from environmental, public safety, fire safety, traffic, legal access issues, errant discs, drainage, and maintenance. Staff has worked with the City Surveyor and was told access is available from Carson Woods Road, however neighbors are challenging this assessment. Staff will continue to work toward final resolution of this concern. Other locations are also being considered and will be brought to the Commission in the near future.

Work continues on the Parks/Transit Office ADA Remodel. Plans were submitted for permit and once obtained the project will go out to bid for construction.

Parks

(Prepared by Pierre Cousineau, Parks Maintenance Lead Worker)

Working in Rohner Park in the Depot Museum, staff cleaned up the mess created during the UV window installation and put displays back in order. The last of the security lighting was installed in the attic and while upstairs staff retrieved Christmas decorations bringing them downstairs and set up in the various locations in the museum. The toilet in the ADA men’s restroom was repaired in the Pavilion, outside in the park the south foot bridge was covered with roofing material due to complaints about the slippery moss. Staff completed the yearly Playground Inspection Report for the Tot Lot and presently working on the main Playground. The monthly pesticide report was compiled and sent into the Agriculture Department of California in Eureka and posts were installed by the hillside trails for the future Dog Leash signs due to be installed in January. Due to the abundant rainfall the hillside drains were monitored and cleaned regularly. Staff members also worked Don Wennerholm of Holmes Security on the new video security cameras installed at the cook shack. In Newburg Park staff supported the Ice Rink, making sure
trash cans were empty and the restrooms cleaned and all members went through training for the new waterless urinals in the men’s restroom. So far the urinals have worked out well having gone through a complete yearly cycle.

In the outer regions of Parks domain, staff supported River Lodge events by removing signage from the Craft Faire and setting up signs, barricades and ADA parking for the annual Christmas singing extravaganza. With the new carpet coming, staff removed forty brass plates for electric and information lines in the floor and replaced them after the installation was completed. They helped set up Christmas decorations then before New Year’s Eve boxed and restored them, installed support brackets in the attic for the water piping of the fire suppression system and while in the attic monitored rat traps and water leaks as well as replacing air filters in the heating system. A defective freezer was hauled away; a lock guard was installed on the Danco Room door, and all inside and outside burned out lamps were replaced. The wall fixtures across the front of the Lodge were replaced with LED lamps and as the others around the building fail, they will be replaced with the same.

In the Monday Club, a sink in the restroom was reattached and sealed to the wall as someone got a bit carried away and in the City Library, heater air vent registers were cleaned, the thermostat cover replaced and the water faucet was repaired. One of the two heating furnaces in the Library stopped working and repairs are being looked into, more on that next month.

**Depot Museum**

*(Prepared by Alex Service, Curator)*

December’s visitor total at the Fortuna Depot Museum was 184. This is in the middle range of our recent December visitor totals. Previous December visitation totals in recent years were: 2015: 98, 2014: 230, 2013: 165, 2012: 306, 2011: 186, 2010: 320, 2009 (closed from Dec. 23 through the end of the month): 36 and 2008: 62. In December 2016 we welcomed California visitors from Arcata, El Cerrito, Eureka, Ferndale, Fortuna, Hydesville, Imperial Beach, Loleta, Los Angeles, Petaluma, Redway, Rio Dell, Sacramento and Scotia. We also welcomed out-of-state visitors from Massachusetts, Minnesota, New Mexico, Oregon, Texas and Washington.

December’s Relic Accumulators’ Club display featured club member’s collections of Christmas items from Scandinavia. The Depot Museum’s holiday season displays, highlighting Christmas traditions from Italy and Portugal and a cookhouse feast from around 100 years ago, will remain on display through Sunday, January 8.

**Fortuna Transit**

*(Prepared by Kathy Rexford, Parks and Recreation)*

Staff met with representatives performing the triennial audit for Transit. The final report will be represented in a future staff report. Due to staff being on extended leave, December 2016 Transit report will be included in next month’s report.

**Sports and Classes**

*(Prepared by Kathy Rexford, Parks and Recreation)*

Nothing to report.

**Continuous Facility Rentals**

*(Prepared by Kathy Rexford, Parks and Recreation)*
Due to staff being on extended leave, December 2016 Transit report will be included in next month’s report.

**Public Skating ~ Recreation Program**

*(Prepared by Toni Wilson, Recreation Supervisor)*

The Fortuna Skating Rink was open for public skate in the month of December. There were three public skate nights with an average attendance of nineteen. We hosted fifteen private skate parties in December with an average attendance of nineteen at each. The price for public skate is $5.50 for anyone six and up or $3.50 for anyone five or younger. This price includes your skate rentals. Public skate is open on Saturday nights from 6:30 pm – 9:30 pm. To book a private skate party, please call the park office at 725-7620.

**Recreation Programs**

*(Prepared by Toni Wilson, Recreation Supervisor)*

The parks department held a Recreation Program for the Winter Break from school. We had over two hundred and forty over the twelve-day camp. Our next program will be in February. It will run from February 21st through February 24th, 2017. The cost is $25 dollars a day or $18 for a half day. Sibling discounts will be available. To correctly hire staff, you must pre-register your child. You may do so by contacting the park office at 725-7620 with the dates your child will be attending.

**Hot Shots Youth Basketball Program**

*(Prepared by Toni Wilson, Recreation Supervisor)*

Registrations are being accepted for our Hot Shots Youth Basketball Program. Children ages six through the 4th grade are eligible to play. The price is $35.00 for the first child and $30.00 for siblings. Registration will be on going until the 6th of January, 2017. **NO LATE SIGN UPS WILL BE ACCEPTED!** The program begins on January 28th and runs six consecutive Saturdays ending on March 6th. Games will be played at the Fireman’s Pavilion in Rohner Park and at the Todd Thomas School Gym. Registration packets can be downloaded from the city website at friendlyfortuna.com or come in and see us at the park office located in the white house in Rohner Park.

**Community Service**

*(Prepared by Toni Wilson, Recreation Supervisor)*

The Parks & Recreation Department currently has eleven people signed up to perform Community Service. Community Service workers completed 137.5 hours in the month of December. One person completed his hours this month. The Community Service Work Program is a big part of our success. The workers help with trash pickup and maintenance projects in Rohner and Newburg Parks as well as the Treatment Plant and the River Lodge. Since the program started in 1997, there have been 48,742.25 service hours completed in the City.

**RECOMMENDED COUNCIL ACTION:**

Receive Monthly Parks & Recreation Department Report. Consent Agenda Vote.
STAFF REPORT

City Council Consent Calendar Agenda Item

DATE: January 16, 2017

TO: Honorable Mayor and Council Members

FROM: William Dobberstein, Chief of Police

THRU: Randy Mendosa, Interim City Manager


STAFF RECOMMENDATION:

Receive report as an informational item.

EXECUTIVE SUMMARY:

The Fortuna Police Department has received body cameras through Watch Guard Video. The department purchased 10 body cameras, docking stations and a computer server to hold and store footage from the cameras. We have installed the server and computer for the cameras and are finalizing policy. We hope to have each patrol officer wearing a body camera while on duty by the end of January 2017.

The FPD reminds the public that crime statistics and information on calls for service can be found at forpd.crimegraphics.com.

During the month of December 2016, I was able to present several awards at our semiannual department meeting. The Fortuna Police Department Employee of the Year was Records Clerk Kendra Bailey; Officer of the Year was Officer Dennis Stevens and Officer James Jengeleski; Dispatcher of the Year was Dispatcher Kaitlyn Teasley and Volunteer of the Year was Rod Chukker. All award winners were selected by their peers through a secret vote. I am extremely proud of all of our employees and the contributions they make to this department.

On December 9 2016, the FPD lead the Al Gray Electric Light Parade and provided traffic control for the event.

The Fortuna Police Department has two candidates currently in background for the position of Police Officer. We anticipate one candidate starting in late January and the other in February 2017.

On December 28, 2016 at about 11:00 AM a subject who was walking in Rohner Park called the Fortuna Police Department to report that as he walked by a vehicle parked in the park, he observed several subjects in the vehicle and one of the subjects was holding what appeared to be a handgun. Fortuna Police Officers responded and located vehicle near the basketball court at Rohner Park. While contacting the 4 occupants of the vehicle, one of the officers saw a revolver in the lap of a backseat passenger. All four occupants were ordered out of the vehicle at gunpoint and detained.

While conducting a pat down search on one of the subjects, Trystan Lewis, age 18 of Fortuna, the officer located a loaded Glock .40 caliber pistol concealed in his front waistband. While searching the vehicle, officers located a loaded .38 caliber revolver on the back seat of the vehicle where Lewis and Fernando
Martinez, age 19 of Fortuna, were seated. The subsequent investigation revealed that Martinez was in possession of the revolver. Officers also located Heroin and Methamphetamine inside the vehicle that was in the possession of Martinez. Martinez also had a Felony arrest warrant for Criminal Threats.

Martinez and Lewis were booked into the Humboldt County Jail.

The FPD has ordered two 2017 Police Interceptor patrol vehicles which should be delivered in February 2017. The vehicles were primarily funded through a grant from the USDA Rural Housing Development program. The required city funds were provided through grant and asset seize funds. The purchase of these vehicles will have no impact on the city’s general fund. These vehicles will replace two aging, high mileage patrol vehicles.

During the month of December 2016, the FPD handled 1,611 calls for service, made 72 arrests and issued 72 citations. The FPD has handled a total of 21,183 calls for service in 2016 compared to 20,250 in 2015.

The Fortuna Police Department Facebook page now has 3,408 followers.

**RECOMMENDED COUNCIL ACTION:**

DATE: January 16, 2017

TO: Honorable Mayor and Council Members

FROM: Merritt Perry, Public Works Director

THRU: Randy Mendosa, Interim City Manager

SUBJECT: December 2016 Public Works Department/City Engineer Monthly Report

STAFF RECOMMENDATION:
Receive report as an informational item.

EXECUTIVE SUMMARY:

Public Works Director/City Engineer

Rohnerville Road STIP Project
Construction of the Rohnerville Road STIP Project is complete. Staff will be participating in an audit of that project being conducted by Caltrans on January 11th, and completing the closeout of the project over the next month. Staff has resolved all outstanding issues that have been raised by property owners related to the project and continues to receive positive feedback on the project as a whole. Issues raised by property owners within the project were mostly related to improving the driveway transitions from the new sidewalk to the existing driveway.

Rohner Creek Flood Control Project Progress
RCAA is working on planting of Phase A of the Rohner Creek Flood Control Project recently completed by Figas Construction. The portion of the planting work funded by the Urban Streams Restoration Grant is complete. Staff anticipates utilizing high rock crews with oversight by RCAA to complete the remainder of the planting of Phase A. Staff is still working on the award recommendation for Phase B to council.

Eel River Groundwater Working Group
The City Engineer has participated in the Eel River Groundwater Working Group which has been led by the County of Humboldt. Based on the data and evaluation developed by the County and reviewed by the working group, it was concluded that the Basin is being managed sustainably for beneficial uses without undesirable results.

On December 30, the County public works submitted a Groundwater Sustainability Plan (GSP) Alternative which was prepared in accordance with the implementing regulations and provides information demonstrating that the Basin has operated within its sustainable yield over a period of at least 10 years. The GSP Alternative is intended to accomplish the same goals as a full Groundwater Sustainability Plan (GSP), but does not require the formation and administration of a Groundwater Sustainability Agency and supports more streamlined planning efforts, which allows a more cost-effective use of limited resources. The GSP Alternative is now being reviewed by the Department of Water Resources (DWR), and the County will receive comments.
on the document when the review is complete. It will likely be several months before we hear back on DWR’s review of the Alternative.

South School Safe Routes to School Project
Staff is currently working on the preparation of a request for proposal for the preliminary engineering and design services for the Safe Routes to School Project centered around South School. We anticipate releasing the RFP in late January or February.

Sustainable Communities Grant – 12th and Kenmar Interchanges
Staff and GHD presented the sustainable communities grant final report, which includes alternatives for improving the intersections at 12th Street and Kenmar Road with Highway 101, to the Humboldt County Association of Governments (HCAOG), the HCAOG Technical Advisory Committee and Caltrans Executive team. The projects identified in the final report have been will be incorporated in to the HCAOG Regional Transportation Plan which is being updated this year. It is hoped that providing a comprehensive study of the interchanges and developing alternatives that the City can work with the County, HCAOG and Caltrans work together toward the implementation of projects at those locations.

Deputy Public Works Director --Prepared by Kevin Carter, Deputy Director of Public Works/Interim Parks & Recreation Director

Monday Club ADA Ramp and Entry Project
During the month of December, staff worked with PGE on design and scheduling of the relocation of the gas meter. The date has been set and the work will be completed by January 19. The contractor (Pacific Forge Construction) has been sent the notice to proceed, and will be starting the week of January 23rd.

Park/Transit Office ADA Remodel Project
Plans have been completed, and a building permit was applied for in December. The building department has presented their plans correction list, and those items have been addressed and resubmitted for final review. Once the permit is received the project will go out to bid for construction. A temporary office location will be the Recreation Hall will the main office is closed for construction. The dates of the construction are not known at this time but are expected to be within a couple of months.

P Street Paving and Drainage Project
The P Street Paving and Drainage Project consists of surfacing P Street from 12th Street to 14th Street. The project also includes fixing drainage issues which have resulted in the deterioration of the roadway surface, and includes drainage infrastructure which would capture the water on P Street and transport the water to existing structures on 11th Street via O Street. The project is being designed currently by Ontiveros and Associates, and is planned to be constructed early this summer.

Utilities Division – Prepared by Chief Plant Operator

Wastewater Treatment
- Flows through the facility were 60.5 MG with a high flow of 3.4 MG on December 24th. Average flows through the facility were 1.9 MGD. There was one condition exceedence for low chlorine residual in the contact basin during the month.
- City staff worked with Downey Brand attorney Melissa Thorme and completed the review of the draft NPDES permit as well as other compliance issues. The draft permit is currently out for a 30-day public comment.
- The CPO continues to provide administrative services to The City of Rio Dell while they search for a new CPO.
- The CPO sat on an interview panel for the City of Arcata.
- A Process Hazard analysis of process chemicals was performed at the WWTP as part of the City’s Risk Management Plan update.
- There was a compost giveaway during the month which saw a slow but steady flow of local people taking advantage of the free compost. Bad weather deterred most but in the end we were able to give the remainder away to one of our permitted bulk locations. It’s estimated that approximately 150 cubic yards of compost was given away during the three week event. The next one will be in early spring.

**Water Treatment**
- 29 MG was pumped from the wells to the distribution system in the month of December. Our water production in December was 3.2% higher than production from November (28.1 MG). December production was 2.7% lower than December of 2015 (29.8 MG) and 12% lower than the benchmark of December, 2013 (32.6 MG).
- A tool was ordered this month to repair the leak at Vancil Reservoir and once staff is trained in the proper procedures the repair will be made and the reservoir will be put back into service.
- The new pumps at the well site have been working really well and more efficiently. The City received about $3000 in cash energy rebates for switching to the more efficient pumps.
- A Process Hazard analysis of process chemicals was performed at the well site as part of the City’s Risk Management Plan update.
- All routine coliform tests came back negative.

**General Services and Streets - Prepared by the General Services Superintendent**

December brought nearly seven inches of rain and was again a busy month. Crews spent time preparing for and mitigating the rains; sand and sandbags were replenished in Rohner Park, drains were kept clean and flooded signs were put in place on barricades to warn drivers. Pot holes were filled and windblown branches were cleaned up keeping the roadways safe.

In between storms, alleys were graded in the downtown area. Crews provided traffic control for the Downtown Open House and Christmas Lighted Parade. Facility Maintenance crews completed the Vancil Reservoir repairs ensuring the integrity of the building. Crews also changed out banners and took down the Christmas decorations on Main Street. New flashing stop signs were installed on School Street at Wood Street raising awareness of the stop signs at that intersection.

Other work included graffiti abatement, streetlight and traffic signal maintenance, sign maintenance, curb painting, the citywide street sweeping program and responding to calls for service as needed.

**RECOMMENDED COUNCIL ACTION:**

DATE: January 16, 2016
TO: Honorable Mayor and Council Members
FROM: Joanna Miranda, Conference Center Manager
THRU: Randy Mendosa, Interim City Manager

STAFF RECOMMENDATION:
Receive report as an informational item.

EXECUTIVE SUMMARY:
The River Lodge and Monday Club held a total of 39 events in December. Our weekends consisted of a variety of events. We had two weddings, two baby showers, a birthday party and four annual events. The annual events included the Hydesville Church holiday service and dinner, Pierson’s Building Center and Simmons Timber holiday parties and the 40th Annual Fortuna Christmas Music Festival. The Fortuna Garden Club and the Chamber weekly meetings also took place at the Monday Club.

The new carpet at the River Lodge was installed during the last week of December by Johnny’s Flooring.

Sales in the Gallery were $470 for the month of December.

RECOMMENDED COUNCIL ACTION:
<table>
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1/9/2017
DATE: January 16, 2017

TO: Honorable Mayor and City Council Members

FROM: Randy Mendosa, Interim City Manager

SUBJECT: Report of Disbursements

STAFF RECOMMENDATION:

Receive staff report of disbursements that were processed for the City of Fortuna and the Successor Agency (Fortuna Redevelopment Agency) if applicable, as an informational item only.

REPORT OF DISBURSEMENTS:

Disbursements were processed on January 3, 2017 in the following amount:
  • City of Fortuna $ 169,495.72

RECOMMENDED COUNCIL ACTION:

Informational Item. Receive report by Consent Agenda Vote

ATTACHMENTS:

  • Disbursements Detail Reports for January 3, 2017
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## Cash Disbursement Detail Report

**Date:** Jan 03 17  
**Time:** 11:44  
**Run By:** Racheal Henry  
**Bank Account:** 1020  

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**Cash Account Total:** 169495.72  
**Total Disbursements:** 169495.72
DATE: January 16, 2017

TO:Honorable Mayor and Council Members

FROM:Linda McGill, City Clerk/ HR Manager

THRU:Randy Mendosa, Interim City Manager

SUBJECT: Consideration of Claim Filed by Patrik Griego, Esq., Janssen Malloy, LLP on behalf of Marcia Kitchen

STAFF RECOMMENDATION:

Reject claim filed by Patrik Griego, Esq., Janssen Malloy, LLP on behalf of Marcia Kitchen

BACKGROUND

On January 6, 2017, the City of Fortuna received a claim filed by Patrik Griego, Esq., Janssen Malloy, LLP on behalf of Marcia Kitchen. A copy of the claim is attached.

The claim has been reviewed by City staff and REMIF\(^1\), and staff is recommending the claim be rejected. The road named as the basis for the claim, Eel River Dr., is not located within the City limits of Fortuna. Eel River Dr. is located within the County and is maintained by the County of Humboldt.

Generally, when a claim is rejected within 45 days, the claimant has six months from the date of an incident to pursue the matter in court. If the claim is not rejected within 45 days, the claimant may have up 12 months to pursue the matter in court.

Except in cases where the City is clearly at fault, the standard procedure is to reject the claim within 45 days of receipt in order to initiate the six-month time limit per the State of California Government Code §945.6. Following rejection, the claimant has 6 months to pursue the matter in court, if they so choose.

RECOMMENDED COUNCIL ACTION:

Motion to reject the claims filed by Patrik Griego, Esq., Janssen Malloy, LLP on behalf of Marcia Kitchen by consent agenda vote.

ATTACHMENT:

- Claim

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\(^1\) REMIF (Redwood Empire Municipal Insurance Fund)
A claim must be presented, as prescribed by the Government Code of the State of California, by the claimant or a person acting on his/her behalf and shall show the following:

If additional space is needed to provide your information, please attach sheets, identifying the paragraph(s) being answered.

1. Name and Post Office address of the Claimant:

   Name of Claimant: Marcia Kitchen, c/o Patrik Griego, Esq., Janssen Malloy, LLP
   Post Office Address: 730 Fifth Street
                       Eureka, CA 95501

2. Post Office address to which the person presenting the claim desires notices to be sent:

   Name of Addressee: Patrik Griego, Esq.  Telephone: (707) 476.2286
   Post Office Address: 730 Fifth Street
                        Eureka, CA 95501

3. The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.

   Date of Occurrence: July 12, 2016  Time of Occurrence: 9:15 p.m.
   Location: According to TCR, 2 miles south of Kenmar Rd. on Eel River Dr. (milepost 6.6 mi N of JG 170 0.88 and GPS coordinates of Lat. 40.57260 and Long. -124.14771)
   Circumstances giving rise to this claim: SEE ATTACHMENT

4. General description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of the presentation of the claim.

   SEE ATTACHMENT.

5. The name or names of the public employee or employees causing the injury, damage, or loss, if known.

   SEE ATTACHMENT.
6. **If amount claimed totals less than $10,000:** The amount claimed if it totals less than ten thousand dollars ($10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

Amount Claimed and basis for computation:

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**If amount claimed exceeds $10,000:** If the amount claimed exceeds ten thousand dollars ($10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case. A limited civil case is one where the recovery sought, exclusive of attorney fees, interest and court costs does not exceed $25,000. An unlimited civil case is one in which the recovery sought is more than $25,000. (See CCP § 86.)

- [ ] Limited Civil Case
- [X] Unlimited Civil Case

You are required to provide the information requested above, plus your signature on page 3 of this form, in order to comply with Government Code §910. In addition, in order to conduct a timely investigation and possible resolution of your claim, the City of Fortuna requests that you answer the following questions:

7. No longer applicable as of 2/28/07.

8. Claimant(s) Date(s) of Birth:
   August 27, 1977

9. Name, address and telephone number of any witnesses to the occurrence or transaction which gave rise to the claim asserted:
   Claim under investigation.

10. If the claim involves medical treatment for a claimed injury, please provide the name, address and telephone number of any doctors or hospitals providing treatment:
    Claim under investigation.

   If applicable, please attach any medical bills or reports or similar documents supporting your claim.

11. If the claim relates to an automobile accident:

    Claimant(s) Auto Ins. Co.: Claim under investigation. Telephone:
    Address: Insurance Policy No.:
    Insurance Broker/Agent: Telephone:
    Address:

    Claimant’s Veh. Lic. No.: Vehicle Make/Year:
    Claimant’s Drivers Lic. No.: Expiration:
If applicable, please attach any repair bills, estimates or similar documents supporting your claim.

READ CAREFULLY

For all accident claims, place on following diagram name of streets, including North, East, South, and West; indicate place of accident by “X” and by showing house numbers or distances to street corners. If a City of Fortuna vehicle was involved, designate by letter “A” location of City of Fortuna vehicle when you first saw it, and by “B” location of yourself or your vehicle when you first saw City of Fortuna vehicle; location of City of Fortuna vehicle at time of accident by “A-1” and location of yourself or your vehicle at the time of the accident by “B-1” and the point of impact by “X.”

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.

Warning: Presentation of a false claim with the intent to defraud is a felony (Penal Code §72). Pursuant to CCP §1038, the City of Fortuna may seek to recover all costs of defense in the event an action is filed which is later determined not to have been brought in good faith and with reasonable cause.

Signature: 

Date: 1/5/17
ATTACHMENT TO GOVERNMENT CLAIM FORM

KITCHEN, MARCIA

Claimant Marcia Kitchen, individually and as the surviving mother of decedent Kiya Kitchen, claims damages from the State of California, California Department of Transportation, County of Humboldt, and the City of Fortuna (Collectively “the Governmental Entities”) as follows:

(A) Claimant’s mailing address is: c/o Patrik Griego, Esq., JANSSEN MALLOY LLP, P.O. Drawer 1288 Eureka, CA 95502

(B) The mailing address to which Claimant desires notices to be sent is: c/o Patrik Griego, Esq., JANSSEN MALLOY LLP, P.O. Drawer 1288 Eureka, CA 95502

(C) This claim is based on the fatal injuries sustained by claimant’s daughter, and the injuries attendant to the loss of Claimant’s daughter.

On or about July 12, 2016, Claimant’s daughter was struck and killed by a vehicle while riding a skateboard on Eel River Drive, South of Kenmar in Fortuna, California. The location of the accident (ACCIDENT LOCATION), according to the traffic collision report is .2 miles south of Kenmar Road on Eel River drive with milepost information as follows: .6 miles North of 3G 170 0.88 and GPS coordinates of Latitude 40.57260 and Longitude of -124.14771.

The accident was caused by the Governmental Entities and/or its management, administrative, designers, planners, engineers, maintenance personnel, inspectors, contractors and other employees, staff, agents or contractors, acting within the course and scope of their duties and/or employment by reason of, among other things, the following acts and/or omissions:

The Governmental Entities negligently and carelessly designed, warned, failed to warn, constructed, created, maintained, repaired, owned, operated, controlled, signed, and regulated the aforementioned ACCIDENT LOCATION, thereby creating a dangerous condition. The Governmental Entities negligently and carelessly failed to properly install, maintain, repair, operate, monitor and/or control the roadway at the accident site and/or control the traffic and/or signs for motorists to perceive, react and avoid hitting pedestrians and for pedestrians to perceive, react and avoid being hit by motorists. Pedestrians traveling at the accident location would encounter vehicles traveling at high speeds from both directions and would not have adequate ability to avoid vehicles given the geometry of the roadway.

This location lacked appropriate visual cues, signage and/or warnings to warn drivers or pedestrians of the danger. The geometry of the roadway, surrounding sight barriers, curvature of the roadway, inadequate signs and inability to avoid oncoming vehicles were physical features of the location that made it dangerous. This location created a trap for motorists and for pedestrians. There was a special need of signals and signs, appropriate sight distances, shoulders, and barriers in order to reduce the risk of injury to pedestrians. There was a high volume of vehicular traffic such that the Governmental Entities knew or should have known that this was a dangerous condition of public property. In addition to the aforementioned dangerous conditions, the Governmental Entities created a dangerous condition due to:
ATTACHMENT TO GOVERNMENT CLAIM FORM

KITCHEN, MARCIA, p.2

- failure to warn of, and/or prevent and/or correct a “dangerous condition” (a condition of property that creates a substantial [as distinguished from a minor, trivial or insignificant] risk of injury when such property or adjacent property is used with due care in a manner in which it is reasonably foreseeable that it will be used) on, or immediately adjacent to, public property;
- failure to provide and/or maintain adequate signs, signals, devices, channelization, pavement, and striping to allow the safe movement of vehicles, pedestrians and bicyclists through the ACCIDENT LOCATION;
- failure to provide adequate sight distances for drivers and other users of the ACCIDENT LOCATION;
- setting an improper and unsafe speed limit on roadways at the ACCIDENT LOCATION;
- failure to follow guidelines for design of roadway shoulders and paving and setting up a dangerous geometry at the ACCIDENT LOCATION;
- inadequate lighting;
- failure to provide and/or maintain an adequate and safe temporary or permanent median barrier at or near the ACCIDENT LOCATION;
- failure to warn of the absence of an inadequate median barrier at or near the ACCIDENT LOCATION;
- failure to provide and/or maintain adequate signs, signals, devices, dividers, pavement grooving, rumble strips, botts dots, channelization, pavement, shoulders, superelevation, guardrails, and striping at or near the ACCIDENT LOCATION;
- failure to provide and/or construct and/or maintain an adequate shoulder along both lanes of the traveled way at or near the ACCIDENT LOCATION;
- failure to provide and/or construct and/or maintain a safe surface(s) on the roadway, shoulder, median, and adjacent areas at or near the ACCIDENT LOCATION;
- improper and unsafe dumping of gravel, ground up asphalt, and other materials into the area at or near the ACCIDENT LOCATION;
- failure to warn drivers of the dangerous condition they would face when driving at the ACCIDENT LOCATION upon entry;
- failure to safely direct pedestrians at the ACCIDENT LOCATION to assist in avoiding the dangerous condition at that location;
ATTACHMENT TO GOVERNMENT CLAIM FORM

KITCHEN, MARCIA, p.3

- failure to provide a safe place for pedestrians to travel at the ACCIDENT LOCATION;
- failure to remove gravel, dirt, ground-up asphalt and other foreign materials from the median, shoulders, roadway and adjacent areas, at or near the ACCIDENT LOCATION;
- placement of and/or failure to remove vegetation in the areas of and adjacent to the ACCIDENT LOCATION which reduced recovery area and prevented drivers from perceiving oncoming pedestrians;
- creation and maintenance of a dangerous roadway;
- creation and maintenance of an unsafe location for driving given the geometry of the roadway and available sight distances based on the geometry of the area, including, but not limited to, speed of oncoming traffic in each direction;
- failure to provide and/or construct and/or maintain a safe median area, specifically the median contained materials (such as gravel, dirt, ground-up asphalt, vegetation) that reduced the coefficient of friction for cars entering the median;
- failure to prevent and/or correct and/or warn of an unsafe and dangerous drop-out between the edge of the roadway and the unpaved shoulder and between the paved roadway and the unpaved shoulder and between the paved roadway and the unpaved median at or near the ACCIDENT LOCATION;
- failure to adequately warn of the dangerous and unsafe conditions set forth above;
- failure to adequately respond to complaints about the dangerous condition of the ACCIDENT LOCATION;
- failure to adequately report complaints about the dangerous condition of the ACCIDENT LOCATION;
- failure to timely provide, amend, or revise construction at the ACCIDENT LOCATION;
- The Governmental Entities failed to reconstruct Eel River Drive properly to an overall width of thirty-six feet with six foot wide paved shoulders and twelve foot traffic lanes.

- On information and belief, the money for the reconstruction project was furnished by the Caltrans District 01 District Local Assistance Engineer under the State Transportation Improvement Program, or STIP. On information and belief, Caltrans failed to review the construction plans to ensure those plans adhered to the mandatory design standards required of the governmental entity doing the reconstruction to receive the funding for the project.

These failures, acts and omissions were inherently dangerous and created a peculiar risk and nuisance. The safe and normal function of the roadways were suspended and the Governmental Entities should have properly informed drivers and pedestrians of what to expect at a roadway with limited visibility and insufficient pavement and room for traveling and the other dangerous conditions that existed at the ACCIDENT LOCATION.
ATTACHMENT TO GOVERNMENT CLAIM FORM

KITCHEN, MARCIA, p.4

The Governmental Entities and/or its management, administrative, designers, planners, engineers, maintenance personnel, inspectors and/or other employees, staff, agents or contractors, acting within the course and scope of their duties and through negligent or wrongful acts or omissions created, or allowed to be created, a dangerous condition under Gov. Code § 835. The installation, maintenance, repair, operation, monitoring and/or control of the ACCIDENT LOCATION was done negligently, inadequately and improperly and, together with and independent of the absence of a shoulder or traffic control signals and/or sign warning motorists that there existed the dangerous condition, created a hazard, trap and dangerous condition under Gov. Code § 835. It also created a peculiar risk and trap based on, but not limited to, things listed above, creating a dangerous condition not reasonably apparent to pedestrians and motorists.

As a result of this dangerous condition Claimant’s daughter was killed.

Sufficient time passed from the moment the dangerous conditions were created such that the Governmental Entities knew or should have known a dangerous condition was created and such that it had sufficient time to have remedied or warned against the dangerous condition.

The collision was foreseeable to the Governmental Entities and, yet, each of the agencies failed to warn pedestrians and drivers or remedy the dangerous condition. It is believed that notice was actually provided to the Governmental Entities such that the Governmental Entities had sufficient time to take action to remedy the dangerous conditions.

The Governmental Entities and/or its management, administrative, designers, planners, engineers, maintenance personnel, inspectors and/or other employees, staff, agents or contractors, acting within the course and scope of their duties and/or employment negligently, unreasonably and improperly owned, operated, designed, planned, engineered, maintained, inspected, repaired, failed to repair, and controlled the roadways; thereby creating dangerous conditions and exposing pedestrians and drivers to dangerous conditions. The governmental departments and agencies referred to as the Governmental Entities undertook to control the subject area, invited reliance on the subject area and are liable as it created a dangerous condition in doing so.

The aforementioned acts and omissions of the Governmental Entities created and caused dangerous conditions in that said conditions created a substantial risk of the type of injury hereinafter alleged when the Governmental Entities’ property was used in a foreseeable manner.

The Governmental Entities had actual and/or constructing notice of the defective and substantially dangerous conditions a sufficient time prior to the incident to have taken measures to protect against the dangerous condition. The actual notice existed because the Governmental Entities and/or its employees and agents had actual knowledge of the existence of the condition and knew, or should have known, of its dangerous character since the Governmental Entities and/or its employees and agents owned, constructed, maintained and created by direction said condition. Constructive notice existed because the condition had existed for such a period of time and was of such an obvious nature that the
ATTACHMENT TO GOVERNMENT CLAIM FORM

KITCHEN, MARCIA, p.5

Governmental Entities, in the exercise of due care, should have discovered the condition and its dangerous character. The existence of the condition and its dangerous character would have been discovered by an inspection system that was reasonably adequate to inform the Governmental Entities whether the property was safe for the use or uses for which the Governmental Entities used or intended others to use the public property and for uses that the Governmental Entities actually knew others were making of the public property, including, but not limited to, visual inspections of the ACCIDENT LOCATION in use. During the course of any such reasonably adequate inspection, the Governmental Entities would have discovered the conditions, and their dangerous character, as listed above.

In light of the notice to the Governmental Entities and its agents and employees, the Governmental Entities' failure to adequately sign, remedy, or otherwise warn of the dangerous condition of the roadway caused a trap to exist for motorists and pedestrians approaching and proceeding on the ACCIDENT LOCATION.

The dangerous conditions created a reasonably foreseeable risk of the kind of injuries which were incurred, and (a) were created by a negligent or wrongful act or omission of an employee of the Governmental Entities; and/or (b) the Governmental Entities had actual or constructive notice of the dangerous conditions a sufficient time prior to the injury to have taken measures to protect against the dangerous conditions.

These dangerous conditions and these acts and omissions of the Governmental Entities (and its management, administrative, designers, planners, engineers, maintenance personnel, inspectors and/or other employees, staff, agents or contractors, acting within the course and scope of their duties) proximately caused the Claimant's injuries, including, but not limited to, those injuries related to the death of her daughter.

Further, these dangerous conditions were directly attributable wholly or in substantial part to a negligent or wrongful act of these employees of the Governmental Entities and these employees had the authority and the funds and other means immediately available to take alternative action which would not have created the dangerous condition; and/or these employees had the authority and it was his/her/their responsibility to take adequate measures to protect against the dangerous condition at the expense of the public entity and the funds and other means for doing so were immediately available to him/her/them, and he/she/they had actual or constructive notice of the dangerous condition a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.

Further, signs, warnings, shoulders, or other devices were necessary to warn of these dangerous conditions which endangered the safe movement of traffic and which would not be reasonably apparent to, and would not have been anticipated by, a person exercising due care.

Further, the Governmental Entities and its employees acting within the scope of their employment undertaken, gratuitously or for consideration, to avoid, remedy and/or abate these dangerous conditions. These undertakings and promises were the kind that they recognized as necessary for the protection of third persons. These entities and their employees acting within the scope of their employment failed to exercise reasonable care in the performance of these undertakings and promises, the failure to exercise
ATTACHMENT TO GOVERNMENT CLAIM FORM

KITCHEN, MARCIA, p.6

reasonable care resulted in physical harm to the third persons; and either (a) their carelessness increased the risk of such harm, or (b) the undertaking or promises were to perform a duty that the other owed to the third persons, or (c) the harm was suffered because either the other or the third persons relied on the undertaking.

Due to these acts and failures to act and dangerous conditions, the Governmental Entities and its employees are liable for Claimant’s injuries under the Government Code §§, including, but not limited to, 815.2(a), 820(a), 830.8, 835 and 840.2.

(D) As far as is known at the time of the presentation of this claim, Claimant’s claim damages for medical costs, and the loss of the care, comfort, and companionship of the decedent, loss of household services, as well as property loss and/or damage and other damages arising therefrom.

(E) The name and or names of the public employees or employees causing the injury, damage or loss is unknown.

(F) The amount claimed exceeds ten thousand dollars ($10,000) as of the date of the presentation of this claim.

The jurisdiction over the claim would rest in the Superior Court. This claim would not be a limited civil case.
DATE: January 16, 2017

TO: Honorable Mayor and Council Members

FROM: Kevin Carter, Deputy Director of Public Works

SUBJECT: Authorize Lease Agreement with the California Department of Fish and Wildlife to Place and Access a Conex (shipping container) at the Corporation Yard Facility

STAFF RECOMMENDATION:

Authorize the City Manager to work with the City Attorney to execute a Lease with the California Department of Fish and Wildlife (CDFW), to place and access a Conex (shipping container) on the City owned facility at 190 Dinsmore Drive (Public Works Corporation Yard).

EXECUTIVE SUMMARY:

The City’s Public Works Corporation Yard is a spot that is historically been used by multiple agencies for a variety of reasons. The City works cooperatively with the agencies to provide services for the community at large. Those uses of the Corporation Yard include staging for enforcement authorities performing operations in the Eel River Valley, a Caltrans testing facility, a cell tower lease, and a laboratory which works with smaller treatment facilities to perform state mandated testing.

The purpose of this lease is to assist Cal Fish and Wildlife with a need for a facility where their personnel can place and access a 40’ shipping container. The container will be used to house equipment without being exposed to inclement weather, as well as sample storage prior to transport to their Eureka facility. Four enforcement officers will be utilizing the container and will have passcodes to the Corporation Yard gates which will allow for efficient responses to calls within the Lower Eel River Valley. Cal Fish and Wildlife will not require any utilities and will provide the City with the requisite insurance coverage.

FINANCIAL IMPACT:

Staff has negotiated a Lease fee of $100 per month for the use of this facility. The initial Lease agreement is proposed to be a two year term.

RECOMMENDED COUNCIL ACTION:

Receive staff report and Authorize Lease Agreement by Consent Agenda Vote.
STAFF REPORT

City Council Consent Calendar Item

DATE: January 16, 2017

TO: Honorable Mayor and Council Members

FROM: Linda McGill, City Clerk/Human Resources Manager

THRU: Randy Mendosa, Interim City Manager

SUBJECT: Authorize Ratification of the Fortuna Fire Protection Districts Ordinance 2016-2017-1 which adopts the California Fire Code and the International Fire Code Standards; Resolution 2017-02

STAFF RECOMMENDATION:

It is being recommended that the Council adopt Resolution 2017-02, Exhibit “A”, ratifying the Fortuna Fire Protection Districts Ordinance No. 2016/2017-1, adopting the California Fire Code and the International Fire Code Standards.

BACKGROUND:

On January 9, 2017, the Fortuna Fire Protection District (FFPD) enacted its ordinance No. 2016/2017-1 adopting the California Fire Code and the International Fire Code Standards prescribing regulations governing conditions hazardous to life and property from fire and explosion, providing for the issuance of permits for hazardous uses or operations, establishing a fire prevention bureau and providing officers thereof and defining their powers and duties. A copy of this ordinance is attached as Exhibit “B” along with the FFPD’s resolution No. 2016/2017-2, Exhibit “C” pertaining to the facts and findings regarding the amendments associated with the code adoption.

By its own terms, enforcement of the California Fire Code occurs by the Fire Prevention Bureau of the FFPD however, in order for the city of Fortuna to be brought within the regulatory effect of the FFPD Ordinance no. 2016/2017-1; state law requires the City Council to ratify the FFPD action, (Health & Safety code No. 13869.7(c)).

The FFPD Ordinance will not become effective until ratified by the City Council, afterwards being forwarded to the California Department of Housing and Community Development. Resolution 2017-02, if adopted by the City, would ratify the FFPD’s action and direct staff to forward the resolution to the California Department of Housing and Community Development.

ENVIRONMENTAL REVIEW:

This ordinance is exempt from the California Environmental Quality Act (CEQA) guidelines pursuant to section 15061(b)(3) of the CEQA guidelines.

FISCAL IMPACT:

None
RECOMMENDED COUNCIL ACTION:

Receive staff report. Adopt Resolution 2017-02 by Consent Agenda Vote.

ATTACHMENTS:

- Exhibit “A” – City of Fortuna Resolution 2017-02
- Exhibit “B” – FFPD Ordinance No. 2016/2017-1
- Exhibit “C” – FFPD Resolution No. 2016/2017-2
RESOLUTION 2017-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORTUNA RATIFYING THE
FORTUNA FIRE PROTECTION DISTRICT’S ORDINANCE NO. 2016/2017-1, ADOPTING
THE CALIFORNIA FIRE CODE AND THE INTERNATIONAL FIRE CODE STANDARDS
PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND
PROPERTY FROM FIRE AND EXPLOSION, PROVIDING FOR THE ISSUANCE OF
PERMITS FOR HAZARDOUS USES OR OPERATIONS, ESTABLISHING A FIRE
PREVENTION BUREAU AND PROVIDING OFFICERS THEREOF AND DEFINING THEIR
POWERS AND DUTIES.

WHEREAS, on January 9, 2017 the Fortuna Fire Protection District (FFPD) enacted its ordinance No. 2016/2017-1 adopting the California Fire Code and the International Fire Code Standards prescribing regulations governing conditions hazardous to life and property from fire and explosion, providing for the issuance of permits for hazardous uses or operations, establishing a fire prevention bureau and providing officers thereof and defining their powers and duties; and

WHEREAS, on January 9, 2017 the FFPD adopted statutorily required findings in support of Ordinance No. 2016/2017-2; and

WHEREAS, in order for the Fire Code Regulations to become effective within the City of Fortuna, state law requires the City Council ratify the FFPD action adopting its Ordinance and Resolution and thereafter forward said ratification to the California Department of Housing and Community Development.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fortuna hereby approves and adopts the following:

1. The City Council of the City of Fortuna hereby ratifies the Fortuna Fire Protection District’s Ordinance No. 2016/2017-1 adopting the California Fire Code and International Fire Code Standards prescribing regulations governing conditions hazardous to life and property from fire and explosion, providing for the issuance of permits for hazardous uses or operations, establishing a fire prevention bureau and providing officers thereof and defining their powers and duties, a copy of which is attached hereto as Exhibit “B” and incorporated herein.

2. The City Council of the City of Fortuna hereby ratifies the express findings made by the FFPD, as required by state law, in support of Ordinance NO. 2016/2017-1 as stated in FFPD Resolution No. 2016/2017-2, a copy of which is attached hereto as Exhibit ”C” and incorporated herein.

3. The City Council of the City of Fortuna hereby directs the City staff to forward a copy of this Resolution, with attachments, to the California Department of Housing and Community Development.
PASSED AND ADOPTED on this 16th day of January, 2017 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____________________________
Sue Long, Mayor

ATTEST:

_____________________________
Linda McGill CMC, City Clerk
FORTUNA FIRE PROTECTION DISTRICT

ADOPTION OF ORDINANCE NO. 2016/2017-1

AN ORDINANCE ADOPTING THE CALIFORNIA FIRE CODE AND INTERNATIONAL FIRE CODE STANDARDS PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS, AND ESTABLISHING A FIRE PREVENTION BUREAU AND PROVIDING OFFICERS THEREOF AND DEFINING THEIR POWERS AND DUTIES.

Be it ordained by the Board of Commissioners of the Fortuna Fire Protection District.

Section 1. Adoption of the California Fire Code

There is hereby adopted by the Board of Commissioners of the Fortuna Fire Protection District, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code and supporting Standards known as the 2016 California Fire Code which consists of the 2015 edition of the International Fire Code as amended with errata, including the International Fire Code Standards, 2015 edition as amended by the “International Fire Code Standards, 2015 edition, together with certain portions of the International Fire Code not included in the State Building Standards Code adoption, referenced herein, save and except such portions as are hereinafter deleted, modified, or amended by section 10 of this Ordinance of which Code and Standards are filed in the office of the Fire Marshal of Fortuna Fire Protection District, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the Fortuna Fire Protection District.

Section 2. Establishment and Duties of the Division of Fire Prevention

The California Fire Code, which consists of the 2015 International Fire Code as adopted and amended herein, shall be enforced by the Fire Prevention Bureau of the Fortuna Fire Protection District, and shall be operated under the supervision of the Chief of the District.

Section 3. Definitions

Whenever they appear in the California Fire Code, unless otherwise provided, the following words shall have the meanings ascribed to them in this section:

(a) Wherever the word “jurisdiction” is used in the California Fire Code, it shall mean the Fortuna Fire Protection District.
(b) Wherever the term “district counsel” is used in the California Fire Code, it shall be held to mean the attorney for the Fortuna Fire Protection District.

(c) Wherever the words “Chief of the Fire Prevention Bureau” are used in the California Fire Code, they shall be held to mean the “Fire Marshal of Fortuna Fire Protection District”.

Section 4. Establishment of Limits of Districts in which Storage of Flammable or Combustible Liquids (Class 1 and 2) in Outside Aboveground Tanks is Prohibited.

The limits referred to in section 5704.2.9.6.1 of the California Fire Code in which storage of flammable or combustible liquids in outside unprotected aboveground tanks is prohibited are defined as all areas of Fortuna Fire Protection District. Storage in protected aboveground tanks is allowed consistent with the provisions of Article 5704 of the International Fire Code. Historically documented unprotected tanks with secondary containment will be allowed based on site-by-site determinations of the Fire Chief.

Section 5. Establishment of Limits of Districts in which Storage of Flammable or Combustible Liquids (Class 1 and 2) in Aboveground Tanks is Prohibited.

The limits referred to in section 5706.2.4.4 of the California Fire Code in which storage of Class 1 and 2 liquids in unprotected aboveground tanks is prohibited are defined as all areas of Fortuna Fire Protection District. Storage in protected aboveground tanks is allowed consistent with the provisions of Article 5704 of the International Fire Code. Historically documented unprotected tanks with secondary containment will be allowed based on site-by-site determinations of the Fire Chief.

Section 6. Establishment of Limits of Districts in which the Storage of Stationary Tanks of Flammable Cryogenic Fluids are to be Prohibited.

The limits referred to in Section 5806.2 of California Fire Code in which the storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited are defined as all areas of Fortuna Fire Protection District.
Section 7. Establishment of Limits of Districts in which Storage of Liquefied Petroleum Gases is to be Restricted.

The limits referred to in Section 6104.2 of the International Fire Code in which storage of liquefied petroleum gas is restricted are defined as all areas within Fortuna Fire Protection District.

Section 8. Amendments to the International Fire Code.

The 2016 California Fire Code, Title 24, Part 9, Based on the 2015 International Fire Code is hereby amended as follows:

1. Chapter 1 – Scope and Administration, the following sections are added to the Fire Code:
   a. Section 101 - General. Entire section is adopted.
   b. Section 102 - Applicability. Entire section is adopted.
   c. Section 103 - Department of Fire Prevention. Entire section is adopted.
   d. Section 104 - General Authority and Responsibilities. Entire section is adopted.
   e. Section 106 - Inspections. Entire section is adopted.
   f. Section 107 - Maintenance. Entire section is adopted.
   g. Section 109 - Violations. Entire section is adopted.
   h. Section 110 - Unsafe Buildings. Entire section is adopted.
   i. Section 111 - Stop Work Order. Entire section is adopted.

2. Chapter 3- General Precautions Against Fire, is added to the Fire Code, and the entire chapter is adopted with the following amendment
   a. Section 308.2 Open Flames, Permit required. This section is omitted.

3. Chapter 5 - Fire Service Features, is added to the Fire Code, and the entire chapter is adopted with the following amendments.
   a. Section 505.1.1 is added to read: For other than one and two family dwellings and individual mobile homes, address numbers shall be a minimum of 6 inches in height. Where buildings are set back from the street, larger numbers may be required.
      i. Exception: Existing legible identification
   b. Section 505.1.2 is added to read: In multi-tenant buildings individual tenant spaces shall be identified with characters a minimum of 2 inches in height located on the entry door or on the wall at the strike-side of the entry door.
      i. Exception: Existing legible identification
c. Section 506.1.2 is added to read: Approved key boxes shall be installed in new buildings equipped with fire alarm systems, fire sprinkler systems, elevators, and/or as required by 506.1. Key boxes shall be installed in existing buildings where new fire alarm systems, fire sprinkler systems, and/or elevators are installed, or as required by 506.1.

d. Section 506.1.3 is added to read: Motorized gates providing access to facilities or property shall be provided with an approved gate key switch or other approved means of emergency operation. The switch shall be installed so it will open the gate and the gate will remain in the open position until re-set by the fire department.

4. Chapter 8 - Interior Finish, Decorative Materials, and Furnishings

a. Section 806 Decorative Vegetation in New and Existing Buildings is adopted with the exception of Section 806.1.1 which is deleted.

5. Chapter 9 - Fire Protection Systems

a. Section 903.4.4 is added to read: In addition to the requirements of 903.4, valves on connections to water supplies, sectional control and isolation valves, and other valves in supply pipes to sprinklers and other fixed water-based fire suppression systems shall be locked in the correct position.

6. Chapter 26 - Fumigation and Thermal Insecticidal Fogging, is added to the Fire Code, and the entire chapter is adopted.

7. Appendix B- Fire Flow Requirements for Buildings. The entire Appendix is adopted

8. Appendix C- Fire Hydrant Locations and Distribution. The entire Appendix is adopted.


10. Appendix I- Fire Protection Systems-Noncompliant Conditions. The entire appendix is adopted.

Section 9. Authority to Arrest and Issue Citations

(a) The Fire Chief and/or Fire Marshal shall have powers of peace officers as provided by the California Penal Code section 830.37 and shall have the authority to arrest or to cite any person who violates any provision of this Chapter involving the International Fire Code or the California Buildings Standards Code regulations relating to fire and panic safety as adopted by the State Fire Marshal, in the manner provided for the arrest or release on citation and notice to appear with
respect to misdemeanors or infractions, as prescribed by Chapters 5, 5c, and 5d of title 3, Part 2 of the California Penal Code, including section 853.6, or as the same hereafter may be amended.

(b) It is the intent of the Fire Board that the immunities provided in Penal Code Section 836.5 be applicable to the aforementioned officers exercising their arrest or citation authority within the course and scope of their employment pursuant to this Chapter.

Section 10. Penalties

(a) The violations of the California Fire Code as adopted herein are misdemeanors/infractions and are subject to the penalties set forth herein.

(b) The first citation, within a 12 month period, for violations of the California Fire Code and any amendments adopted herein shall be treated as a Civil Penalty payable directly to the Fortuna Fire Protection District and is set at $150.00 plus the actual costs of all inspections required to gain compliance at the rate set from time to time by the Fire District. Said Civil penalties shall be a debt owed to the District by the person responsible for the violation due within thirty (30) days after the date of mailing of the citation unless an appeal is filed as is provided in section 13. Upon failure to pay the civil penalty when due, the responsible person shall be liable in civil action brought by the District for such civil penalties and costs of the litigation, including reasonable attorney’s fees.

(c) Any subsequent violation within a twelve month period for violation of the California Fire code and any amendments adopted herein shall be misdemeanors/infractions, and shall be subject to the penalties set forth herein.

(d) The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified each day that a violation occurs or continues, after a final notice has been delivered shall constitute a separate offense. The application of both penalties shall not be held to prevent the enforced correction of prohibited conditions.

(e) Nothing contained in subsections (a) through (f) of this section shall be construed or interpreted to prevent the District from recovering all costs associated with a Fire District response.

(f) Any violation of any provision of this Chapter shall constitute a public nuisance and shall entitle the District to collect the costs of abatement and related administrative costs by a nuisance abatement lien as more particularly set forth in Government code section 38773.1 and by special assessment to be collected by the County tax collector as more particularly set forth in Government Code Section 38773.5. At least thirty days prior to recordation of the lien, or submission of the report
to the tax collector for collection of this special assessment, the record owner shall receive notice from the Chief of the District’s intent to charge the property owner for all administrative costs associated with the enforcement of this ordinance and abatement of the nuisance. The notice shall include a summary of costs associated with enforcement of this Ordinance and abatement of the nuisance. The property owner may appeal the Chief’s decision to the Fortuna Fire District Board of Commissioners within fifteen (15) days of the date of the notice and request a public hearing prior to recordation of the lien or special assessment. In addition to the foregoing, the Fire District is authorized to prosecute a civil action to collect such abatement costs from the property owner or other person in possession or control of the affected property, and shall be entitled to recover such abatement costs, together with the cost of litigation, including reasonable attorney’s fees.

Section 11. Appeals

(a) Any person receiving a citation for a civil penalty pursuant to Subsection (b) of Section 12 or a bill for Fire District response costs and expenses may file within thirty (30) days after the date of mailing the citation or bill, an administrative appeal against imposition of the civil penalty or response costs and expense. The appeal shall be in writing and filed with the Fire Chief, and shall include a copy of the bill and statement of the grounds for appeal. The Fire Chief shall conduct an administrative hearing on the appeal, after giving the appellant at least ten (10) day’s advance written notice of the time and place of the hearing. Within ten days after the hearing the Chief shall give written notice of the decision to the appellant, which decision shall be final. If the appeal is denied in full or in part, all amounts due shall be paid within thirty (30) days after the mailing of the notice of the decision of the hearing officer.

(b) Whenever the Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Board of Commissioners of the Fortuna Fire Protection District within ten (10) days from the date of the decision.

Section 12 Former Ordinances

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the Code hereby adopted are hereby repealed.
Section 13. **Validity**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Commissioners of the Fortuna Fire Protection District hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

Section 14. **Ordinance Publication and Effective Date**

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the Fortuna Fire Protection District Headquarters Station at least five days prior to the Board Meeting at which it is adopted.

This Ordinance shall be in full force and effective thirty (30) days after its final passage and the summary of this Ordinance shall be published within fifteen (15) days after the adoption together with the names of the District Board members voting for or against same in three locations within the Fortuna Fire Protection District, County of Humboldt, State of California.

Within fifteen (15) days after adoption, the District Board Clerk shall also post in the Fortuna Fire Main Station, a copy of the full text of this Ordinance along with the names of those District Board Members voting for or against this Ordinance.

The foregoing Ordinance No. 2016-2017-1 will be read and introduced at the Regular Board Meeting of the Fortuna Fire Protection District to be held on the 12th day of December, 2016 and will come up for adoption as an Ordinance of the Fortuna Fire Protection District at the regular meeting of the Board of Commissioners to be held on 9th day of January, 2017.
PASSED, APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF FORTUNA FIRE PROTECTION DISTRICT on this 9th day of January, 2017 by the following roll-call vote:

<table>
<thead>
<tr>
<th></th>
<th>AYES:</th>
<th>NOES:</th>
<th>ABSENT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner Kent Johnson</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commissioner Robert Johnson</td>
<td>✓</td>
<td></td>
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<tr>
<td>Commissioner Michael Renner</td>
<td>✓</td>
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</tr>
<tr>
<td>Commissioner David Nicholson</td>
<td>✓</td>
<td></td>
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<tr>
<td>Commissioner Mel Berti</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

SIGNED:

[Signature]

CHAIRMAN
BOARD OF COMMISSIONERS;
FORTUNA FIRE PROTECTION DISTRICT

ATTEST:

[Signature]
CARMEN GLASS, SECRETARY OF THE BOARD
FORTUNA FIRE PROTECTION DISTRICT
FORTUNA FIRE PROTECTION DISTRICT

Resolution Number: 2016/2017-2

Findings related to adoption of the 2016 California Fire Code.

WHEREAS, Fortuna Fire Protection District has adopted the 2016 California Fire Code; and,

WHEREAS, section 13869.7 of the California Health and Safety Code sets forth certain procedures for local amendments to the California Building Code/California Fire Code; and,

WHEREAS, these procedures call for the Board of Commissioners of the Fortuna Fire Protection District to make certain express findings.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners of the Fortuna Fire Protection District hereby finds that:

1) As a result of certain Climatic, Geological, and Topographical Conditions, that modifications and changes to the California Building Code/California Fire Code are reasonably necessary to provide for the safety and protection of the citizens of Fortuna Fire Protection District.

2) Climatic Conditions- Fortuna Fire Protection District lies in a region that experiences significant rainfall combined with low temperatures that effect driving safety, and the ability of Fire Apparatus to reach structures in many areas of the District. National Weather Service data shows an average rainfall of 38.8 inches and average low temperatures in the mid to low 30’s.

3) Geological Conditions- Humboldt County is in an area of high seismic activity. Seismic activity is related to the Cascadia Subduction Zone and the San Andreas Fault and documented by the California Geological Survey. Access to structures and the occurrence of multiple structure fires in these conditions will tax the resources of the District.

4) Topographical Conditions- Fortuna Fire Protection District has significant areas with extended response times and limited access to remote areas due to local topographical conditions. Improved addressing requirements coupled with improved access to rural properties will result in improved outcomes in the event of fires.

David Nicholson, Chairman
Prepared: October 12, 2016

Carmen Glass, Secretary
DATE: January 16, 2017

TO: Honorable Mayor and Council Members

FROM: Linda McGill, City Clerk/ HR Manager

THRU: Randy Mendosa, Interim City Manager

SUBJECT: Consideration of Claims Filed by Zachary Zwerdling on behalf of Joe and Jevin Kitchen

STAFF RECOMMENDATION:

Reject claims filed by Zachary Zwerdling on behalf of Joe and Jevin Kitchen

BACKGROUND

On January 11, 2017, the City of Fortuna received two claims filed by Zachary Zwerdling on behalf of Joe and Jevin Kitchen. A copy of the claims are attached.

The claim has been reviewed by City Staff and REMIF\(^1\), and staff is recommending the claim be rejected. The road named as the basis for the claim, Eel River Dr., is not located within the City limits of Fortuna. Eel River Dr. is located within the County and is maintained by the County of Humboldt.

Generally, when a claim is rejected within 45 days, the claimant has six months from the date of an incident to pursue the matter in court. If the claim is not rejected within 45 days, the claimant may have up 12 months to pursue the matter in court.

Except in cases where the City is clearly at fault, the standard procedure is to reject the claim within 45 days of receipt in order to initiate the six-month time limit per the State of California Government Code §945.6. Following rejection, the claimant has 6 months to pursue the matter in court, if they so choose.

RECOMMENDED COUNCIL ACTION:

Motion to reject the claims filed by filed by Zachary Zwerdling on behalf of Joe and Jevin Kitchen by consent agenda vote.

ATTACHMENT:

- Joe Kitchen Claim
- Jevin Kitchen Claim

\(^{1}\) REMIF (Redwood Empire Municipal Insurance Fund)
A claim must be presented, as prescribed by the Government Code of the State of California, by the claimant or a person acting on his/her behalf and shall show the following:

If additional space is needed to provide your information, please attach sheets, identifying the paragraph(s) being answered.

1. Name and Post Office address of the Claimant:

   Name of Claimant: Joe Kitchen
   Post Office Address: P.O. Box 145
                      Miranda, CA 95553

2. Post Office address to which the person presenting the claim desires notices to be sent:

   Name of Addresssee: Zachary Zwerdling
   Post Office Address: Zwerdling Law Firm
                       123 F Street, Suite C
                       Eureka, CA 95501
   Telephone: (707) 798-6211

3. The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.

   Date of Occurrence: July 12, 2016
   Location: Eel River Road approximately .6 miles north of the intersection of Drake Hill Road and Eel River Road
   Circumstances giving rise to this claim: SEE ATTACHMENT A

4. General description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of the presentation of the claim.

   SEE ATTACHMENT A

5. The name or names of the public employee or employees causing the injury, damage, or loss, if known.

   SEE ATTACHMENT A
6. If amount claimed totals less than $10,000: The amount claimed if it totals less than ten thousand dollars ($10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

Amount Claimed and basis for computation:

If amount claimed exceeds $10,000: If the amount claimed exceeds ten thousand dollars ($10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case. A limited civil case is one where the recovery sought, exclusive of attorney fees, interest and court costs does not exceed $25,000. An unlimited civil case is one in which the recovery sought is more than $25,000. (See CCP § 86.)

☐ Limited Civil Case  ☑ Unlimited Civil Case

You are required to provide the information requested above, plus your signature on page 3 of this form. In order to comply with Government Code § 910, in addition, in order to conduct a timely investigation and possible resolution of your claim, the City of Fortuna requests that you answer the following questions:

7. No longer applicable as of 2/28/07.

8. Claimant(s) Date(s) of Birth:
   5/1/76

9. Name, address and telephone number of any witnesses to the occurrence or transaction which gave rise to the claim asserted:
   Marcia Kitchen
   Josh Pearlston
   Trent Williams Stewart

10. If the claim involves medical treatment for a claimed injury, please provide the name, address and telephone number of any doctors or hospitals providing treatment:

If applicable, please attach any medical bills or reports or similar documents supporting your claim.

11. If the claim relates to an automobile accident:

Claimant(s) Auto Ins. Co.: Telephone:
Address: Insurance Policy No.:
Insurance Broker/Agent: Telephone:
Address: Claimant's Veh. Lic. No.:
Claimant's Veh. Lic. No.: Vehicle Make/Year:
Claimant's Drivers Lic. No.: Expiration:

Page 2 of 3 February 2007
If applicable, please attach any repair bills, estimates or similar documents supporting your claim.

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**READ CAREFULLY**

For all accident claims, place on following diagram name of streets, including North, East, South, and West; indicate place of accident by "X" and by showing house numbers or distances to street corners. If a City of Fortuna vehicle was involved, designate by letter "A" location of City of Fortuna vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw City of Fortuna vehicle; location of City of Fortuna vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X."

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.

* See Attachment A. *

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Warning: Presentation of a false claim with the intent to defraud is a felony (Penal Code §72). Pursuant to CCP §1038, the City of Fortuna may seek to recover all costs of defense in the event an action is filed which is later determined not to have been brought in good faith and with reasonable cause.

Signature: 

Date: 11/10/17

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Page 3 of 3  February 2007
Claimant does not have a copy of the traffic collision report prepared regarding the subject incident. However, the subject incident occurred on July 12, 2016. Marcia Kitchen allegedly struck Kiya Kitchen and another teenage girl on the west side of Eel River Road, approximately .6 miles north of the intersection of Drake Hill Road and Eel River Road near the City of Fortuna, California. Marcia Kitchen has been charged with driving the vehicle that struck Kiya Kitchen and the other teenage female. She is further charged with thereafter leaving the scene of the collision attempting to avoid apprehension by law enforcement. Kiya Kitchen is the daughter of Claimant Joe Kitchen and the sister of Claimant Jevin Kitchen.

Claimant is informed and believes and therefore alleges that the area where the subject incident occurred constituted a dangerous condition of public property in that said area of roadway was improperly designed, operated and managed including but not limited to the roadway, median, super elevation and the eastern and western shoulder of Eel River Drive at the location of the subject incident. Claimant further alleges that the above described dangerous condition was a substantial factor in causing the subject incident.

Claimant further contends that the City of Fortuna had active and/or constructive knowledge that the subject operational right-of-way, including, but not limited to the roadway, meridian, super elevation, and the shoulder and roadside constituted a dangerous condition of public property. Among other things, there was no shoulder nor path adjacent to the roadway, which forced users of the roadway such as pedestrians, bicyclists and skateboarders to have to share the traffic lane with vehicles.

Claimant makes these specific allegations without limiting his claim that any other aspect of the design, operation and management of the operational right-of-way, including and not limited to the roadway, meridian, super elevation, shoulder and the roadside have contributed to his injuries.

Claimant’s injuries include economic and non-economic damages associated with the wrongful death of Kiya Kitchen as well as the non-economic damages associated with the loss of each Claimant’s relationship with Kiya Kitchen.
CLAIM FOR MONEY OR DAMAGES AGAINST THE CITY OF FORTUNA

A claim must be presented, as prescribed by the Government Code of the State of California, by the claimant or a person acting on his/her behalf and shall show the following:

If additional space is needed to provide your information, please attach sheets, identifying the paragraph(s) being answered.

1. Name and Post Office address of the Claimant:

   Name of Claimant: Jevin Kitchen
   Post Office Address: P.O. Box 145
   Miranda, CA 95553

2. Post Office address to which the person presenting the claim desires notices to be sent:

   Name of Addressee: Zachary Zwerdling
   Telephone: (707) 798-6211
   Post Office Address: Zwerdling Law Firm
   123 F Street, Suite C
   Eureka, CA 95501

3. The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.

   Date of Occurrence: July 12, 2016
   Time of Occurrence: 
   Location: Eel River Road approximately 6 miles north of the intersection of Drake Hill Road and Eel River Road
   Circumstances giving rise to this claim: SEE ATTACHMENT A

4. General description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of the presentation of the claim. 

   SEE ATTACHMENT A

5. The name or names of the public employee or employees causing the injury, damage, or loss, if known. 

   SEE ATTACHMENT A
6. If amount claimed totals less than $10,000: The amount claimed if it totals less than ten thousand dollars ($10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

Amount Claimed and basis for computation:

If amount claimed exceeds $10,000: If the amount claimed exceeds ten thousand dollars ($10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case. A limited civil case is one where the recovery sought, exclusive of attorney fees, interest and court costs does not exceed $25,000. An unlimited civil case is one in which the recovery sought is more than $25,000. (See CCP § 86.)

☐ Limited Civil Case  ☑ Unlimited Civil Case

You are required to provide the information requested above, plus your signature on page 3 of this form, in order to comply with Government Code §910. In addition, in order to conduct a timely investigation and possible resolution of your claim, the City of Fortuna requests that you answer the following questions:

7. No longer applicable as of 2/28/07.

8. Claimant(s) Date(s) of Birth:
   12/4/98

9. Name, address and telephone number of any witnesses to the occurrence or transaction which gave rise to the claim asserted:
   Marcia Kitchen
   Josh Pearlston
   Trent Williams Stewart

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11. If applicable, please attach any medical bills or reports or similar documents supporting your claim.

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Claimant(s) Auto Ins. Co.: Telephone:  
Address: Insurance Policy No.:  
Insurance Broker/Agent: Telephone:  
Address:  

Claimant's Veh. Lic. No.: Vehicle Make/Year: 
Claimant's Drivers Lic. No.: Expiration: 

Page 2 of 3 February 2007
If applicable, please attach any repair bills, estimates or similar documents supporting your claim.

READ CAREFULLY

For all accident claims, place on following diagram name of streets, including North, East, South, and West; indicate place of accident by "X" and by showing house numbers or distances to street corners. If a City of Fortuna vehicle was involved, designate by letter "A" location of City of Fortuna vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw City of Fortuna vehicle; location of City of Fortuna vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X."

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.

* See Attachment A *

Warning: Presentation of a false claim with the intent to defraud is a felony (Penal Code §72). Pursuant to CCP §1038, the City of Fortuna may seek to recover all costs of defense in the event an action is filed which is later determined not to have been brought in good faith and with reasonable cause.

Signature: ______________________  Date: 10/17/07

Page 3 of 3  February 2007
Claimant does not have a copy of the traffic collision report prepared regarding the subject incident. However, the subject incident occurred on July 12, 2016. Marcia Kitchen allegedly struck Kiya Kitchen and another teenage girl on the west side of Eel River Road, approximately .6 miles north of the intersection of Drake Hill Road and Eel River Road near the City of Fortuna, California. Marcia Kitchen has been charged with driving the vehicle that struck Kiya Kitchen and the other teenage female. She is further charged with thereafter leaving the scene of the collision attempting to avoid apprehension by law enforcement. Kiya Kitchen is the daughter of Claimant Joe Kitchen and the sister of Claimant Jevin Kitchen.

Claimant is informed and believes and therefore alleges that the area where the subject incident occurred constituted a dangerous condition of public property in that said area of roadway was improperly designed, operated and managed including but not limited to the roadway, median, super elevation and the eastern and western shoulder of Eel River Drive at the location of the subject incident. Claimant further alleges that the above described dangerous condition was a substantial factor in causing the subject incident.

Claimant further contends that the City of Fortuna had active and/or constructive knowledge that the subject operational right-of-way, including, but not limited to the roadway, meridian, super elevation, and the shoulder and roadside constituted a dangerous condition of public property. Among other things, there was no shoulder nor path adjacent to the roadway, which forced users of the roadway such as pedestrians, bicyclists and skateboarders to have to share the traffic lane with vehicles.

Claimant makes these specific allegations without limiting his claim that any other aspect of the design, operation and management of the operational right-of-way, including and not limited to the roadway, meridian, super elevation, shoulder and the roadside have contributed to his injuries.

Claimant’s injuries include economic and non-economic damages associated with the wrongful death of Kiya Kitchen as well as the non-economic damages associated with the loss of each Claimant’s relationship with Kiya Kitchen.
DATE: January 16, 2017

TO: Honorable Mayor and Council Members

FROM: Randy Mendosa, Interim City Manager

SUBJECT: Ratification of Mayor Sue Long’s Request for Appointment to the Open City Position on the Governing Board for the North Coast Unified Air Quality Management District.

EXECUTIVE SUMMARY:

The County-wide Mayor Selection Committee will meet in open session, Eureka City Hall at 3:00 p.m. on January 19, 2017. The following item has been noticed for the agenda:

Appointment of Mayor/City Council Representative to serve on the North Coast Unified Air Quality Management District Governing Board - The Committee will consider the appointment of one (1) Mayor/City Councilmember to replace Councilman Ken Mierzwa's seat whose appointment on the NCUAQMD Governing Board expired on December 8, 2016.

Mayor Sue Long submitted the attached letter to the Mayor Selection Committee stating her desire for appointment to the NCUAQMD Governing Board. Mayor Long has requested the Fortuna City Council ratify her application for the appointment.

RECOMMENDED COUNCIL ACTION:

Ratify Mayor Long’s Application for Appointment to the Open City Position on the Governing Board of the NCUAQMD by Consent Agenda Vote.

FINANCIAL IMPACT:

None

ATTACHMENTS:

- Letter from Mayor Long to the Mayor Selection Committee
January 4, 2017

Mayor Select Committee

Re: North Coast Unified Air Quality Management District

I would like to be appointed to the open city position on the governing board for NCUAQMD. This will enable me to be apprised and have input regarding current and new regulations imposed by this agency. I have been on the Fortuna city council for six years and am currently starting my third year as mayor. The southern portion of the county should be represented, and I am ready to make that commitment.

Your consideration of this request is greatly appreciated.

Respectfully submitted,

Mayor Sue Long
City of Fortuna
STAFF REPORT
City Council Business Agenda Item

DATE: January 16, 2017

TO: Honorable Mayor and Council Members

FROM: Liz Shorey, Deputy Director of Community Development

THRU: Randy Mendosa, Interim City Manager

SUBJECT: Public Hearing: Consider Amending Fortuna Municipal Code Replacing Section 17.06.190; Traffic Impact Fees, of Chapter 17.06 of Title 17: Zoning to Establish the Authority And Procedure For Adopting A Traffic Impact Fee. First Reading of Ordinance 2017-729

STAFF RECOMMENDATION:
Hold the first reading of a Traffic Impact Fee Ordinance 2017-729 amending the Fortuna Municipal Code to establish the authority and procedure for adopting a traffic impact fee.

EXECUTIVE SUMMARY:
The traffic impact fee process is established by AB 1600, and consists of 1) adoption of a traffic impact fee nexus study, 2) adoption of an enabling ordinance, and 3) adoption of a resolution establishing the fee and implementation process. Fortuna’s fee nexus study was adopted by the Council in July 2016, and the first reading was held in August 2016. Changes to the Council membership delayed the process until a full Council could be seated, and because of the amount of time that has passed, the first reading will need to be held again, to be followed by the second reading, and then the resolution adopting the fee. The process also included several public workshops, and comments made at the meetings are documented in Attachment A.

Development impact fees are a commonly used method of collecting a proportional share of funds from new development for infrastructure improvements and other public facilities to offset the impact of new development on the existing built environment. Development fees in the State of California must adhere to the requirements of AB 1600 (also known as the Mitigation Fee Act; codified in Government Code 66000-66008), authorizing cities to impose fees on new development to fund public facilities and improvements necessitated by such development. Section 66000 et seq. requires that any and all development fees imposed by a city must have a reasonable relationship, or “nexus,” to the type, need and cost of the improvements to be funded. Impact fees are a tool that a jurisdiction may use to cover the cost of new infrastructure needed as a result of new development impacts; the funds generated may not be used to correct existing deficiencies.

In 2010, the City adopted a new General Plan that included policies that required new development to pay its share of impacts created by the new development projects(s):

- **LU-1.9** Growth Improvements: The City shall manage and improve facilities, infrastructure, and services to keep pace with both planned residential and commercial growth.

- **TC-1.21** Development Fees: The City shall assess fees on new development sufficient to cover the fair share portion of that development’s impacts on the local and regional transportation system.

- **TC-8.** The City shall require that new development provide its fair share of City-wide roadway and traffic improvements.
By paying a traffic impact fee, development has a mechanism to mitigate the cumulative impact of traffic, which otherwise would be an unmitigated impact. The traffic fee will benefit the community by collecting funds to make traffic improvements needed to accommodate the population projections of the Fortuna General Plan, and accompanying traffic impacts.

Currently, the City of Fortuna collects development fees for both stormwater facilities ($600 per parcel or $0.32/foot) and traffic ($610 per dwelling unit Citywide, or $2,620 in the Hillside area and $2,137.50 in the Home Avenue area).

Traffic fees are collected for residential development only; there are currently no fees for commercial development. The existing fees that were established beginning in 1991 have not been adjusted for inflation and were adopted under the previous general plan. In order to adjust the fee to reflect the actual cost of improvements under the current general plan land use and accompanying population projections, and to meet the requirements of AB 1600, a traffic impact fee study has been prepared to support the fee nexus (attached).

The Fortuna General Plan Program Environmental Impact Report (PEIR) included an analysis of the demand on City facilities including roadway infrastructure associated with the City’s anticipated population growth through 2030. The PEIR included a traffic study that analyzed expected impacts and proposed intersection improvements that would be needed to mitigate the impacts of new development.

The process for establishing an impact fee requires the preparation of a study that fulfills the requirements of the AB 1600. Section 66001 provides that in any action establishing, increasing, or imposing a fee as a condition of approval of a development project by a local agency, the local agency shall do all of the following:

- Identify the fee;
- Identify the use to which the fee is to be put;
- Determine how there is a reasonable relationship between the fee’s use and the type of development project on which the fee is proposed; and
- Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

The impact fee study attached to this report satisfies the requirements of AB 1600 and *identifies the maximum fee that can justifiably be imposed* on new development. The attached Traffic Impact Fee Study estimates the cost of the improvements and apportions the costs to new development for new dwelling units and commercial square footage. According to the analysis in the report, the City may establish a maximum fee as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Fee</th>
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</thead>
<tbody>
<tr>
<td>Residential</td>
<td>$2,257 per dwelling unit</td>
</tr>
<tr>
<td>Office/Retail</td>
<td>$3,285 per 1000 square foot</td>
</tr>
<tr>
<td>Industrial</td>
<td>$2,392 per 1000 square foot</td>
</tr>
</tbody>
</table>

In July 2016, the City Council had set the fee at 10% of the cap (maximum fee) for Office/Retail and Industrial justified by the study. The Council also determined that the residential fee would remain the same as it is currently. If adopted, this would result in the following fees:

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Unit</th>
<th>Fee per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>One dwelling unit</td>
<td>$610.00*</td>
</tr>
<tr>
<td>Commercial</td>
<td>1,000 square feet</td>
<td>$319.00</td>
</tr>
<tr>
<td>Industrial</td>
<td>1,000 square feet</td>
<td>$233.50</td>
</tr>
</tbody>
</table>

*The fee shall be paid prior to the filing of any parcel map or final map at 50% the amount listed. The full amount shall be paid for each new dwelling prior to the issuance of a building permit; a credit shall be granted for any fees paid on a subdivision. The City’s Home Avenue and Hillside Drive traffic impact fees will remain in effect pursuant to Council Resolutions 91-09 and 95-07.
**Local Jurisdiction Fee Comparison**

Eureka, Rio Dell, and Ferndale do not have any impact fees. Arcata is the only jurisdiction in Humboldt County which currently has development impact fees, at the following rate:

| Drainage Development Fees and New Impervious Surfaces | $0.10 per square foot shall be paid for all new impervious surfaces; said fee shall be paid before any permits are issued. |
| Fees in Lieu of Parkland Dedication | Where a fee is required to be paid in lieu of parkland dedication for a subdivision, the amount of such fee shall be based upon the current fair market value of the amount of land which would otherwise be required to be dedicated pursuant to Section 9.89.030(E) of the Land Use Code. |

The County currently has no impact fee, but is considering the following fee for the Cutten area, based on a nexus study.

### Proposed Fee Schedule

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Unit</th>
<th>Fee Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential</td>
<td>Dwelling Unit</td>
<td>$1194</td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>Dwelling Unit</td>
<td>740</td>
</tr>
<tr>
<td>Senior/Assisted Living</td>
<td>Room</td>
<td>298</td>
</tr>
<tr>
<td>General Retail</td>
<td>KSF¹</td>
<td>4430</td>
</tr>
<tr>
<td>Hotel</td>
<td>Room</td>
<td>740</td>
</tr>
<tr>
<td>Gasoline Service Station</td>
<td>Fueling Position</td>
<td>6624</td>
</tr>
<tr>
<td>General Office</td>
<td>KSF</td>
<td>1779</td>
</tr>
<tr>
<td>Medical/Dental Office</td>
<td>KSF</td>
<td>4262</td>
</tr>
<tr>
<td>Government Office</td>
<td>KSF</td>
<td>1445</td>
</tr>
<tr>
<td>Industrial/Service Commercial</td>
<td>KSF</td>
<td>1158</td>
</tr>
<tr>
<td>Warehouse/Distribution &lt; 100 KSF</td>
<td>KSF</td>
<td>370</td>
</tr>
<tr>
<td>Warehouse/Distribution &gt; 100 KSF</td>
<td>KSF</td>
<td>143</td>
</tr>
<tr>
<td>Mini-Storage</td>
<td>KSF</td>
<td>310</td>
</tr>
<tr>
<td>School</td>
<td>Student</td>
<td>179</td>
</tr>
<tr>
<td>Church</td>
<td>KSF</td>
<td>657</td>
</tr>
<tr>
<td>Other uses</td>
<td>P.M. Trip</td>
<td>1194</td>
</tr>
</tbody>
</table>

¹KSF stands for thousand square feet.

A comparison of building permit fees for new commercial buildings for the other local jurisdictions are as follows:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Project</th>
<th>Building permit fees *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arcata</td>
<td>15-25,000 sq. ft. building</td>
<td>$23,341 (estimate only; not based on actual construction)</td>
</tr>
<tr>
<td>Eureka</td>
<td>RMI, new commercial building, 23,692 sq. ft.</td>
<td>$23,820.08 (actual)</td>
</tr>
<tr>
<td>Fortuna</td>
<td>Grocery Outlet, 17,133 sq. ft.</td>
<td>$15,509.07 (actual)</td>
</tr>
<tr>
<td>Humboldt County</td>
<td>Grocery Outlet, 22,000 sq. ft.</td>
<td>$40,031.84 (actual)</td>
</tr>
</tbody>
</table>

*Does not include capital connection fees

The permit fee list for each of the jurisdictions is provided and shows the detailed breakdown (see Attachment B). The comparison is approximate, as an exact comparison was not possible due to the range in building size, but Fortuna’s fees appear to be relatively low compared to the other jurisdictions. The comparison does not include water and sewer capital connections because the method of calculation...
varies widely and because Fortuna is the only jurisdiction that collects them directly on the building permit. The other jurisdictions send the builder to the Public Works Department or at the applicable community service district.

FINANCIAL IMPACT:

Implementation of an updated traffic impact fee that corresponds to the projected impact as identified in the Fortuna General Plan will allow the City to collect fees to fund a percentage of the required roadway improvements to accommodate the expected population growth. This new revenue will be deposited into the traffic impact fee account.

STAFF RECOMMENDATION:

Staff recommends that the Council adopt the attached ordinance (Attachment C) to update the fee in compliance with AB 1600, and allow for collection of the fee to be imposed on new development.

An enabling ordinance is required to authorize the fee, and a resolution establishes the terms of the fee and allows for future adjustments. A draft resolution is attached (Attachment D) for information only, and will be brought to the Council for adoption after the ordinance takes effect. The adopted traffic impact fee nexus study is provided in Attachment E.

RECOMMENDED COUNCIL ACTION:

1. Receive staff presentation and review Council questions with staff
2. Open the Public Hearing and receive any public comments.
3. Continue the Public Hearing for the second reading.
4. Motion to hold the first reading of Ordinance 2017-729 and read by title only. Roll Call Vote.

ATTACHMENTS:

- Attachment A: Notes from Public Workshops May and June 2016
- Attachment B: Building Permit Fees for Commercial Construction
- Attachment C: Ordinance 2017-729: An Ordinance Of The City Council Of The City Of Fortuna Replacing Section 17.06.190; Traffic Impact Fees, Of Chapter 17.06 Of Title 17: Zoning, Of The Fortuna Municipal Code, Allowing For Collection Of Traffic Impact Fees To Offset The Transportation Impacts Of Future Development
- Attachment D: Draft Resolution 2017-XX; A Resolution of The City Council Of The City Of Fortuna Adopting a Citywide Traffic Impact Fee
- Attachment E: Traffic Impact Fee Nexus Study
NOTES: DEVELOPMENT IMPACT FEE WAIVER PROGRAM – DRAFT
- John E.- time horizon?...jobs here in 5 yrs.?

NOTES: TRAFFIC IMPACT FEE NEXUS STUDY

KEY ISSUES AND ASSUMPTIONS:
- Jeremy – wants residential to be .50 /sq. ft. and for all projects…retail 1.75 /sq. ft.
- Abe – we’re already overburdened with fees. Can we determine the difference between a studio and a 1 bedroom dwelling unit?

NOTES RE: FEE PRESENTATION:
- John – we did not include those that are already here
- *They feel like it all (taxes) get dumped on the duplexes
- Not fair to put it on the new growth
- *Their projects would be over $100K
- *We can’t compare to Ukiah
- Jeremy – Fund 6, 10, 13, 7 18 (existing projects) with another source-sales or parcel tax

NOTES TRAFFIC IMPACT FEES STAFF REPORT:
- Allen B.- (Page 7) thinks fee numbers are too optimistic – reduce by 50%
- Randy - our General Plan is an aggressive document
- Merritt – we have 21.6% growth rate…maybe we can reduce by 50%
- John – do we still need to do a traffic study for each project?...they are separate
- Dennis – move residential to $1,000. Exemptions for low/moderate incomes

<table>
<thead>
<tr>
<th>FULL NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Egan</td>
</tr>
<tr>
<td>Ryan Thompson</td>
</tr>
<tr>
<td>Abe Fockaert</td>
</tr>
<tr>
<td>Dennis Wendt</td>
</tr>
<tr>
<td>Rick Powell</td>
</tr>
<tr>
<td>Chuck Schager</td>
</tr>
<tr>
<td>Jeremy Stanfield</td>
</tr>
<tr>
<td>Melissa Collins</td>
</tr>
<tr>
<td>Allan M. Baird</td>
</tr>
<tr>
<td>Sal Chinnici</td>
</tr>
<tr>
<td>Sue Long</td>
</tr>
<tr>
<td>FBID</td>
</tr>
</tbody>
</table>
PUBLIC COMMENTS:

- Distinguish between local traffic (residential) vs. generated from outside the City (commercial). Outside should bear the burden. Calculate commercial generation. (Baird)
- What happens with conversion of an existing building if no new floor area is added? (Schneider)
- Is there a credit for public improvements? (Schneider)
- Affordable/low income housing shouldn’t receive credits; benefits the developer, and transfers cost to rest of city. (Schneider)
- Fee places burden on new development only; let’s existing off the hook. (Schneider)
- Fee is excessive and would impair City growth. (Schneider)
- Why is a traffic study still required for development projects? (McKenney)
  - Regan: site specific impacts; fee is for city-wide impacts.
- Identify the nexus between fee, the City-wide traffic study and the Palco site build-out. (McKinney); excessive traffic from the Palco site is increasing the traffic generation and triggering the fee. Development of the Palco site should take care of itself. (McKenney)
- Collect revenue from sales tax measure. (August)
- All should contribute, including existing. (August)
- Projections are too high; not realistic. (Baird)
- Prioritize road projects. (Schneider)
  - In addition to the current “discounting” (Regan)
- The fee overburdens future growth & contractors; existing should contribute (Thompson)
- OK to increase fees to $600 to $1,000 for residential projects (Wendt)

Traffic Impact Fee Meeting June 1, 2016 – RC Notes

- Allen Baird - Tractor Supply - $1.00 or $1.50/ sq. ft. would be appropriate
- Travis Schneider- feels like rehab projects should not be assessed
- Kevin McKenney – Nexus of actual projects – nexus issue is important - feels the Palco site is the only impact.
  *Some projects on the list might not be needed until Palco is built. * Already too high priced & lack of land to develop.
- Travis Schneider – How have we looked at our past performance of collecting fees? *Maybe pull out a list of ABC projects & recalculate the fees.
- Smaller lots have more difficulty at competing due to a lack of inventory.
- Debi August – The City should use the sales tax Ballot measure to pay for traffic improvements
- Debi August – No fee at all for building
- Travis Schneider- Market conditions need to have a role. 600-800 for residential “double” on bldg. permit is an acceptable change
CITY OF ARCATA
Building Permit Fees for
Commercial Construction
<table>
<thead>
<tr>
<th>No.</th>
<th>Service Name</th>
<th>Fee</th>
<th>% of Calculated Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>COMMERCIAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>COMMERCIAL WITHOUT INTERIOR</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>PC Commercial without interior improvement - 5,000 sq.ft.</td>
<td>$1,864</td>
<td>1</td>
</tr>
<tr>
<td>20</td>
<td>INSP Commercial without interior improvement - 5,000 sq.ft.</td>
<td>$7,304</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>PC Commercial without interior improvement - 10,000 sq.ft.</td>
<td>$2,187</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>INSP Commercial without interior improvement - 10,000 sq.ft.</td>
<td>$10,423</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>PC Commercial without interior improvement - 15,000 sq.ft.</td>
<td>$2,511</td>
<td>1</td>
</tr>
<tr>
<td>21</td>
<td>INSP Commercial without interior improvement - 15,000 sq.ft.</td>
<td>$13,542</td>
<td>1</td>
</tr>
<tr>
<td>59</td>
<td>PC Commercial without interior improvement - 25,000 sq.ft.</td>
<td>$2,754</td>
<td>1</td>
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<tr>
<td>60</td>
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<td>$17,497</td>
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</tr>
<tr>
<td>3</td>
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</tr>
<tr>
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<td>$24,570</td>
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<tr>
<td></td>
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</tr>
<tr>
<td>4</td>
<td>PC Commercial with interior improvement - 5,000 sq.ft.</td>
<td>$2,188</td>
<td>1</td>
</tr>
<tr>
<td>23</td>
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<td>$7,304</td>
<td>1</td>
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<td>70</td>
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<td>1</td>
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<tr>
<td>24</td>
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<td>1</td>
</tr>
<tr>
<td>93</td>
<td>PC Commercial with interior improvement - 25,000 sq.ft.</td>
<td>$3,078</td>
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<td>94</td>
<td>INSP Commercial with interior improvement - 25,000 sq.ft.</td>
<td>$20,263</td>
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<tr>
<td>6</td>
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<tr>
<td>25</td>
<td>INSP Commercial with interior improvement - 50,000 sq.ft.</td>
<td>$26,983</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td><strong>TENANT IMPROVEMENTS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>163</td>
<td>PC Tenant Improvement - Minor (single inspection)</td>
<td>$-</td>
<td>1</td>
</tr>
<tr>
<td>167</td>
<td>INSP Tenant Improvement - Minor (single inspection - no plan check)</td>
<td>$227</td>
<td>0.75</td>
</tr>
<tr>
<td>164</td>
<td>PC Tenant Improvement - Minor (single inspection with plan check)</td>
<td>$273</td>
<td>0.50</td>
</tr>
<tr>
<td>168</td>
<td>INSP Tenant Improvement - Minor (single inspection with plan check)</td>
<td>$227</td>
<td>0.75</td>
</tr>
<tr>
<td>48</td>
<td>PC Minor Commercial Repair / Improvements: Deck, Patio Cover, Awning, Interior partition</td>
<td>$919</td>
<td>1</td>
</tr>
<tr>
<td>86</td>
<td>INSP Minor Commercial Repair / Improvements: Deck, Patio Cover, Awning, Interior partition</td>
<td>$759</td>
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<tr>
<td>237</td>
<td>PC Tenant Improvement &lt;500 sq.ft.</td>
<td>$757</td>
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<tr>
<td>238</td>
<td>INSP Tenant Improvement &lt;500 sq.ft.</td>
<td>$996</td>
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<td>165</td>
<td>PC Tenant Improvement 501 - 2,000 sq.ft.</td>
<td>$919</td>
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<tr>
<td>169</td>
<td>INSP Tenant Improvement 501 - 2,000 sq.ft.</td>
<td>$1,699</td>
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<tr>
<td>166</td>
<td>PC Tenant Improvement 2,001-4,999 sq.ft.</td>
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<tr>
<td>170</td>
<td>INSP Tenant Improvement 2,001-4,999 sq.ft.</td>
<td>$2,202</td>
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<tr>
<td>18</td>
<td>PC Tenant Improvement 5,000 - 19,999 sq.ft.</td>
<td>$1,297</td>
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</tr>
<tr>
<td>40</td>
<td>INSP Tenant Improvement 5,000 - 19,999 sq.ft.</td>
<td>$2,996</td>
<td>1</td>
</tr>
<tr>
<td>19</td>
<td>PC Tenant Improvement 20,000 sq.ft.</td>
<td>$1,945</td>
<td>1</td>
</tr>
<tr>
<td>41</td>
<td>INSP Tenant Improvement 20,000 sq.ft.</td>
<td>$5,459</td>
<td>1</td>
</tr>
</tbody>
</table>
## COMMERCIAL REPAIR

<table>
<thead>
<tr>
<th>Code</th>
<th>Type</th>
<th>Description</th>
<th>Quantity</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>186</td>
<td>PC</td>
<td>Minor Commercial Repair / Improvements (Single inspection/no plan check)</td>
<td>1</td>
<td>$</td>
<td>1,136</td>
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<tr>
<td>192</td>
<td>INSP</td>
<td>Minor Commercial Repair / Improvements (Single inspection/no plan check)</td>
<td>1</td>
<td>$334</td>
<td>0.75</td>
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<tr>
<td>187</td>
<td>PC</td>
<td>Minor Commercial Repair / Improvements (Single inspection/with plan check)</td>
<td>1</td>
<td>$446</td>
<td>0.75</td>
</tr>
<tr>
<td>193</td>
<td>INSP</td>
<td>Minor Commercial Repair / Improvements (Single inspection/with plan check)</td>
<td>1</td>
<td>$334</td>
<td>0.75</td>
</tr>
</tbody>
</table>

## RESIDENTIAL SINGLE FAMILY

<table>
<thead>
<tr>
<th>Code</th>
<th>Type</th>
<th>Description</th>
<th>Quantity</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>PC</td>
<td>Residential Custom / Model - 1,000 sq.ft.</td>
<td>1</td>
<td>$1,136</td>
<td>1</td>
</tr>
<tr>
<td>26</td>
<td>INSP</td>
<td>Residential Custom / Model - 1,000 sq.ft.</td>
<td>1</td>
<td>$2,548</td>
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<tr>
<td>8</td>
<td>PC</td>
<td>Residential Custom / Model - 2,000 sq.ft.</td>
<td>1</td>
<td>$1,217</td>
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<tr>
<td>27</td>
<td>INSP</td>
<td>Residential Custom / Model - 2,000 sq.ft.</td>
<td>1</td>
<td>$3,352</td>
<td>1</td>
</tr>
<tr>
<td>9</td>
<td>PC</td>
<td>Residential Custom / Model - 5,000 sq.ft.</td>
<td>1</td>
<td>$2,107</td>
<td>1</td>
</tr>
<tr>
<td>28</td>
<td>INSP</td>
<td>Residential Custom / Model - 5,000 sq.ft.</td>
<td>1</td>
<td>$5,765</td>
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<td>11</td>
<td>PC</td>
<td>Residential Addition &lt;500 sq.ft.</td>
<td>1</td>
<td>$527</td>
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<tr>
<td>32</td>
<td>INSP</td>
<td>Residential Addition &lt;500 sq.ft.</td>
<td>1</td>
<td>$1,098</td>
<td>0.5</td>
</tr>
<tr>
<td>12</td>
<td>PC</td>
<td>Residential Addition &gt;499 sq.ft.</td>
<td>1</td>
<td>$791</td>
<td>0.75</td>
</tr>
<tr>
<td>33</td>
<td>INSP</td>
<td>Residential Addition &gt;499 sq.ft.</td>
<td>1</td>
<td>$1,911</td>
<td>0.75</td>
</tr>
</tbody>
</table>

## MULTI-FAMILY

<table>
<thead>
<tr>
<th>Code</th>
<th>Type</th>
<th>Description</th>
<th>Quantity</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>PC</td>
<td>Apartments / Condos - 5,000 sq.ft.</td>
<td>1</td>
<td>$2,107</td>
<td>1</td>
</tr>
<tr>
<td>34</td>
<td>INSP</td>
<td>Apartments / Condos - 5,000 sq.ft.</td>
<td>1</td>
<td>$7,304</td>
<td>1</td>
</tr>
<tr>
<td>14</td>
<td>PC</td>
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<td>1</td>
<td>$2,754</td>
<td>1</td>
</tr>
<tr>
<td>35</td>
<td>INSP</td>
<td>Apartments / Condos - 15,000 sq.ft.</td>
<td>1</td>
<td>$13,542</td>
<td>1</td>
</tr>
<tr>
<td>97</td>
<td>PC</td>
<td>Apartments / Condos - 25,000 sq.ft.</td>
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</tr>
<tr>
<td>98</td>
<td>INSP</td>
<td>Apartments / Condos - 25,000 sq.ft.</td>
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<td>$19,780</td>
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</tr>
<tr>
<td>15</td>
<td>PC</td>
<td>Apartments / Condos - 50,000 sq.ft.</td>
<td>1</td>
<td>$3,887</td>
<td>1</td>
</tr>
<tr>
<td>36</td>
<td>INSP</td>
<td>Apartments / Condos - 50,000 sq.ft.</td>
<td>1</td>
<td>$26,983</td>
<td>1</td>
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</tbody>
</table>

## HOTEL/MOTEL

<table>
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<tr>
<th>Code</th>
<th>Type</th>
<th>Description</th>
<th>Quantity</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>PC</td>
<td>Hotels / Motels - 10,000 sq.ft.</td>
<td>1</td>
<td>$2,754</td>
<td>1</td>
</tr>
<tr>
<td>38</td>
<td>INSP</td>
<td>Hotels / Motels - 10,000 sq.ft.</td>
<td>1</td>
<td>$13,542</td>
<td>1</td>
</tr>
<tr>
<td>108</td>
<td>PC</td>
<td>Hotels / Motels - 25,000 sq.ft.</td>
<td>1</td>
<td>$3,401</td>
<td>1</td>
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<tr>
<td>109</td>
<td>INSP</td>
<td>Hotels / Motels - 25,000 sq.ft.</td>
<td>1</td>
<td>$19,780</td>
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</tr>
<tr>
<td>17</td>
<td>PC</td>
<td>Hotels / Motels - 50,000 sq.ft.</td>
<td>1</td>
<td>$3,887</td>
<td>1</td>
</tr>
<tr>
<td>39</td>
<td>INSP</td>
<td>Hotels / Motels - 50,000 sq.ft.</td>
<td>1</td>
<td>$26,983</td>
<td>1</td>
</tr>
</tbody>
</table>

## RESIDENTIAL REMODEL

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<th>Code</th>
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<th>Description</th>
<th>Quantity</th>
<th>Rate</th>
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</thead>
<tbody>
<tr>
<td>184</td>
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**STAND ALONE WITH NO PLAN CHECK**

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<td>Fire Systems Plan Check Processing</td>
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**STAND ALONE WITH PLAN CHECK**

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<td>Fence Wood / Chain link 6 - 7 ft. high</td>
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<td>PC</td>
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**GRADING**
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<td>Industrial Waste Pre-Treatment System *req. plan check</td>
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<td>154</td>
<td>PC</td>
<td>Plan Check for Stand Alone</td>
<td>$284</td>
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<td>136</td>
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<td>51</td>
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<td>Supplemental Inspection each 30 minutes</td>
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<td>Enforcement (Notice of Abatement)</td>
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CITY OF EUREKA
Building Permit Fees for
Commercial Construction
Hi Liz,

A copy of the FY16/17 fee schedule is attached. Building permit fees are in several tabs along the bottom, with the most pertinent information for you located in the "Building" tab. The only other fees we have right now that one might construe as impact fees are capital connection fees for water and sewer, which are located in other tabs in the spreadsheet. We are bringing a Greater Eureka Area Traffic Impact Fee to the City Council and Board of Supervisors in March, but the final proposed fees haven't been determined yet.

For RMI, the total valuation, based on the 23,692 sf building, was $2,526,070. The building permit fees, including plan review, totaled $23,820.08.

I hope this information is helpful. If you need anything else, just let me know.

Thanks,

Brian Gerving  
Director of Public Works  
Chief Building Official  
531 K Street, Eureka, CA 95501  
707-441-4152  
berving@ci.eureka.ca.gov

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<th>Group (2013 California Building Code)</th>
<th>IA</th>
<th>IB</th>
<th>IIA</th>
<th>IIB</th>
<th>IIIA</th>
<th>IIIB</th>
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<td>147.78</td>
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<td>166.07</td>
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<td>149.98</td>
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<td>F-1 Factory and industrial, moderate hazard</td>
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<td>97.83</td>
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<td>91.86</td>
<td>87.20</td>
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<td>73.79</td>
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<td>91.86</td>
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<td>76.60</td>
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<td>162.73</td>
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<td>146.48</td>
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<td>162.73</td>
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<td>Gov Code Sec 66014</td>
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<td>Gov Code Sec 66014</td>
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<td>Archive Research fees, per item</td>
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<td>Code Compliance (Actual cost for abatements not resolved prior to Hearing or Court)</td>
<td>see attached</td>
<td>Resolution 2014-46</td>
<td>Government Code 38773.5</td>
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<td>Code Compliance Re-inspection Fee</td>
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NOTE: Building permit and plan review fees are based on the most current valuation data as published in ICC Building Safety Journal, per Resolution No. 2001-12
CITY OF FORTUNA
Building Permit Fees for Commercial Construction
NEW GROCERY OUTLET RETAIL STORE.

NOTE:
1. WATER METER SIZE/FEE: 1 1/2" WATER METER IS INCLUDED.
2. DIFFERED ITEMS: FIRE SPRINKLERS, FIRE ALARMS, STORAGE RACKING SYSTEMS, SIGNAGE.

NOT INCLUDED:
ANY ITEM NOT LISTED IN PERMIT. DIFFERED ITEMS

The approval of Plans and Specification DOES NOT permit the violations of any section of the California Building Codes, County or City Ordinances. This permit becomes NULL and VOID if work or construction authorized is not commenced within 180 days, or if construction work is suspended or abandoned or a period of 180 days anytime after work is commenced. NO building or addition shall be occupied until the final inspection and/or the Certificate of Occupancy is issued.

If the application material does not contain truthful and accurate information, the project approval may be revoked.

NOTE: 1). School Fees Not Include. 2). For each Re-Inspection OR Placed Inspection will be charged at a min. of $80.30 per hour per inspection and to be paid before the next inspection.

X

(Signature of Agent, Owner or Contractor)

(Other Fees Total: $4,577.25)

TOTAL FEES: $862,732.72
HUMBOLDT COUNTY
Building Permit Fees for
Commercial Construction
HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT ~ BUILDING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

APPLICATION / PERMIT FEE RECEIPT

Applicants are responsible for notifying the Building Division regarding project status.

The Building Division retains project paperwork for 365 days. After 365 days,
a new permit application and additional fee payment will be required.

Receipt No. 81816  Receipt Date 1/10/2017  Received by Heather W
Application No. 41432  Permit No. NA

PAYER

<table>
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<th>Payer</th>
<th>Name</th>
<th>Address 1</th>
<th>Phone</th>
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<tbody>
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<td>Other</td>
<td>Best Properties Associates</td>
<td>2580 Sierra Blvd #E</td>
<td>916-486-2694</td>
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<td></td>
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<td>City: Sacramento</td>
<td></td>
</tr>
<tr>
<td></td>
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PROJECT LOCATION

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<th>Lot No.</th>
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<td>McKinleyville</td>
<td>CA</td>
<td>95519</td>
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PAYMENT DETAIL

<table>
<thead>
<tr>
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<tr>
<td>Check</td>
<td>$37,405.29</td>
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<tr>
<td>Total Payment</td>
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AMOUNT DUE

| Total Fees       | $40,031.64 |
| Credit for Plan Check Deposit | $2,626.55 |
| Amount Due       | $37,405.29 |

Permit Fees

<table>
<thead>
<tr>
<th>No.</th>
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<th>Fee Name</th>
<th>Fee amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ALL PERMITS</td>
<td>Erosion Control (Designed)</td>
<td>$127.50</td>
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<tr>
<td>2</td>
<td>ALL PERMITS</td>
<td>User Fee</td>
<td>$8390.24</td>
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<td>3</td>
<td>ALL PERMITS</td>
<td>Microfilm Fee (Comm)</td>
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<td>4</td>
<td>ALL PERMITS</td>
<td>Seismic Hazard Mapping fee</td>
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<td>5</td>
<td>ALL PERMITS</td>
<td>Soils Report Review</td>
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<td>6</td>
<td>ALL PERMITS</td>
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<tr>
<td></td>
<td>Sub-Total:</td>
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<td>$9230.64</td>
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Fee Type: Individual Permit-Building

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<tr>
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<tr>
<td>7</td>
<td>Individual Permit-Building</td>
<td>Bldg Permit</td>
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<td></td>
<td>Sub-Total:</td>
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Fee Type: Individual Permit-Electrical

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<td>E New Issue</td>
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<td>9</td>
<td>Individual Permit-Electrical</td>
<td>E Switch/Oilt to 20 (ea)</td>
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<td>10</td>
<td>Individual Permit-Electrical</td>
<td>E Non-res appl</td>
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<td>11</td>
<td>Individual Permit-Electrical</td>
<td>E Pwr Appar (ea) 1HP</td>
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<td>12</td>
<td>Individual Permit-Electrical</td>
<td>E Pwr Appar (ea) 10 HP</td>
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<td>13</td>
<td>Individual Permit-Electrical</td>
<td>E Pwr Appar (ea) 100 HP</td>
<td>$63.00</td>
</tr>
<tr>
<td>14</td>
<td>Individual Permit-Electrical</td>
<td>E Signs one circuit (ea)</td>
<td>$150.00</td>
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<tr>
<td>15</td>
<td>Individual Permit-Electrical</td>
<td>E Main Svc 600 amp</td>
<td>$94.25</td>
</tr>
</tbody>
</table>
Good afternoon,

Attached is a copy of the receipt for permit fees related to the construction of a new Grocery Outlet store in McKinleyville. The store is a 22,000 ft² building and the permit was issued today. These fees will not include any fees related to deferred submittals for the project (i.e. fire sprinklers).

We do not create invoices for our building permit projects. Applicants are advised of the fees when we let them know their permits are ready to issue and all fees are collected at permit issuance. Since we do not collect partial payments, there is no accounts receivable and no invoices.

If you have questions or need more information, please contact me. Thank you.

Delilah Moxon
County of Humboldt
Building Division
Planning and Building Department
3015 H Street  |  Eureka, CA 95501
Phone: 707-445-7245  |  Fax: 707-445-7446
Email: dmoxon@co.humboldt.ca.us

Hi Delilah,

You provided this helpful information to us earlier this year for use in our development impact fee study. Can you copy and email an actual building permit fee invoice, say for Ace Hardware in McKinleyville or some other new construction commercial building? The City Council has asked me to give them a cost comparison with other local cities and the county.

Thanks so much,

Liz Shorey
Deputy Director of Community Development
City of Fortuna
P.O. Box 545
Fortuna, CA 95540
(707)725-1408
ORDINANCE 2017-729

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORTUNA
REPLACING SECTION 17.06.190; TRAFFIC IMPACT FEES, OF CHAPTER 17.06 OF
TITLE 17: ZONING, OF THE FORTUNA MUNICIPAL CODE, ALLOWING FOR
COLLECTION OF TRAFFIC IMPACT FEES TO OFFSET THE TRANSPORTATION
IMPACTS OF FUTURE DEVELOPMENT

WHEREAS, to implement the goals and objectives of the Fortuna General Plan, and to mitigate
the impacts caused by future development in the City, certain public facilities must be improved
or constructed; and

WHEREAS, the City Council has determined that a traffic impact fee is needed in order to
finance these public facilities and to pay for each development’s fair share of the construction
and acquisition costs of these improvements; and

WHEREAS, development fees in the State of California must adhere to the requirements of
Assembly Bill 1600, enacted in 1987; and

WHEREAS, California Government Code Section 66000 et seq., authorizes jurisdictions to
impose fees on new development to fund public facilities and improvements necessitated by such
development so they pay their “fair share” of related impacts on the transportation system; and

WHEREAS, section 66000 et seq. requires that any and all development fees imposed by a City
must have a reasonable relationship, or “nexus,” to the type, need and cost of the improvements
to be funded; and

WHEREAS, the City Council of the City of Fortuna adopted a Traffic Impact Fee Nexus Study
on July 18, 2016; and

WHEREAS, Government Code Section 66000 also requires that each impact fee be held in an
account separate from the City’s General Fund; and

WHEREAS, the action of adopting a Traffic Impact Fee Ordinance does not constitute a project
as defined by California Environmental Quality Act Guidelines Section 15378; therefore, no
further environmental review is required.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF FORTUNA DOES
ORDAIN AS FOLLOWS:

SECTION 1. The above recitals constitute a part of the findings made by the City Council
in adopting this ordinance.

SECTION 2. The City Municipal Code is amended to replace Section 17.06.190 as
follows:
17.06.190 Traffic Impact Fees

A. Purpose.
In order to implement the goals and objectives of the Fortuna General Plan, and to mitigate the impacts caused by future development in the City, certain public facilities must be constructed. The City Council has determined that a traffic impact fee is needed in order to finance these public facilities and to pay for each development’s fair share of the construction and acquisition costs of these improvements. In establishing the fee described in the following sections, the City Council has found the fee to be consistent with its General Plan.

B. Traffic Impact Fee Established.
1. A traffic impact fee (“TIF”) is established pursuant to Government Code Section 66000 et seq. (“Mitigation Fee Act”) to pay for public transportation facilities.
2. Pursuant to Government Code Section 66001, the City Council, in a Council resolution adopted after a duly noticed public hearing, shall:
   a. Set the amount of the TIF; and
   b. Describe the benefit and impact area on which the TIF fee is imposed; and
   c. List the City-owned public facilities to be financed; and
   d. Describe the estimated costs of these facilities; and
   e. Describe the reasonable relationship between the use of the TIF and the need for the public facilities; and
   f. List the types of future development projects on which the TIF is imposed; and
   g. Set forth the time for payment of the TIF.

C. Use of Fee Revenues.
The revenues raised by payment of the TIF shall be accounted for in separate and special funds and/or accounts to account for the revenues, along with any interest earnings on such funds. The TIF revenues shall be used for the following purposes:

1. To fund staff or consultant work on all preconstruction phases of the projects identified in the City Council resolution pursuant to 17.06.190 A, including:
   a. Right-of-way acquisition and related acquisition costs; and
   b. Environmental studies and related mitigation fees, and
   c. Pre-design, design and related engineering costs, and
   d. Any other reasonable pre-construction costs necessary to make the project ready for construction; and
2. To pay for construction of the public facilities designated in the City Council resolution adopted pursuant to 17.06.190 A; and
3. To reimburse the City for designated public facilities constructed by the City with funds (other than gifts or grants) from other sources together with accrued interest; and
4. To reimburse developers who have designed and constructed such designated public facilities; and
5. To pay for and/or reimburse costs of program development and ongoing administration of the traffic impact fee program.
D. Developer Construction of Facilities.
If a developer is required, as a condition of approval, to construct a public facility that has been designated to be financed with TIFs, a credit shall be offered by the City against the fee otherwise levied by this chapter on the development project in an amount not to exceed the cost of such public facility as estimated by the City in adopting the fee. The fee credit shall be against fee revenues only.

E. Administrative Guidelines.
The City Council may, by resolution, adopt administrative guidelines to provide procedures for calculation, credit, reimbursement, or deferred payment and other administrative aspects of the TIF.

SECTION 3: SEVERABILITY.
If any section, subsection, paragraph, sentence or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

SECTION 4: EFFECTIVE DATE.
This Ordinance shall take effect and be in force thirty (30) days following its adoption.

SECTION 5: PUBLICATION OR POSTING.
The City Clerk shall cause this ordinance to be published and/or posted within (15) fifteen days after its adoption.

SECTION 6: CONFLICTS
All city policies, ordinances, and parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: EFFECTIVE DATE
This ordinance shall take effect and be in full force thirty (30) days from the date of its passage.

INTRODUCED AND FIRST READING PERFORMED on the 16th day of January 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

________________________________
Sue Long, Mayor

ATTEST:

________________________________
Linda McGill CMC, City Clerk
SECOND READING PERFORMED AND ADOPTED on the 6th day of February 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

________________________________
Sue Long, Mayor

ATTEST:

___________________________
Linda McGill CMC, City Clerk

Approved As To Form:

_______________________________________
David Tranberg, City Attorney

CERTIFICATE
I, Linda McGill, City Clerk of the City of Fortuna, do hereby certify that Ordinance 2016-727 was INTRODUCED at a regular meeting of the Fortuna City Council held the day of 2016, and was thereafter PASSED, ADOPTED AND ORDERED TO PRINT at a regular meeting of the Fortuna City Council held the day of 2016. I further certify that Ordinance 2016-727 was duly posted and published pursuant to law and the Charter of the City of Fortuna and is a true and correct copy.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Fortuna, California, and this ___ day of _____________, 2016.

_______________________________________
Linda McGill, CMC
City Clerk, City of Fortuna
RESOLUTION 2017-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORTUNA ADOPTING A
CITY-WIDE TRAFFIC IMPACT FEE

WHEREAS, policies in the Fortuna General Plan require that new development mitigate its share of the impacts of new development; and

WHEREAS, the General Plan PEIR was certified and the General Plan was adopted by the City Council on October 26, 2010; and

WHEREAS, the General Plan established future uses for lands within the City planning area, including density of residential dwelling units and commercial, office, and industrial development; and

WHEREAS, the General Plan provided for, and the PEIR analyzed, future build-out of the City, describing the impacts of contemplated future development on existing public facilities, an analysis of the need for new public facilities and improvements required by future development, and including road improvements necessary to implement the General Plan; and

WHEREAS, the General Plan and PEIR assumed that certain traffic improvements would be made and that development within the City would pay its proportionate share of such improvements; and

WHEREAS, the City Council adopted Resolutions 91-09, and 95-07 establishing a city-wide traffic impact fee and fees for the Home Avenue area and the Hillside Drive area of the City under the growth projections of the Fortuna General Plan adopted in 1993; and

WHEREAS, the City adopted the Traffic Impact Fee Study, dated April 1, 2016, on July 18, 2016, establishing the nexus between the imposition of impact fees and the estimated reasonable cost of providing the service for which the fees are charged, and updating the Traffic Impact Fees based on the proposed development in the adopted Fortuna General Plan 2030; and

WHEREAS, the Traffic Impact Fee Study was made available for public review and comment for ten (10) days prior its adoption; and

WHEREAS, notice of the public hearing was provided and a public hearing held in accordance with Government Code Section 66000 et seq.; and

NOW, THEREFORE, BE IT RESOLVED, the City Council does hereby resolve as follows:

1. The purpose of the Traffic Impact Fee (hereafter "TIF") is to finance public improvements and facilities needed to reduce the traffic-related impacts caused by future development in the City of Fortuna. The public improvements and facilities are listed in the Traffic Impact Fee Study, and are hereafter defined and referred to as "Improvements and Facilities." The Improvements and Facilities listed in the Traffic Impact Fee Study, Table 3, which are needed to accommodate new development projected within the City of Fortuna, and such Improvements and Facilities are funded in part or whole through the TIF.

2. Findings pursuant to Government Code Section 66001. The City Council finds and determines that the Fortuna Traffic Impact Fee Nexus Study complies with Government Code Section 66001, and as to the proposed fee to be imposed on new development:
a. That there is a reasonable relationship between the need for the Improvements and Facilities and the impacts of the types of development for which the corresponding fee is charged in that new development in City of Fortuna, both residential and non-residential, will generate traffic which generates or contributes to the need for the Improvements and Facilities; and
b. That there is a reasonable relationship between the TIFs use (to pay for the construction of the Improvements and Facilities) and the type of development for which the TIF is charged in that all development in the City of Fortuna, both residential and non-residential, generates or contributes to the need for the Improvements and Facilities; and
c. That there is a reasonable relationship between the amount of the TIF and the cost of the Improvements and Facilities or portion thereof attributable to development in the City of Fortuna in that the TIF is calculated based on the number of trips generated by specific types of land uses, the total amount it will cost to construct the Improvements and Facilities, and the proportional share by which development within the City of Fortuna contributes to the need for the Improvements and Facilities; and
d. That the cost estimates set forth in the Traffic Impact Fee Study are reasonable cost estimates for constructing the Improvements and Facilities, and the TIFs expected to be generated by future development will not exceed the projected costs of constructing the Improvements and Facilities; and
e. The method of allocation of the TIF to a particular development, set forth in the Traffic Impact Fee Study bears a fair and reasonable relationship to each development's burden on, and benefit from, the Improvements and Facilities to be funded by the TIF, in that the TIF is calculated based on the number of vehicular trips each particular land use will generate.

3. Fees for Uses Consistent with the Traffic Impact Fee Nexus Report. The fees collected pursuant to this Resolution shall be used solely to finance the improvements and facilities identified in the Nexus Report and in accordance with this Resolution.

4. Approval of Items in the Traffic Impact Fee Nexus Report. After considering the staff report and associated attachments, the Traffic Impact Fee Nexus Study, all correspondence received and the testimony received at the noticed public hearing held on August 1, 2016, the Council approved and adopted the Traffic Impact Fee Study, and incorporates such herein, and further finds that future development in the City of Fortuna will generate the need for the Improvements and Facilities, and the Improvements and Facilities are consistent with the City's General Plan.

5. Consistency with the General Plan. The public facilities and fee methodology in the Traffic Impact Fee Nexus Report are consistent with the City’s General Plan, were identified in the General Plan PEIR as necessary to accommodate future traffic needs and to mitigate impacts of development in the City of Fortuna, and are consistent with those policies that require new development to mitigate its share of the impacts to City roadway infrastructure.

6. CEQA Finding. The adoption of the Traffic Impact Fee Nexus Report and impact fees are not subject to the California Environmental Quality Act in that pursuant to CEQA Guidelines, Section 15378(b)(4), the creation of government funding mechanisms which do not involve any commitment to any specific project which may cause a significant effect on the environment, is not defined as a “project” under CEQA.

7. Resolutions 91-09, and 95-07 are hereby rescinded in their entirety upon the effective date of the traffic impact fee ordinance;

8. Traffic Impact Fee Imposed. Pursuant to Government Code Sections 66000 et seq. (“Mitigation Fee Act”), a fee shall be imposed and paid at the time, and in the amounts which apply and be administered as prescribed in this Resolution and on any new construction or addition of floor area.

9. Time for Imposing Fee for Residential Subdivisions In accordance with Government Code Section 65961, the TIF for residential development for which tentative or parcel maps are required
pursuant to the Subdivision Map Act (Government Code Section 66410 et seq.) shall be imposed
at the time of approval of the conditions that apply to the tentative or parcel map for such
residential subdivision Development, as applicable. Payment of the fee shall be deemed to be a
condition of all such tentative or parcel maps. Notwithstanding this section, the time for payment
of the TIF for all Development, including residential subdivisions, shall be as specified in Section
4 below.

10. Time for Fee Payment

a. Residential. A TIF shall be charged for residential Development upon the earlier of the
date of final inspection, or issuance of the certificate of occupancy or as otherwise
provided for in Government Code Section 66007. Notwithstanding, if the TIF is to
reimburse the City for expenditures previously made, or if the City determines that the TIF
will be collected for Improvements and Facilities for which an account has been
established and funds appropriated and for which the City has adopted a proposed
construction schedule prior to issuance of the building permit for such residential
Development, then the TIF shall be charged and paid upon issuance of the building permit
for such residential Development.

b. Non-Residential. A TIF shall be charged and paid for non-residential buildings or
structures within the City of Fortuna at the time of issuance of the building permit. At the
discretion of the Director of Community Development, the TIF payment may be deferred
to the date the City makes the last discretionary approval which is required prior to
occupancy, if the building or structure will require a later stage of discretionary approval
by the City before it can be occupied.

11. Amount of Fee The amount of TIF is to be as set forth below, and on Table 1 of the Traffic Impact
Fee Study: (or alternative selected by City Council)

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<th>Land Use Type</th>
<th>Unit</th>
<th>Fee per Unit</th>
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<tr>
<td>Residential</td>
<td>One dwelling unit</td>
<td>$610.00*</td>
</tr>
<tr>
<td>Commercial</td>
<td>1,000 square feet</td>
<td>$319.00</td>
</tr>
<tr>
<td>Industrial</td>
<td>1,000 square feet</td>
<td>$233.50</td>
</tr>
</tbody>
</table>

*The fee shall be paid prior to the filing of any parcel map or final map at 50% the amount
listed. The full amount shall be paid for each new dwelling prior to the issuance of a building
permit; a credit shall be granted for any fees paid on a subdivision.

The City’s Home Avenue and Hillside Drive traffic impact fees will remain in effect pursuant
to Council Resolutions 91-09 and 95-07.

12. Exemptions From Fee The TIF shall not be imposed on:

a. Residential Alteration or Addition: Any alteration, addition or second unit to a residential
structure

b. Residential Replacement or Reconstruction: Any replacement or reconstruction of an
existing residential structure that has been destroyed or demolished, provided that the
building permit for the replacement or reconstruction is obtained within one (1) year after
the building was destroyed or demolished.

c. Non-Residential Replacement or Reconstruction: Any replacement or reconstruction of an
existing non-residential structure that has been destroyed or demolished such that it is not
permitted for occupancy, provided that the building permit for the replacement or
reconstruction is obtained within one (1) year after the building was destroyed or
demolished and there is no change in trip generation or the land use designation of the
property.

d. Non-Residential Replacement or Reconstruction (Partial Exemption): Any replacement or
reconstruction of an existing non-residential structure that has been destroyed or
demolished such that it is not permitted for occupancy is entitled to a partial exemption from the TIF if:

i. A TIF has been paid to the City within the prior ten-year period, provided that the exemption shall only be in the amount of the previously paid fee only; and

ii. The applicant shall pay any additional amount based on the current TIF.

e. Non-Residential Alterations/Additions: Any alteration to an existing non-residential building or structure is exempt from payment of the TIF unless the alteration includes an addition of 1000 square feet or more, or if such additions or alterations result in a change of use under the City’s adopted general plan, zoning or building code.

f. City Council Exemption: The City Council, in its discretion, may waive the applicability of the TIF to certain Development constructed or to be constructed by a public entity if the City Council finds that such a waiver is in the interest of the public health, safety, and/or welfare for reasons specified in the findings

13. Use of TIF Revenues. The revenues raised by payment of the TIF shall be placed in a separate, interest bearing account to permit accounting for such revenues and the interest which they generate. Such revenues and interest shall be used only for the Improvements and Facilities and the purposes for which the TIF was collected, which are defined in Fortuna Municipal Code Chapter 17.06.190.

14. Standards. The standards upon which the needs for the Improvements and Facilities are based are the standards of the City of Fortuna, including the standards contained in the General Plan and General Plan PEIR.

15. Periodic Review

a. During each fiscal year, the City Staff shall prepare a report (Adopted City Budget) for the City Council, pursuant to Government Code Section 66006, identifying the balance of TIF revenues.

b. Pursuant to Government Code Section 66002, the City Council shall also review, as part of any adopted Capital Improvement Program, the approximate location, size, time of availability and estimates of cost for all Improvements and Facilities to be financed with the TIF. The estimated costs shall be adjusted in accordance with appropriate indices of inflation. The City Council shall make findings identifying the purpose to which the existing TIF balances are to be put and demonstrating a reasonable relationship between the TIF and the purpose for which it is charged.

16. Subsequent Analysis of the Fee. The TIF established herein is adopted and implemented by the City Council in reliance on the record identified above. The City may, from time to time, conduct further study and analysis to determine whether the TIF should be revised. When additional information is available, the City Council shall review the TIF to determine that the amounts are reasonably related to the impacts of development within the City. In addition to the inflation adjustments pursuant to Section 12 below, the City Council may revise the TIF to incorporate the findings and conclusions of further studies and any standards in the General Plan.

17. Inflation Adjustments. The purpose of this section is to provide for an inflationary adjustment to the TIF in years when the City Council does not revise the Fee pursuant to Section 11 above. The City Manager shall adjust the Fee automatically, effective July 1, 2017, and each July 1 thereafter, as follows:

a. The costs of construction of the Facilities shall be increased/decreased by the annual percentage increase/decrease in the Engineering News Record's Construction Cost Index (20-city average) for the prior March or April over the same Construction Cost Index of the prior year. The City Manager may round the TIF adjustment to whole dollars.

18. Effective Date. This Resolution shall become effective immediately upon adoption of the implementing ordinance. The TIF provided in this Resolution shall supersede the existing TIF established by Resolutions 91-09 and 95-07.
19. **Severability.** Each component of the Fee, and every improvement financed by the TIF, and all portions of this Resolution are severable. Should the TIF or other provision of this Resolution be judged to be invalid and unenforceable, the remaining provisions shall be and continue to be fully effective, and the TIF shall be fully effective except as to that portion that has been judged to be invalid.

**PASSED AND ADOPTED** on the ___ day of ____ 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

________________________________
Sue Long, Mayor

ATTEST:

________________________
Linda McGill CMC, City Clerk
CITY OF FORTUNA
TRAFFIC IMPACT FEE NEXUS STUDY

Prepared by City of Fortuna

Staff:
   Liz Shorey, Deputy Director of Community Development
   Merritt Perry, City Engineer/Public Works Director

Adopted by the Fortuna City Council
July 18, 2016
TABLE OF CONTENTS

I. INTRODUCTION AND SUMMARY OF FUNDINGS ................................................................. 1
   Nexus Study, Fee Overview, and Purpose ................................................................. 1
   Summary of Fees ........................................................................................................ 3
   Key Issues and Assumptions ..................................................................................... 4

II. TIF GROWTH POTENTIAL ...................................................................................................... 6
   Time Horizon .............................................................................................................. 6
   Development Potential ............................................................................................... 7

III. TIF MODELING, CAPITAL PROJECTS, AND COSTS .......................................................... 10
   Transportation Modeling ............................................................................................ 10
   TIF Capital Projects and Costs .................................................................................. 11

IV. TRAFFIC IMPACT FEE ......................................................................................................... 16
   Fee Calculation .......................................................................................................... 16

V. IMPLEMENTATION AND LEGAL CONSIDERATIONS ...................................................... 19
   Annual Review .......................................................................................................... 19
   Credits, Reimbursement, and Exemptions ............................................................... 19
   Surplus Funds ............................................................................................................ 20
   Securing Supplemental Funding ............................................................................ 20
   Other Considerations ............................................................................................... 21

LIST OF TABLES AND FIGURES

Table 1: Summary of Potential Traffic Impact Fees ......................................................... 4
Table 2: Summary of Actual New and Potential Future Growth ..................................... 8
Table 3: TIF Capital Project List ..................................................................................... 12
Table 4: Dwelling Unit Equivalents by Land Use Type ................................................. 17
Table 5: Calculation of Potential Traffic Impact Fees ................................................... 18
I. INTRODUCTION AND SUMMARY OF FINDINGS

This study is designed to provide the necessary technical documentation and nexus analysis supporting the adoption of a Traffic Impact Fee (TIF). The TIF described in this Study is based on growth potential at build-out and identified infrastructure improvements and is consistent with the most recent relevant case law and the principles of AB1600 or Government Code Section 66000 et seq ("Fees for Development Projects"; except where specific citations are provided, this statute will be referred to in this Report as AB 1600).

Following this introductory chapter, Chapter II discusses population and employment growth potential used in this analysis and Chapter III describes the modeling techniques used to establish nexus for the TIF and TIF capital costs. Chapter IV describes the resulting TIF fee calculation by land use category. Finally, Chapter V discusses implementation and legal considerations.

NEXUS STUDY, FEE OVERVIEW, AND PURPOSE

This study provides a schedule of fees to be established by the TIF Ordinance and Resolution. The TIF described herein provides funding for transportation improvements in the Fortuna General Plan required to serve new development and to ensure that existing service levels can be maintained. As described, the study effort was initiated based on policy direction from the Fortuna General Plan 2030. Ultimately, the final fees and corresponding implementing Ordinances and Resolutions must be approved by the Council.

The proposed TIF, if approved, will need to be enabled through adoption of a new Ordinance by the Fortuna City Council. The enabling Ordinance would allow the City to adopt, by Resolution, a fee schedule consistent with supporting technical analysis and findings. The Resolution approach to setting the fee allows periodic adjustments of the fee amount that may be necessary over time, without amending the enabling Ordinance.

It is expected that the TIF funding will be augmented by other revenue sources to meet overall funding requirements. This Study and the technical information it contains should be maintained and reviewed periodically by the City, as necessary, to ensure its accuracy and to enable the adequate programming of funding sources. To the extent that improvement requirements, costs, or development potential change over time, the TIF will need to be updated.

This Study does not determine or advocate a particular fee level. Rather it is designed to calculate the maximum allowable fee that could be charged given the requirements and limitations of AB1600. In addition, the following considerations are important in reviewing this study:

- The acceptance or approval of this Study does not, in itself, constitute the approval of the TIF or a corresponding fee schedule. This can only occur through
the approval of required Ordinances and Resolutions by the City.

- The study area outlined here includes the geographic area covered by the City of Fortuna Sphere of Influence. Fees would only be applied to development within the City’s jurisdictional boundaries (i.e., within the City limits).

- The acceptance or approval of this Study or the TIF does not constitute approval for a particular transportation project or set of improvements. The funding and approval of the particular transportation improvements identified as part of the TIF will be subject to the same approval and entitlement process that would be applicable in the absence of this fee program.

- The acceptance or approval of this Study or the TIF does not constitute approval for any particular land use program or project. The entitlement and permitting process for future land use development in the City will remain the same regardless of whether the TIF is approved.

- Any revenue generated from fees collected as part of the TIF must be segregated into a designated account and only used for purposes prescribed therein (i.e., in the TIF Ordinance and Resolution). In other words, fee revenue collected pursuant to the TIF can only be used to fund TIF projects.

**SUMMARY OF FEES**

A summary of the fees calculated in this TIF Report by land use category are provided in Table 1.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>$2,257 per dwelling unit</td>
</tr>
<tr>
<td>Office/Retail</td>
<td>$3,285 per 1,000 square foot</td>
</tr>
<tr>
<td>Industrial</td>
<td>$2,392 per 1,000 square foot</td>
</tr>
</tbody>
</table>

The fees shown represent the maximum fee that can be charged based on the nexus findings in this Report. These fees are calculated to generate sufficient revenue to cover the full cost of TIF capital facilities associated with new development. The city may as a matter of policy decide to charge a fee below the maximum fee for any or all of the land uses. However, the revenue shortfall to the TIF that would result from reducing the fees must be made up by other non-TIF revenue sources. Specifically, the fee levels for certain land uses cannot be raised to cover revenue shortfalls that result from lowering the fees on other land uses.
KEY ISSUES AND ASSUMPTIONS

The calculation of the traffic impact fees is based on a variety of assumptions regarding land use, growth potential, service standards, and facility costs. Key issues that may warrant consideration in conjunction with this Report include:

- **Growth Potential.** The impact fee calculations are based on residential, commercial, and industrial growth potential at buildout through 2030. The estimates of buildout potential were developed as part of the Fortuna General Plan. If the growth potential does not materialize as expected, the corresponding facilities will not be needed or impact fee revenue will not be sufficient to pay for facilities already built. Consequently, the estimates of development and population should be periodically reviewed and updated.

- **Traffic Demand.** The General Plan Traffic Study estimated the demand that projected growth will generate for transportation improvements and included recommended system enhancements which will help to meet that demand. The capital improvements identified through this process represent a wide range of projects throughout the City, such as roadway extensions into developing areas, widening of existing streets to accommodate higher levels of travel demand, and improvements to traffic signal systems and intersections to better handle future traffic.

- **Cost Estimates.** The fee calculations embody facility cost assumptions that have been developed based on City staff estimates. The cost estimates are intended for planning purposes, and will be further refined over time as individual capital improvement projects are designed. As with the estimates of growth, the cost estimates should be periodically reviewed and updated.
II. TIF GROWTH POTENTIAL

The TIF is a one-time fee levied on new development at a rate proportional to its demand for transportation capital improvements. Thus, a forecast of potential buildout in the City is required to calculate the fee. This Chapter documents the land use growth assumptions used to calculate the TIF. Specifically, it describes the amount of residential development expected to occur in the City through the year 2030. These estimates are used for the following primary purposes in the fee calculation:

- Estimates of existing and future development and population are used to evaluate future traffic levels and determine the need for transportation improvements in the City.

- Estimates of future development and population at buildout are used to allocate the costs of required transportation improvements and ultimately to calculate a fee per unit of new growth.

The following sections describe the potential development at buildout and the key assumptions underlying them.

TIME HORIZON

The time horizon for an impact fee program is important because it determines the type and amount of transportation improvements that will be included in the fee program as well as the level of growth these improvements will serve. A longer time horizon will result in more transportation improvements being included in the TIF fee because of the added traffic demands from the increased population that will occur by that future date. A shorter time horizon typically reduces the number of improvements in the TIF fee because it includes only those improvements needed to accommodate a lower level of population and employment growth.

This Study is based on a time horizon that ends in the year 2030. This corresponds to the timeframe used in the Fortuna General Plan. The timeframe also corresponds to the future population and employment estimates available for use in this Study, as further described below.
DEVELOPMENT POTENTIAL

Development potential by land use category is based on population projections contained in the Fortuna General Plan. Specifically, population growth projections are used to estimate future residential development and commercial and industrial land use demand. Population projections have been converted into an estimate of future residential development using assumptions regarding persons per household. The resulting estimates of residential and commercial development used in this Report are described below and summarized in Table 2.

Table 2—Summary of Actual New and Potential Future Growth

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>7,027 Dwelling Units</td>
<td>5,015</td>
<td>2,012</td>
<td>30%</td>
<td></td>
</tr>
<tr>
<td>Retail/Office</td>
<td>921,000 Sq. Ft. Area</td>
<td>52,500</td>
<td>868,500</td>
<td>94%</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>400,000 Sq. Ft. Area</td>
<td>0</td>
<td>400,000</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

Source: Fortuna General Plan, 2030.

RESIDENTIAL DEVELOPMENT

Land use data supporting this study is the Fortuna General Plan 2030 and the accompanying Program Environmental Impact Report. The PEIR includes several growth projections, some of which extend beyond the existing and anticipated boundaries of the City of Fortuna, to include unincorporated neighborhoods to the north and south or which extend beyond the time horizon of the General Plan to include development which is not likely to occur for 30 or 40 years. Those projections provide a useful context for the establishment of community-wide policies and the establishment of land use on the urban periphery. For the purposes of establishing a traffic impact fee, the City of Fortuna has elected to rely on the projections found in the Fortuna General Plan Background Report (General Plan PEIR, Appendix G). The housing demand forecast assumes an annual population growth rate of 1.6 percent (Background Report Page 2-2), the historic rate, and a mean household size of 2.5 people and a vacancy rate of five percent (Background Report Page 2-7).

Based on these assumptions, the General Plan projects a total City population of 16,730 residents in 2030, who will occupy a total of 7,027 dwelling units (4,729 units existing in 2005 at publication of the Background Report, plus 2,298 units expected to be constructed). A total of 286 dwelling units have been constructed between 2005 and 2015, with an additional 2,012 dwelling units anticipated by 2030. Subtracting the existing dwelling units (those at the time of the General Plan update and the units constructed since then), an additional 2,021 residential units are projected to be constructed through buildout in 2030.
COMMERCIAL AND INDUSTRIAL DEVELOPMENT

Fortuna General Plan 2030 projects a demand of an additional 921,000 square feet of retail and office commercial space by 2030. Subtracting 52,500 square feet of retail space constructed since the General Plan adoption, an additional 868,500 square feet of new retail and office commercial development is projected at buildout.

Industrial demand is projected at 400,000 square feet; no new industrial construction has occurred since the General Plan update.
III. TIF MODELING CAPITAL PROJECTS AND COSTS

This chapter documents the transportation modeling conducted to identify transportation improvements for inclusion in the TIF capital project list and their corresponding costs. The TIF capital project list includes all the projects that are assumed to be funded, in full or in part, by TIF revenue.

TRANSPORTATION MODELING

To analyze impacts associated with the General Plan land uses, the remaining anticipated capacity (2010-2030) within the City was estimated based on planned future development, population projections, and associated vehicular trips. To estimate the number of trips anticipated by future development, the software program *Trip Generation (7th Edition, 2003)*, by the Institute of Transportation Engineers (ITE) was used, and is based on actual trip-generation studies performed at numerous locations within a variety of conditions (e.g., population and existing road conditions). For the analysis, specific ITE rates were applied to different land use categories. Existing land uses within the planning area generated an estimated average of 77,505 trip ends per day. Projected future development within the planning area is estimated to generate an average of 79,002 additional trip ends per day.

Intersection capacity calculations were conducted using the methodologies described in the Transportation Research Board (TRB) *Highway Capacity Manual, 2000 Edition* (HCM). Traffix software was used to prepare the capacity and Levels of Service (LOS) calculations.
TIF CAPITAL PROJECTS AND COSTS

A description of the TIF project list used to develop the fee calculated in this Technical Report is provided in Table 3 on the following page. As shown, there are 20 separate TIF projects with an estimated total capital cost of approximately $8,160,000 million. The cost estimates are based on the best information available at the time of this report. To the extent that this project list and/or the corresponding cost estimates are updated, the fee amount will change accordingly.

The cost estimates are intended for planning purposes only, and will be refined over time as individual capital improvement projects are further developed and designed.

Table 3
TIFP Capital Project List
City of Fortuna Traffic Impact Fee Nexus Study

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Location and Description of General Plan EIR Mitigation Project</th>
<th>Total Estimated Project Cost</th>
<th>Estimated Cost To City</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>9th Street/Main Street – Signalize and add left-turn lanes to the eastbound and westbound approaches.</td>
<td>$825,000</td>
<td>$825,000</td>
</tr>
<tr>
<td>2</td>
<td>12th Street/Main Street – Add a left-turn lane and thru lane to the northbound and southbound approaches. Add a thru lane to the eastbound and westbound approaches. Use permitted – overlap phasing on the northbound and southbound approaches.</td>
<td>$360,000</td>
<td>$360,000</td>
</tr>
<tr>
<td>3</td>
<td>North Fortuna Boulevard—Main Street—Rohnerville Road. Install traffic signal or convert into a two-lane roundabout.</td>
<td>$1,500,000</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>4</td>
<td>Rohnerville Road/Newburg Road – Install all-way stop controls and add a right-turn lane on the eastbound approach.</td>
<td>$50,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>5</td>
<td>South Fortuna Boulevard/Newburg Road – Signalize with protected left-turn and right-turn overlap phasing on both the eastbound and westbound approaches. Add left-turn lanes and thru lanes to the eastbound and westbound approaches.</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>6</td>
<td>12th Street-Riverwalk Drive/US 101 South Ramps – Signalize and provide dual left-turn lanes on the eastbound approach. If this improvement is found by both the City and Caltrans to be infeasible, implement an alternative feasible intersection improvement acceptable to both the City of Fortuna and Caltrans that would reduce the impact to less than significant levels.</td>
<td>$6,000,000</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>7</td>
<td>Rohnerville Road/Redwood Way – Install traffic signal or roundabout</td>
<td>$850,000</td>
<td>$850,000</td>
</tr>
<tr>
<td></td>
<td>Project Description</td>
<td>Cost 1</td>
<td>Cost 2</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------------------------------------------------------------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>8</td>
<td>South Fortuna Boulevard – Ross Hill Road/Kenmar Road – Signalize with (protected  left-turn or with eastbound left-turn lane) phase and right-turn overlap phasing on both the eastbound and westbound approaches.</td>
<td>$375,000</td>
<td>$375,000</td>
</tr>
<tr>
<td>9</td>
<td>Kenmar Road/Eel River Drive – Signalize and add right-turn lanes to the northbound approach and add a left-turn lane to the westbound approach. – INCLUDED WITH PROJECTS 10 and 11</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>10</td>
<td>Kenmar Road/US 101 North Ramps – Roundabout or Signalize and operate with permitted left-turn phasing. No additional lanes would be needed. Pedestrian Undercrossing</td>
<td>$1,500,000</td>
<td>$300,000</td>
</tr>
<tr>
<td>11</td>
<td>Kenmar Road/US 101 South Ramps – Signalize and add a right-turn lane on the eastbound approach and operate with permitted left-turn phasing.</td>
<td>$1,500,000</td>
<td>$300,000</td>
</tr>
<tr>
<td>12</td>
<td>Rohnerville Road/School Street-Mill Street – Signalize and add left-turn lanes to the northbound, southbound, and eastbound approaches.</td>
<td>$700,000</td>
<td>$700,000</td>
</tr>
<tr>
<td>13</td>
<td>12th Street/Loni Drive – Signalize, no additional lanes are needed. – PROJECT NOT TO BE ADDED UNTIL WARRANTS EXPECTED TO BE MET</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>14</td>
<td>Future extension of Redwood Way through the Mill District and intersecting with a realigned Newburg Rd. – Signalize, no additional lanes are needed. – IMPROVEMENTS TO BE COMPLETED BY MILL SITE DEVELOPMENT</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>15</td>
<td>Fortuna Boulevard/Strongs Creek – Signalize, no additional lanes are needed. – IMPROVEMENTS COMPLETED</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>16</td>
<td>Ross Hill Road/Thelma Street – Install traffic signal or roundabout.</td>
<td>$660,000</td>
<td>$660,000</td>
</tr>
<tr>
<td>17</td>
<td>Rohnerville and Drake Hill Road Improvements to include two traffic and parking lanes, two-way left-turn lane, bicycle lanes, and pedestrian sidewalks. These improvements not incorporated within the serpentine segment of Rohnerville Road south of Drake Hill. PROJECT NOT TO BE ADDED UNTIL AFTER ANNEXATION OF AIRPORT AREA</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>18</td>
<td>Newburg Road and 12th Street Realignment to include the northbound US 101 on-ramp and extend the northbound off-ramp from US 101 onto 12th Street. If this improvement is found by both the City and Caltrans to be infeasible, implement an equivalent alternative feasible improvement acceptable to both the City of Fortuna and Caltrans. 80% State/Federal Funding Anticipated</td>
<td>$1,200,000</td>
<td>$240,000</td>
</tr>
<tr>
<td>19</td>
<td>Dinsmore Drive Intersection Redesign, In conjunction with annexation of land between Riverwalk Drive and the Eel River redesign the five-point intersection of Dinsmore Drive, the southbound off-ramp from US 101, Riverwalk Drive, and 12th Street. COMBINED WITH PROJECT # 6</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>20</td>
<td>Eel River and Kenmar Intersection Improvements, Request funding and design assistance from Caltrans to alleviate traffic congestion at the intersection of Eel River Drive and Kenmar Drive resulting from the State’s closure of Drake Hill Road. COMBINED WITH PROJECT # 10</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

**TOTAL** | $16,520,000 | $8,360,000 |
IV. TRAFFIC IMPACT FEE

This chapter describes the techniques used to calculate the fee for the TIF. The fee is based on the TIF capital project list costs attributable to new growth within the City divided by projected development by land use category in the region.

FEE CALCULATION

This analysis relies on Dwelling Unit Equivalent (DUE) factors to compare and evaluate future development across land use categories. Specifically, DUE factors compare residential land uses to one another based on their vehicular trip generation rates in order to develop a common metric for analysis. The factors used to convert residential growth in DUEs are shown in Table 4, and are based on standard assumptions regarding trip generation and trip diversion. The DUE factors are then used to calculate DUE growth by land use, as shown in Table 5.

The actual fee calculation is based on the net TIF capital project costs attributable to new growth throughout the region divided by the projected number of new housing units, retail and commercial square feet developed in City of Fortuna through year 2030. Specifically, the total DUE growth by land use, calculated in Table 5, is divided by the capital project costs (see Table 3) to obtain total cost per DUE. To the extent that the costs are reduced because of outside funding sources, changed facility requirements, or other factors, the fee would be reduced by a proportionate amount. For example, if for policy considerations it is determined that 20 percent of the costs are funding using other sources, the resulting fee would also be reduced by 20 percent.

A Summary of the TIF per DUE by land use alternative is provided in Table 5. The actual fee by land use category are derived based on the DUE factors shown in Table 2 (total fee per DUE multiplied by the DUE factor by land use category). As noted, the TIF provides a single fee representing the entire city. Under the General Plan land use projections, the fee for a single-family house is approximately $2,203.02. A complete summary of fees by land use category is shown in Table 1.
<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>ITE Land Use Code</th>
<th>Trip Generation Units</th>
<th>Average Weekday Daily Trip Generation Rate</th>
<th>PM Peak Hour Trip Generation Rate</th>
<th>Ratio of PM Peak Hour Trips/Daily Trips (percent)</th>
<th>% New Growth Remaining to Meet GP Build-out</th>
<th>Remaining Dwelling Unit Equivalent (DUE) to Build-out</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>210</td>
<td>Trips per Dwelling Unit</td>
<td>9.57</td>
<td>1.02</td>
<td>0.107</td>
<td>30%</td>
<td>1.00</td>
</tr>
<tr>
<td>Office/Retail</td>
<td>710</td>
<td>Trips per 1,000 sq. ft. Floor Area</td>
<td>11.01</td>
<td>1.49</td>
<td>0.135</td>
<td>94%</td>
<td>1.45</td>
</tr>
<tr>
<td>Industrial</td>
<td>110</td>
<td>Trips per 1,000 sq. ft. Floor Area</td>
<td>6.97</td>
<td>1.08</td>
<td>0.155</td>
<td>100%</td>
<td>1.06</td>
</tr>
</tbody>
</table>
### Table 5
Calculation of Potential Traffic Impact Fees
City of Fortuna Traffic Impact Fee

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Remaining New Growth per Land Use Type</th>
<th>New Growth Units</th>
<th>Dwelling Unit Equivalent (DUE)</th>
<th>New Growth in DUE’s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>2,012</td>
<td>Dwelling Unit</td>
<td>1.00</td>
<td>2,012</td>
</tr>
<tr>
<td>Office/Retail</td>
<td>868.5</td>
<td>1,000 sq. ft. Floor Area</td>
<td>1.46</td>
<td>1,268</td>
</tr>
<tr>
<td>Industrial</td>
<td>400</td>
<td>1,000 sq. ft. Floor Area</td>
<td>1.06</td>
<td>424</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>TOTAL DUE’s</td>
<td>3,704</td>
</tr>
</tbody>
</table>
V. IMPLEMENTATION AND LEGAL CONSIDERATIONS

The approval and implementation of the TIF should take into account a number of ongoing legal and administrative considerations. The primary legal and administrative considerations are discussed below.

ANNUAL REVIEW

AB 1600 (at Gov. C §§ 66001(c), 66006(b)(l)) stipulates that each local agency that requires payment of a fee make specific information available to the public annually within 180 days of the last day of the fiscal year. This information includes the following:

- A description of the type of fee in the account.
- The amount of the fee.
- The beginning and ending balance of the fund.
- The amount of fees collected and interest earned.
- Identification of the improvements constructed.
- The total cost of the improvements constructed.
- The fees expended to construct the improvement.
- The percent of total costs funded by the fee.

If sufficient fees have been collected to fund the construction of an improvement, the agency must specify the approximate date for construction of that improvement.

Because of the dynamic nature of growth and infrastructure requirements, the City should monitor development activity, the need for infrastructure improvements, and the adequacy of the fee revenues and other available funding. Formal annual review of the TIF should occur, at which time adjustments should be made.

CREDITS, REIMBURSEMENT, AND EXEMPTIONS

It is recommended that, under certain and limited circumstances as determined by the City, the Impact Fee Ordinance allow developers subject to the fee to obtain credits, reimbursements, and/or exemptions. Fee credits, reimbursements, or exemptions should not be allowed by right but rather should be subject to review by City staff, as well as the City Council to ensure that such credits or reimbursements are warranted and appropriate.

A fee credit may be allowed if a developer provides a particular transportation facility or improvement "in-kind" rather than through payment of the TIF fee. The fee credit should equal the most current cost estimate of the infrastructure item (as defined by annual cost review or other recent evaluation of cost) regardless of the actual cost to construct.

Reimbursements should be considered for developers who contribute more funding and/or build and dedicate infrastructure items that exceed their proportional obligation if the project funded is a priority project. Such reimbursements should be provided as fee revenue becomes available and should include a reasonable factor for interest earned on
the reimbursable amount. It should not compromise the implementation of other priority capital projects. A provision for including such interest payments as additional costs in subsequent fees can be included in the Ordinance. Reimbursements would be granted on a discretionary basis only and not granted as a right.

The City may also elect not to impose fees for certain categories of development. For example, the City may elect to exempt developers from paying fees on any affordable housing units they build. Likewise, the City may enter into a Development Agreement that specifically exempts all or a portion of the City fees. In either case, the City will need to provide an alternative funding source for generating the corresponding loss in fee revenue.

SURPLUS FUNDS

AB 1600 also requires that if any portion of a fee remains unexpended or uncommitted in an account for five years or more after deposit of the fee, the operating entity(ies) (e.g. City Council) shall make findings once each year: (1) to identify the purpose to which the fee is to be put, (2) to demonstrate a reasonable relationship between the fee and the purpose for which it was charged, (3) to identify all sources and amounts of funding anticipated to complete financing of incomplete improvements, and (4) to designate the approximate dates on which the funding identified in (3) is expected to be deposited into the appropriate fund (§66001(d)).

If adequate funding has been collected for a certain improvement, an approximate date must be specified as to when construction on the improvement will begin. If the findings show no need for the unspent funds, or if the conditions discussed above are not met, and the administrative costs of the refund do not exceed the refund itself, the local agency that has collected the funds must refund them (Gov. C §66001(e)(f)).

SECURING SUPPLEMENTAL FUNDING

The TIF is not appropriate for funding the full amount of all capital costs identified in this Study. The will have to identify funding and pay for improvements related to existing and new developments and improvements not funded by the TIF or any other established funding source. Indeed, as part of the adoption of the fee, the City is likely to adopt a finding that it will obtain and allocate funding from various other sources for the fair share of the costs of improvements identified in this Report that are not funded by the TIF. Examples of such sources include the following:

- **General Fund Revenues.** In any given year, the City could allocate a portion of its General Fund revenues for discretionary expenditures. Depending on the revenues generated relative to costs and City priorities, the City may allocate General Fund revenues to fund capital facilities costs not covered by the TIF or other funding sources.

- **Assessments and Special Taxes.** The City could fund a portion of capital facilities costs using assessments and special taxes. For example, the establishment of a Mello-Roos Community Facilities District would allow the City to levy a special tax to pay debt service on bonds sold to fund construction of capital facilities or to directly fund
capital facilities.

- **State or Federal Funds.** The City might seek and obtain grant of matching funds from State and Federal sources to help offset the costs of required capital facilities and improvements. As part of its funding effort, the City should research and monitor these outside revenue sources and apply for funds as appropriate.

- **Developer Contributions:** Developers of particular projects may be required to pay for all or a portion of the costs of transportation improvements needed to serve their development.

**OTHER CONSIDERATIONS**

Completion of this nexus study and inclusion of a capital improvement project in a fee program does not constitute environmental clearance of that project. All relevant environmental and other reviews are still required before any project can be constructed. Therefore, the projects included in the TIF capital project list require all relevant environmental and other local reviews (e.g., Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA)) before the project can be constructed. It is important to note that while the capital improvement projects require environmental and other relevant reviews, the adoption of a fee does not.
STAFF REPORT
City Council Business Agenda Item

DATE: January 16, 2017

TO: Honorable Mayor and Council Members

FROM: Randy Mendosa, Interim City Manager
       David Tranberg, City Attorney

SUBJECT: Public Hearing: Amend the Fortuna Municipal Code Title 3 Chapter 3.13 Section 3.13.180; Independent Community Oversight Committee; Hold the First Reading of Ordinance 2017-728

STAFF RECOMMENDATION:

Conduct a public hearing and hold the first reading of Ordinance 2017-728 amending the Fortuna Municipal code to establish an independent community oversight committee of seven members no later than April 1, 2017.

BACKGROUND:

In July 2016 the Council adopted Ordinance 2016-726 which was approved and ratified by the voters at the November 8, 2016 municipal general election.

Section 3.13.180 of Ordinance 2016-726 currently states that an independent community oversight committee shall consist of five (5) members and that it will be established by December 31, 2016. Section 3.13.190 of Ordinance 2016-726 grants the authority to the Council to amend Section 3.13.180 without submitting the amendment to the voters.

At a special meeting on November 17, 2016 the Council expressed their desire to have a committee consisting of seven (7) members.

This amendment will enable the Council to appoint seven (7) members to the oversight committee and will allow more time to make the appointments if it is deemed necessary.

FINANCIAL IMPACT:

None

RECOMMENDED COUNCIL ACTION:

1. Receive staff presentation and review Council questions with staff
2. Hold the Public Hearing and receive any public comments.
3. Close Public Hearing
4. Motion to hold the first reading of Ordinance 2017-728 and read by title only. Roll Call Vote.

ATTACHMENTS:

- Ordinance 2017-728: An Ordinance Of The City Council Of The City Of Fortuna Amending Fortuna Municipal Code Title 3 Chapter 3.13 Section 3.13.180; Independent Community Oversight Committee
- Ordinance 2016-726: Transaction Use and Sales tax, adopted July 18, 2016
ORDINANCE 2017-728

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORTUNA AMENDING FORTUNA MUNICIPAL CODE TITLE 3 CHAPTER 3.13 SECTION 3.13.180; INDEPENDENT COMMUNITY OVERSIGHT COMMITTEE

WHEREAS, on July 18, 2016 the Fortuna City Council adopted Ordinance 2016-726 to levy a local, City of Fortuna Transactions and Use (Sales) Tax to be administered by the State Board of Equalization, subject to voter approval; and

WHEREAS, on November 8, 2016 Ordinance 2016-726 was approved by the voters of the City of Fortuna and codified into Title 3, Chapter 3.13; and

WHEREAS, pursuant to the authority granted in Section3.13.190 to amend sections of the ordinance without voter approval, the City Council wishes to amend Section 3.13.180; Independent Community Oversight Committee;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF FORTUNA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: DECLARATION OF INTENT

The purpose of this ordinance is to amend TITLE 3 CHAPTER 3.13 SECTION 3.13.180 of the Fortuna Municipal Code relating to Independent Community Oversight Committee.

SECTION 2: AMENDMENT

Section 3.13.180 of the Fortuna Municipal Code is amended to read as follows:

Section 3.13.180 INDEPENDENT COMMUNITY OVERSIGHT COMMITTEE. The City Council shall, no later than December 31, 2016, establish an independent community oversight committee to review the expenditure of the revenue from this transactions and use (sales) tax. The committee shall consist of five members to be appointed by the Mayor and approved by the City Council. The terms of the committee members and their specific duties shall be established by resolution of the City Council.

SECTION 3: CONFLICTS

All city policies, ordinances, and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: EFFECTIVE DATE

This ordinance shall become effective thirty (30) days after its adoption.
INTRODUCED AND FIRST READING PERFORMED on the 16th day of January 2017, by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN: 

________________________________
Sue Long, Mayor

ATTEST:

Linda McGill CMC, City Clerk

SECOND READING PERFORMED AND ADOPTED on the 6th day of February 2017, by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN: 

________________________________
Sue Long, Mayor

ATTEST:

Linda McGill CMC, City Clerk

Approved As To Form:

________________________________
David Tranberg, City Attorney

CERTIFICATE
I, Linda McGill, City Clerk of the City of Fortuna, do hereby certify that Ordinance 2017-728 was INTRODUCED at a regular meeting of the Fortuna City Council held the 16th day of January 2017, and was thereafter PASSED, ADOPTED AND ORDERED TO PRINT at a regular meeting of the Fortuna City Council held the 6th day of February 2017. I further certify that Ordinance 2016-728 was duly posted and published pursuant to law and the Charter of the City of Fortuna and is a true and correct copy.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Fortuna, California, and this ____ day of _____________, 2017.

________________________________
Linda McGill, CMC
City Clerk, City of Fortuna
AN ORDINANCE OF THE CITY OF FORTUNA ADDING CHAPTER 3.13 TO TITLE 3 OF THE FORTUNA MUNICIPAL CODE TO LEVY A LOCAL, CITY OF FORTUNA TRANSACTIONS AND USE (SALES) TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

The People of the City of Fortuna do ordain as follows:

SECTION 1. ADDITION TO THE MUNICIPAL CODE. Chapter 3.13 is added to Title 3 of the Fortuna Municipal Code to read as follows:

CHAPTER 3.13: FORTUNA POLICE AND ESSENTIAL SERVICES TRANSACTION AND USE (SALES) TAX.

Section 3.13.010. TITLE. This Chapter shall be known as the “Fortuna Police and Essential Services Measure Transactions and Use (Sales) Tax Ordinance.” The City of Fortuna hereinafter shall be called “City.” This chapter shall be applicable in the incorporated territory of the City.

Section 3.13.020. OPERATIVE DATE. “Operative Date” means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance and approval by the voters.

Section 3.13.030. PURPOSE. This chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transaction and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collection of the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provision of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.
Section 3.13.040. CONTRACT WITH STATE. Prior to the Operative Date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax chapter; provided, that if the City shall not have contracted with the State Board of Equalization prior to operative date, it shall nevertheless so contract and in such a case the Operative Date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 3.13.050. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of three-quarter percent per dollar (0.75%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the Operative Date of this chapter.

Section 3.13.060. PLACE OF SALE. For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from sales include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

Section 3.13.070. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the Operative Date of this chapter for storage, use or other consumption in said territory at the rate of three quarter percent per dollar (0.75%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 3.13.080. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provision of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part I (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

Section 3.13.090. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part I of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefore. However, the substitution shall not be made when:

1. The word “State” is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California.
2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

   a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provision of Part 1 of Division 2 of the Revenue and Taxation Code, or;

   b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word “City” shall be substituted for the word “State” in the phrase “retailer engaged in business in this State” in Section 6203 and in the definition of that phrase in Section 6203.

Section 3.13.100. PERMIT NOT REQUIRED. If a seller’s permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor’s permit shall not be required by this chapter.

Section 3.13.110. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

   1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

   2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:
a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this chapter, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transaction tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this chapter.

4. If the possession of, or the exercise of any right or power over, the tangible property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the Operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has
the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. “A retailer engaged in business in the City” shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 3.13.120. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter.

Section 3.13.130. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or City or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 3.13.140 SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 3.13.150 USE OF TAX PROCEEDS. All proceeds of the tax levied and imposed under this chapter shall be paid into the General Fund for use by the City of Fortuna.

Section 3.13.170 INDEPENDENT ANNUAL AUDIT. Annually the City Council retains an independent auditor to conduct an audit of and provide audited financial statements for all of the City’s financial activities. The auditor shall include an accounting of the revenue received from the tax and expenditures thereof in the audited
financial statements. The auditor’s report shall be presented to the Council and the committee established by Section 3.13.180 and made available to the public.

Section 3.13.180 INDEPENDENT COMMUNITY OVERSIGHT COMMITTEE. The City Council shall, no later than December 31, 2016, establish an independent community oversight committee to review the expenditure of the revenue from this transactions and use (sales) tax. The committee shall consist of five members to be appointed by the Mayor and approved by the City Council. The terms of the committee members and their specific duties shall be established by resolution of the City Council.

Section 3.13.190 AMENDMENTS OF CHAPTER; RESCISSION OF TAX.

A. The following amendments to this Chapter must be approved by the voters of the City of Fortuna: increasing the tax rate or revising the methodology for calculating the tax such that a tax increase would result; imposing the tax on transactions and uses not previously subject to the tax (unless such amendment occurs automatically by operation of Section 3.13.120); or extending the tax. The City Council may otherwise amend this ordinance without submitting the amendment to the voters for approval.

B. The City Council may, with a four-fifth’s vote of the entire Council, rescind this ordinance and terminate the tax at any time and without voter approval.

Section 3.13.200 TERMINATION OF TAX. The authority to levy the tax imposed by this ordinance shall expire on the eighth anniversary of the operative date (anticipated to be at the end of the day on March 31, 2025).

SECTION 2. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately.

SECTION 3. CERTIFICATION: PUBLICATION. Upon approval by the voters, the City Clerk shall certify to the passage and adoption of this ordinance and shall cause it to be published according to law and transmitted to the Board of Equalization.

SECTION 4. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. The approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., “CEQA,” and 14 Cal. Code Reg. §§ 15000 et seq., “CEQA Guidelines”). The transactions and use tax enacted by this Ordinance is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the city would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guidelines section 15060 CEQA analysis is not required.
INTRODUCED AND FIRST READING PERFORMED on the 5th day of July 2016, by the following vote:

AYES: Council Member Brown, Gardner, Strehl, Mayor Pro Tem Trent, Mayor Long
NOES: None
ABSENT: None
ABSTAIN: None

SECOND READING PERFORMED AND ADOPTED on the 18th day of July 2016, subject to voter approval at the November 8, 2016 election, by the following vote:

AYES: Council Member Brown, Gardner, Strehl, Mayor Pro Tem Trent, Mayor Long
NOES: None
ABSENT: None
ABSTAIN: None

CERTIFICATE
I, Linda McGill, City Clerk of the City of Fortuna, do hereby certify that Ordinance 2016-726 was INTRODUCED at a regular meeting of the Fortuna City Council held the 5th day July of 2016, and the SECOND READING was held at a regular meeting of the Fortuna City Council held the 20th day of July 2016. I further certify that Ordinance 2016-726 was duly posted and published pursuant to law and the Charter of the City of Fortuna and is a true and correct copy.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Fortuna, California, and this 30 day of July, 2016.
STAFF REPORT

City Council Business Agenda Item

DATE: January 16, 2017

TO: Honorable Mayor and Council Members

FROM: Randy Mendosa, Interim City Manager
       David Tranberg, City Attorney

SUBJECT: Establish the Duties, Responsibilities and Terms of the Independent Community Oversight Committee (Committee) for Measure E; Resolution 2017-03

STAFF RECOMMENDATION:

Adopt Resolution 2017-03 establishing duties, responsibilities, and terms for the Measure E Committee.

BACKGROUND:

In July 2016 the Council adopted Ordinance 2016-726 which was approved and ratified by the voters at the November 8, 2016 municipal general election. The Ordinance states that an independent community oversight committee will be appointed by the Mayor with the approval of the Council.

The committee will serve in an advisory capacity to the City Council on topics related to Measure E financial matters. The members of the committee will be appointed to staggered terms of; two members at two years, three members at three years and two members at four years.

This resolution will be the first one to lay out the basic duties and responsibilities. The Council will meet for a special meeting workshop on February 9, 2017 to discuss the duties and responsibilities of the committee in more depth in preparation to adopt a more comprehensive resolution.

FINANCIAL IMPACT:

None

RECOMMENDED COUNCIL ACTION:

1. Receive staff presentation and review Council questions with staff
2. Hold the Public Hearing and receive any public comments.
3. Close Public Hearing
4. Motion to adopt Resolution 2017-03 and read by title only. Roll Call Vote.

ATTACHMENTS:

- Resolution 2017-03; A Resolution Of The City Council Of The City Of Fortuna Establishing The Duties, Responsibilities, And Terms Of The Measure ‘E’ Independent Community Oversight Committee
RESOLUTION NO. 2017-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORTUNA
ESTABLISHING THE DUTIES, RESPONSIBILITIES, AND TERMS OF THE
MEASURE ‘E’ INDEPENDENT COMMUNITY OVERSIGHT COMMITTEE

WHEREAS, Ordinance 2016-726 establishes an Independent Community Oversight Committee (Committee) for Measure E; and

WHEREAS, said ordinance provides that the duties, responsibilities and terms of the Committee shall be established by resolution of the City Council;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Fortuna, the Committee shall have the following duties, responsibilities and terms:

1. The Committee shall serve in an advisory capacity to the City Council in all areas relating to Measure E financial matters.
2. The Committee shall serve staggered terms as follows:
   a. Two members at two years
   b. Three members at three years
   c. Two members at four years
3. The Committee shall, as its first action, select a chairperson and vice-chair from among its membership.
4. The Committee shall perform such other duties as may be prescribed by resolution of the City Council.

PASSED AND ADOPTED on this 16th day of January 2017 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_______________________________________
Sue Long, Mayor

ATTEST:

_______________________________________
Linda McGill CMC, City Clerk
DATE: January 16, 2017

TO: Honorable Mayor and Council Members

FROM: Linda McGill, City Clerk

THRU: Randy Mendosa, Interim City Manager

SUBJECT: Approval of the Mayor’s Appointments to the Independent Community Oversight Committee (Committee) for Measure E

STAFF RECOMMENDATION:

Discuss and approve the Mayors appointments to the Committee

EXECUTIVE SUMMARY:

The Committee will be made up of seven members serving staggered terms. Two members will serve two years, three members will serve three years, and two members will serve four years.

The City Council received 19 applications for appointment on the Committee. At a special meeting held on January 5, 2017 the City Council interviewed all of the applicants then reviewed and discussed their choices. Below is the list of applicants that were interviewed on January 5, 2017.

- Jason Davis
- Enoch Ibarra
- Karen Smith
- Kyle Conley
- Sandi Peterson
- Donald Ingram
- Joseph Hardcastle
- Cheryl Nicholson
- Brenda Ontiveros
- Christina Holman
- Jeremy Stanfield
- Joseph Leppke
- Walter Wilson
- Frederick Flores
- Edward Paul
- Eldon Whitehead
- Jason Kadle
- Larry Rogers
- Dylan Crabtree

The Mayor will announce the applicants that have been chosen to serve on the Committee and assign a term for the appointment.

RECOMMENDED COUNCIL ACTION:

1. Receive staff presentation and review Council questions with staff.
2. Open Public Comment
3. Close Public Comment
4. The Mayor makes the Committee appointments and term assignments for Council approval.
5. Motion to approve Mayors’ appointments. Roll call vote.
DATE: January 16, 2017
TO: Honorable Mayor and Council Members
FROM: Linda McGill CMC, City Clerk/Human Resources Manager
THRU: Randy Mendosa, Interim City Manager

SUBJECT: Council Review and Discussion of Commission Applications and Approval of Mayor’s Appointment of Commission Seats for the Planning Commission, Historical Commission and Parks & Recreation Commission

STAFF RECOMMENDATION:

EXECUTIVE SUMMARY:
Below is the list of City Commissions and the number of seats to be filled on each. A copy of the applications received for open commission seats are attached.

- **Planning Commission:**
  None of the seven Planning Commissioners seats are vacant at this time. The Alternate seat has been vacant since December 31, 2015.

- **Historical Commission:**
  Three of the five Historical Commissioners seats expired on December 31, 2016.

- **Park & Recreation Commission:**
  Three of the five Park & Recreation Commissioners seats expired on December 31, 2016.

### PLANNING COMMISSION MEMBERS (4-year terms)

<table>
<thead>
<tr>
<th>Name</th>
<th>Term Start</th>
<th>Term End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marvin Schwartz</td>
<td>May 1, 2006</td>
<td>December 31, 2017</td>
</tr>
<tr>
<td>John Morrison</td>
<td>August 12, 2014</td>
<td>December 31, 2017</td>
</tr>
<tr>
<td>Joseph Kravitz</td>
<td>January 1, 2014</td>
<td>December 31, 2017</td>
</tr>
<tr>
<td>Daniel Meaney</td>
<td>January 1, 2015</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>Jason Davis</td>
<td>January 1, 2012</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>Kris Mobley</td>
<td>December 31, 2015</td>
<td>December 31, 2019</td>
</tr>
<tr>
<td>Eric Bywater</td>
<td>October 21, 2014</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td><strong>Alternate (Vacant)</strong></td>
<td>December 31, 2017</td>
<td></td>
</tr>
</tbody>
</table>

### HISTORICAL COMMISSION MEMBERS (3-year terms)

<table>
<thead>
<tr>
<th>Name</th>
<th>Term Start</th>
<th>Term End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jean Gianini</td>
<td>January 1, 2014</td>
<td>December 31, 2016</td>
</tr>
<tr>
<td>Michael Murray***</td>
<td>January 1, 2015</td>
<td>December 31, 2016</td>
</tr>
<tr>
<td>Toni Scollar***</td>
<td>January 1, 2014</td>
<td>December 31, 2016</td>
</tr>
<tr>
<td>Pam Zana</td>
<td>January 1, 2015</td>
<td>December 30, 2018</td>
</tr>
<tr>
<td>Sue Pritchard O’Hara</td>
<td>December 18, 2006</td>
<td>December 30, 2018</td>
</tr>
</tbody>
</table>

### PARK COMMISSION MEMBERS (3-year terms)

<table>
<thead>
<tr>
<th>Name</th>
<th>Term Start</th>
<th>Term End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sal Chinnici***</td>
<td>February 18, 2014</td>
<td>December 31, 2016</td>
</tr>
<tr>
<td>Shelley Mendes***</td>
<td>May 21, 2012</td>
<td>December 31, 2016</td>
</tr>
<tr>
<td>Jason Woodward</td>
<td>September 8, 2015</td>
<td>December 31, 2016</td>
</tr>
<tr>
<td>Kathy Christensen</td>
<td>January 1, 2013</td>
<td>December 30, 2018</td>
</tr>
<tr>
<td>Jose Garcinuno</td>
<td>May 2, 2016</td>
<td>December 30, 2018</td>
</tr>
</tbody>
</table>

*** Indicates Commissioner has reapplied
Specific details of each Commission are shown below.

### Planning Commission  
*(The term of office for the Alternate is 2 years)*

Four applications have been received for the one Alternate seat. The applicants are (in alphabetical order):

- Stephanie Beauchaine
- Kyle Conley
- Rachel Fuentes
- Larry Rogers

The term of office is **two years** and if selected, the appointment will expire on December 31, 2018.

*** Indicates Commissioner has reapplied

### Historical Commission  
*(The term of office is 3 years)*

Two applications have been received for the three open Historical Commission seats. The applicants are (in alphabetical order):

- Michael Murray***
- Toni Scolari***

The term of office is **three years** and if selected, the appointment will expire on December 31, 2018.

*** Indicates Commissioner has reapplied

### Parks & Recreation Commission  
*(The term of office is 3 years)*

Four applications have been received for the three open Parks & Recreation Commission seats. The applicants are (in alphabetical order):

- Sal Cinnici***
- Karen Hardcastle
- Shelly Mendes***
- Larry Rogers

The term of office is **three years** and if selected, the appointment will expire on December 31, 2018.

*** Indicates Commissioner has reapplied

**RECOMMENDED COUNCIL ACTION:**

1. Receive staff presentation and review Council questions with staff.
2. Open Public Comment
3. Close Public Comment
4. The Mayor makes the Commission appointment recommendations to the Council.
5. Motion to approve Mayors’ appointments. Roll call vote.

**ATTACHMENTS:**

- Planning, Parks & Recreation, and Historical Commission Applications
City of Fortuna
APPLICATION FOR APPOINTMENT TO
CITY BOARD/COMMISSION

Name of Board or Commission: Planning Commission

Applicant Name: Stephanie Beauchaine

Home Address: 2049 Rainbow Ln, Fortuna, Ca 95540

Mailing Address (if different): (same)

Home Phone: 599-0112 Home Business/Cell Phone: 925-2717 (off)

Email Address: sbeauchaine132@gmail.com

Education: U.R., HSU, Ashford University

Length of Time in the Fortuna Area: 33 years

Present Employer: Cher-Ae Heights Casino

Job Title: Controller

Organizations in which you are currently involved: None, just moved home after living in San Francisco for 8 years.

Reason for wanting to serve on this Board/Commission: To serve the community in a capacity where I have some experience.

Expertise you bring to this Board/Commission: Served as City Finance Director for 8 years. Familiar with planning, zoning, annexation, spheres of influence, residential & commercial development, design review, etc.

References:
1. Paul Rodriguez, Former City of Fortuna Finance Director
2. Eric Bywater, Planning Commissioner Fortuna

Signature: Stephanie Beauchaine

This application will be kept on file for six months.
From: Stephanie Beauchaine  
Phone: 707-825-2717  
Fax:  
Company Name: Cher-Ae Heights Casino  
To: Linda McGill, City Clerk  
Phone: 707-725-5172  
Fax:  
Company Name: City of Fortuna  

Comments:  

Please accept my application for Planning Commissioner. I hope all is well with you.  

Best,  
Stephanie
Name of Board or Commission: Planning Commission

Applicant Name: Larry Rogers

Home Address: 1200 Carson Woods Rd, Fortuna CA 95540

Mailing Address (if different):

Home Phone: (707) 498-9402 Business/Cell Phone: (707) 382-0886

Email Address: larry_rogers_hp@yahoo.com

Education: Associate of Science in Computer science from CSM, CR & HSU

Length of Time in the Fortuna Area: Almost two years but owned Eureka real estate since 1978

Present Employer: Semi-Retired, managing our rentals in Eureka

Job Title: hands on property management

Organizations in which you are currently involved: Fortuna Senior Center, RARC & FWRA

Reason for wanting to serve on this Board/Commission: I support a strong local business community and would like to give service back to where we live.

Expertise you bring to this Board/Commission: Real estate and financial experience and a sense of historical balance. It is important to preserve the character of our city.

References:
1. Dennis & Doris Miller Carson Woods Rd Fortuna CA
2. John Duncan ReMax Realty in Eureka CA

Signature

Date

This application will be kept on file for six months.
City of Fortuna
APPLICATION FOR APPOINTMENT TO
CITY BOARD/COMMISSION

Planning Commission
Purpose: To oversee the development of the General Plan, formation and administration of the zoning map and ordinance, and review of development applications.
Meetings: The Commission meets on the second and fourth Tuesday of each month at 7:00pm at City Hall in the Council Chambers.
Terms: The Commissioners serve staggered four year terms.
Compensation: Planning Commissioners receive $30 for each meeting attended.

Historical Commission
Purpose: To preserve the Northwestern Pacific Depot Building and to administer the operation of the Museum which will provide reminders of the past eras, events, and persons important to the City of Fortuna.
Meetings: The Commission at 7:00pm at the Depot Museum meets bi-monthly on the fourth Wednesday of every other month.
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Parks and Recreation Commission
Purpose: To serve in an advisory capacity to the City Council, City Manager, and the City Staff in all matters pertaining to public Parks and Recreation.
Meetings: The Commission meets bi-monthly on the second Monday of every other month at 7:00pm at Rohner Park.
Terms: The Commissioners serve staggered three year terms.
RE: Fortuna Commission Applications - Planning, Parks & Recreation

Greetings Linda,

Thank you for meeting with me at the City Hall front counter. I'm looking forward to meeting with everyone. Please see my attached signed applications for both the planning commission and Parks & Recreation, I'll also be dropping a copy off this morning.

This feels like a time in my life to give back to the community where we live. I'm most interested in serving on the oversight committee or planning commission, but my mom started her public service career in “Parks and Recreation” and we do live right across the street from the park. So I am perfectly willing and able to that ...

Best Regards,

Larry Rogers
larry_rogers_hp@yahoo.com
(707) 498-9402 home
(707) 382-0886 cell
File: Measure_E_Oversight.pdf
Name of Board or Commission: Planning Commission

Applicant Name: Kyle Conley

Home Address: 201 Holly Lane Fortuna, CA 95540

Mailing Address (if different): Same

Home Phone: 617-2206 Business/Cell Phone: 479-0009

Email Address: KyleConley21@comcast.com

Education: Bachelor of Science

Length of Time in the Fortuna Area: 33 years minus five years for college

Present Employer: Pacific Gas & Electric

Job Title: ISFS1 LEAD

Organizations in which you are currently involved: Fortuna Fire Dept, South School Site Council

Reason for wanting to serve on this Board/Commission: I have been a Fortuna resident for all my life and I want my community to continue to be something I'm proud of.

Expertise you bring to this Board/Commission: I held a real estate license in the past to help with zoning and residential settings. Being a fire captain, I have an understanding of safety that goes along with building.

References:
1. Russ Brown Fire Chief 479-2714
2. Caenan Lewis Fire Lt. 599-6197

Signature: __________________________ Date: 12/5/16

This application will be kept on file for six months.
Planning Commission
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Terms: The Commissioners serve staggered three year terms.
Name of Board or Commission: Planning Commission

Applicant Name: Rachel Fuentes

Home Address: 3326 Kenmar Rd. Fortuna,

Mailing Address (if different):

Home Phone: Business/Cell Phone: (707) 832-6472

Email Address: r.fuentes1004@gmail.com

Education: BSW, MSW

Length of Time in the Fortuna Area: 29 years

Present Employer: County of Humboldt

Job Title: Social Worker

Organizations in which you are currently involved: The MGC, Autoxpo

Reason for wanting to serve on this Board/Commission: Provide service to my community

Expertise you bring to this Board/Commission: Experience serving on Bod and committees

References:

1. Frank Ramos 599.8240

2. Angela Johnson 599.5547

Signature

Date 12/27/16

This application will be kept on file for six months.
City of Fortuna
APPLICATION FOR APPOINTMENT TO
CITY BOARD/COMMISSION

Name of Board or Commission: Parks and Recreation Commission

Applicant Name: Larry Rogers

Home Address: 1200 Carson Woods Rd, Fortuna CA 95540

Mailing Address (if different): ________________________________________________

Home Phone: (707) 498-9402 Business/Cell Phone: (707) 382-0886

Email Address: larry_rogers_hp@yahoo.com

Education: Associate of Science in Computer science from CSM, CR & HSU

Length of Time in the Fortuna Area: Almost two years but owned Eureka real estate since 1978

Present Employer: Semi-Retired, managing our rentals in Eureka

Job Title: hands on property management

Organizations in which you are currently involved: Fortuna Senior Center, RARC & FWRA

Reason for wanting to serve on this Board/Commission: Parks and Recreation are an important adjunct to education and an important part of our community for all ages.

Expertise you bring to this Board/Commission: General love of the outdoors understanding of maintenance costs and project management experience.

References:
1. Dennis & Doris Miller Carson Woods Rd Fortuna CA
2. John Duncan ReMax Realty in Eureka CA

Signature: ________________________________ Date: ____________________________

This application will be kept on file for six months.
Planning Commission

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This feels like a time in my life to give back to the community where we live. I'm most interested in serving on the oversight committee or planning commission, but my mom started her public service career in "Parks and Recreation" and we do live right across the street from the park. So I am perfectly willing and able to that ...

Best Regards,

Larry Rogers
larry_rogers_hp@yahoo.com
(707) 498-9402    home
(707) 382-0886    cell
File: Measure_E_Oversight.pdf
Application for Appointment to City Board/Commission

Name of Board or Commission: Parks and Recreation Commission

Applicant Name: SAL CHINNICI

Home Address: 3503 Larsen Lane, Fortuna, CA 95540

Mailing Address (if different): SAME

Home Phone: 707-725-8646 Business/Cell Phone: 707-845-3012

Email Address: schinnici@hrcllc.com

Education: B.S. Degree in Wildlife Management w/Minor in Biology, Humboldt State University, 1977

Length of Time in the Fortuna Area: 22 YEARS

Present Employer: HUMBOLDT REDWOOD CO. LLC.

Job Title: Manager of Forest Sciences

Organizations in which you are currently involved: Humboldt Redwood Community Action Team, North Coast Agriculture Partners

Reason for wanting to serve on this Board/Commission: AS OUR CITY GROWS IT IS VERY IMPORTANT THAT WE CONTINUE TO PROVIDE RECREATIONAL SPACE AND OPPORTUNITIES FOR OUR CITIZENS. THAT IS THE VOICE THAT I HAVE BROUGHT THE LAST 3 YRS.

Expertise you bring to this Board/Commission: AS A LONG-TIME ATHLETE, COACH, AND NATURAL RESOURCES PROFESSIONAL I HOPE TO BRING THESE AIDS OF EXPERTISE TO THE COMMISSION TO ACHIEVE THE GOAL ABOVE.

References:
1. KEVIN CARTER, CITY OF FORTUNA
2. SHELLY MENDES, CHAIR OF PARKS AND RECREATION COMMISSION

Signature: S. CHINNICI Date: 12/20/16

This application will be kept on file for six months.
Planning Commission

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APPLICATION FOR APPOINTMENT TO
CITY BOARD/COMMISSION

Name of Board or Commission: Parks and Recreation Commission

Applicant Name: Karen Hardcastle

Home Address: 105 Denaway Court, Fortuna

Mailing Address (if different):

Home Phone: 682-6080 Business/Cell Phone: (831) 234-0822

Email Address: khardcastle@gmail.com

Education: Bachelor of Science in Physical Education 1 year for teaching credential in Adapted Physical Education

Length of Time in the Fortuna Area: 25 years

Present Employer: retired

Job Title:

Organizations in which you are currently involved: Humboldt Bay Pickball Assoc., Redwood Rec

Reason for wanting to serve on this Board/Commission: Become more involved in my local community in an area of interest and experience.

Expertise you bring to this Board/Commission: I feel that my teaching and life experiences have brought me intelligence, organizational skills, and an ability to see the big picture. I have time and a desire to keep our local parks the grand gems that they are for our community.

References:
1. Tammi Trent - Fortuna City Councilmember
2. Karen Quiter (707) 845-6913 Retired - City Manager Trinidad

Karen Hardcastle 12/6/16

This application will be kept on file for six months.
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Terms: The Commissioners serve staggered three year terms.
Name of Board or Commission: Parks & Recreation

Applicant Name: Shelly Mendes

Home Address: 2654 Chism Court, Fortuna, CA 95540

Mailing Address (if different): N/A

Home Phone: 707-725-4967 Business/Cell Phone: 707-498-6265

Email Address: shelliemendes@Suddenly.net

Education: K-12, College, HROF

Length of Time in the Fortuna Area: 31 years

Present Employer: Shelter Cove Volunteer Fire Dept.

Job Title: Paramedic

Organizations in which you are currently involved: Fortuna Women's Group & Chair Commis...

Reason for wanting to serve on this Board/Commission: I love our parks!

Expertise you bring to this Board/Commission: Raised my kids here, worked here, walk in the parks, love new and established ideas that share the parks with others.

References:
1. Sue Long - Mayor (City of Fortuna)
2. Russ Brown - Fortuna VFD Asst. Chief

Shelly Mendes

Signature

12-30-2016

This application will be kept on file for six months.
City of Fortuna
APPLICATION FOR APPOINTMENT TO
CITY BOARD/COMMISSION

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City of Fortuna
APPLICATION FOR APPOINTMENT TO
CITY BOARD/COMMISSION

Name of Board or Commission: HISTORICAL COMMISSION

Applicant Name: TONI M. SCOLARI

Home Address: 102 DOVE CT. FORTUNA, CA. 95540

Mailing Address (if different): SAME

Home Phone: (707) 725-1701  Business/Cell Phone: (707) 502-7298

Email Address: MONITOR GET E.GMAIL.COM

Education: SOME CR - GRADUATED EUREKA HIGH 1973

Length of Time in the Fortuna Area: MOVED TO FORTUNA IN 2010

Present Employer: FORTUNA ART & OLD THINGS 2002 - PRESENT (707) 726-3003

Job Title: SALES/MANAGER

Organizations in which you are currently involved: RELIC ACCUMULATORS (APPROX 10 YEARS)

Reason for wanting to serve on this Board/Commission: IT HAS BEEN MY HONOR TO SERVE ON THE

HISTORICAL COMMISSION FOR THE LAST THREE YEARS, I WOULD BE PROUD TO SERVE ANOTHER TERM TO DO WHAT I CAN TO HELP PRESERVE & PROMOTE THE DEPOT MUSEUM.

Expertise you bring to this Board/Commission: I HAVE A WORKING KNOWLEDGE OF ANTIQUES

AND A GENUINE LOVE OF HISTORY AND PRESERVING ARTIFACTS FOR FUTURE GENERATIONS.

References:
1. DEBI POND (707) 496-8553

2. LYNN WACHTER (707) 646-7256

Signature Date

This application will be kept on file for six months.
Planning Commission

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Parks and Recreation Commission

Purpose: To serve in an advisory capacity to the City Council, City Manager, and the City Staff in all matters pertaining to public Parks and Recreation.

Meetings: The Commission meets bi-monthly on the second Monday of every other month at 6:00pm at Rohner Park.

Terms: The Commissioners serve staggered three year terms.
Name of Board or Commission: Historical Commission

Applicant Name: Michael P Murray

Home Address: 1943 Scenic Drive Fortuna CA 95540

Mailing Address (if different):

Home Phone: (707) 725-2916 Business/Cell Phone: none

Email Address: milsenpeggy@svuddenlink.net

Education: Masters - Education - Cal State Long Beach

Length of Time in the Fortuna Area: 14 years

Present Employer: none - retired teacher

Job Title:

Organizations in which you are currently involved: depot museum, wildlife refuge

Reason for wanting to serve on this Board/Commission: life long interest in history and interest in the depot museum

Expertise you bring to this Board/Commission: 26 years teaching High School History

and serving as media coordinator

References:

1. Dr. Alexandra Service

2. Susan O'Hara

Michael P Murray 12-4-2016

Signature Date

This application will be kept on file for six months.
DATE: January 16, 2017

TO: Honorable Mayor and City Councilmembers

FROM: Randy Mendosa, Interim City Manager

1. Upcoming Council Meeting Dates

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting Type</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday, February 6, 2017</td>
<td>Regular City Council Meeting</td>
<td>Council Chambers at City Hall</td>
</tr>
<tr>
<td>6:00 p.m.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tuesday, February 21, 2017</td>
<td>Regular City Council Meeting</td>
<td>Council Chambers at City Hall</td>
</tr>
<tr>
<td>6:00 p.m.</td>
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</tbody>
</table>

2. Upcoming Planning Commission Meeting Dates

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting Type</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>Tuesday, January 24, 2017</td>
<td>Regular Planning Commission Meeting</td>
<td>Council Chambers at City Hall</td>
</tr>
<tr>
<td>7:00 p.m.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tuesday, February 14, 2017</td>
<td>Regular Planning Commission Meeting</td>
<td>Council Chambers at City Hall</td>
</tr>
<tr>
<td>7:00 p.m.</td>
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</tr>
</tbody>
</table>


4. Staff has initiated efforts to recruit a new Full-Time Finance Director.

ATTACHMENTS:

- Finance Department Activity Log for December
Finance Department
Activity Log

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
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<tbody>
<tr>
<td>Payroll Checks Issued:</td>
<td>428</td>
<td>226</td>
<td>219</td>
<td>206</td>
<td>201</td>
<td>314</td>
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<tr>
<td>Accounts Payable Checks Issued:</td>
<td>207</td>
<td>225</td>
<td>238</td>
<td>210</td>
<td>224</td>
<td>197</td>
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<tr>
<td>Number of Invoices Processed:</td>
<td>485</td>
<td>550</td>
<td>595</td>
<td>542</td>
<td>545</td>
<td>448</td>
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<td>CDBG Loan Payments/Payoff</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
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<tr>
<td># Telephone Calls Answered</td>
<td>1326</td>
<td>1357</td>
<td>1226</td>
<td>1137</td>
<td>1069</td>
<td>1081</td>
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<tr>
<td><strong>Avg Daily</strong></td>
<td>66</td>
<td>59</td>
<td>58</td>
<td>54</td>
<td>53</td>
<td>51</td>
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**Daily Walk-in Customers**

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<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Utility</td>
<td>1327</td>
<td>1259</td>
<td>1198</td>
<td>1153</td>
<td>1299</td>
<td>1195</td>
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<tr>
<td>Bldg</td>
<td>77</td>
<td>86</td>
<td>102</td>
<td>81</td>
<td>62</td>
<td>75</td>
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<tr>
<td>Plan</td>
<td>26</td>
<td>26</td>
<td>20</td>
<td>21</td>
<td>26</td>
<td>11</td>
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<tr>
<td>Other</td>
<td>109</td>
<td>124</td>
<td>115</td>
<td>127</td>
<td>134</td>
<td>106</td>
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<tr>
<td>Total:</td>
<td>1539</td>
<td>1495</td>
<td>1435</td>
<td>1382</td>
<td>1521</td>
<td>1387</td>
</tr>
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</table>

**Average Daily Walk-in Customers**

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly Bills</td>
<td>4474</td>
<td>4471</td>
<td>4480</td>
<td>4473</td>
<td>4485</td>
<td>4480</td>
</tr>
<tr>
<td>Reminder Notices</td>
<td>567</td>
<td>516</td>
<td>520</td>
<td>614</td>
<td>495</td>
<td>469</td>
</tr>
<tr>
<td>Shut Off Notices Mailed</td>
<td>191</td>
<td>222</td>
<td>205</td>
<td>221</td>
<td>225</td>
<td>212</td>
</tr>
<tr>
<td>Shut Offs</td>
<td>35</td>
<td>32</td>
<td>25</td>
<td>37</td>
<td>35</td>
<td>32</td>
</tr>
<tr>
<td>Ebills - Bills sent via email</td>
<td>153</td>
<td>155</td>
<td>161</td>
<td>165</td>
<td>166</td>
<td>168</td>
</tr>
<tr>
<td>Utility Bills paid online</td>
<td>223</td>
<td>232</td>
<td>246</td>
<td>257</td>
<td>253</td>
<td>253</td>
</tr>
<tr>
<td>% of Utility bills paid in person</td>
<td>30%</td>
<td>28%</td>
<td>27%</td>
<td>26%</td>
<td>29%</td>
<td>27%</td>
</tr>
<tr>
<td>Public Works Calls Dispatched:</td>
<td>152</td>
<td>174</td>
<td>129</td>
<td>116</td>
<td>118</td>
<td>117</td>
</tr>
<tr>
<td><strong>Avg Calls</strong></td>
<td>0.0</td>
<td>134.3</td>
<td>806</td>
<td>14.9%</td>
<td>2.7%</td>
<td>0.9%</td>
</tr>
</tbody>
</table>

**Utility Billing Aging Report 5/31/16**

<table>
<thead>
<tr>
<th>Total Bal</th>
<th>Current</th>
<th>30 Days</th>
<th>60 Days</th>
<th>90 Days</th>
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</thead>
<tbody>
<tr>
<td>$563,054</td>
<td>$458,866</td>
<td>$84,145</td>
<td>$15,131</td>
<td>$4,911</td>
</tr>
</tbody>
</table>

Utility Accounts Aging

- Current: 81%
- 30 Days: 15%
- 60 Days: 3%
- 90 Days: 1%

City Manager’s Report
Page 2 of 2