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 8:30 AM

<table>
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<tr>
<th>Council</th>
<th>Staff</th>
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<tbody>
<tr>
<td>Council Member Tiara Brown</td>
<td>City Manager Mark Wheelley</td>
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<td>Council Member Dean Glaser</td>
<td>City Clerk Siana Emmons</td>
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<td>Council Member Doug Strehl</td>
<td>Chief Treatment Plant Operator Doug Culbert</td>
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<td>Mayor Pro Tem Tami Trent</td>
<td>Director of Public Works Merritt Perry</td>
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<td>Mayor Sue Long</td>
<td>Deputy Director of Public Works Kevin Carter</td>
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II. ORAL COMMENTS FROM THE PUBLIC

Members of the Public may be heard at this time on any item within the subject matter jurisdiction of the City that is not on the Public Meeting Agenda. It is the practice of this Council to hold public comment for every item of business on the agenda at the time that item is heard. If a speaker cannot stay for a particular item of business, they may be heard during this time. 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.

III. DISCUSSION ITEM

1. Review Proposed Amendment to Ordinance 76-360 to Revise the City’s Policy on Sewer Lateral Inspections and to Require Additional Sewer Lateral Testing

2. Discuss Possible Compensation for PG&E Utility Easements to Private Property Owners in order to accommodate the Rule 20A 12th Street Undergrounding Project Design

IV. REPORT OUT AND ADJOURN

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

Siana L. Emmons
City Clerk
DATE: February 8, 2018

TO: Honorable Mayor and Council Members

FROM: Doug Culbert, Chief Plant Operator

THRU: Mark Wheelley, City Manager

SUBJECT: Review Proposed Amendment to Ordinance 76-360 to Revise the City’s Policy on Sewer Lateral Inspections and to Require Additional Sewer Lateral Testing

STAFF RECOMMENDATION:

Review and discuss with staff on the proposed amendment to Ordinance 76-360 to require additional sewer lateral testing.

EXECUTIVE SUMMARY:

Staff has developed a draft amendment to the existing sewer ordinance to address the inspection of sewer laterals on homes within the City’s jurisdiction. The overlying purpose for bringing this topic to the City Council is to fulfill one of the requirements of the 2016 settlement with California River Watch, which states that an updated ordinance addressing the inspection of sewer laterals be brought to the Council for review, and to reduce inflow and infiltration into the City’s sewer collection system. The settlement does not require the ordinance to be implemented, but does require certain language (Attachment C) be included in the draft ordinance (Attachment A). Staff’s recommendation is that the Council update the City’s ordinance to require the inspection of certain sewer laterals upon sale of property. Staff has reviewed several Sewer Lateral Ordinances within Humboldt County and incorporated information from those ordinances and policies to put together this proposal. The proposed amendment would include requirements similar to the ordinances of the City of Arcata, Ferndale and Rio Dell.

The proposed amendment to the ordinance includes several events that trigger an inspection:

1. Transfer of ownership of the property, if no inspection or replacement of the sewer lateral occurred within twenty (20) years prior to the transfer;
2. The occurrence of two (2) or more SSOs caused by the same private lateral within the past two years;
3. A change of use for the structure served:
   a. from residential to non-residential use;
   b. to a non-residential use that will result in a higher flow than the current non-residential use; or
   c. to non-residential use where the structure served has been vacant or unoccupied for more than three (3) years;
4. Upon replacement or repair of any part of the sewer lateral; or
5. Upon issuance of a building permit with a valuation of twenty-five thousand dollars ($25,000) or more.

Inflow and Infiltration (I&I) is a contributing factor to higher flows in the sewer plant, which ultimately increases operational costs to the City for treating the excess rainwater. I&I is prevalent in older sewer laterals due to deterioration, age, and failing materials. The draft ordinance would require homeowners that own homes that were constructed more than 25 years prior to the date of sale to test their existing sewer lateral for selling their homes.
The test that would be required would be a static pressure test using either water or air, and would performed according to the Uniform Plumbing Code (UPC) section 712.2-712.3 (Attachment B). The UPC is the standard used by the City’s building department and is routinely updated with the building code.

A clean-out at the property line will be required to conduct the I&I test. If the property does not have an existing cleanout, the ordinance will require one to be installed by the owner. The ordinance will make it the responsibility of the seller to disclose to the prospective purchasers the requirements of the City’s Sewer Lateral Ordinance.

There will be some exceptions to the lateral testing requirements in the draft amendment including an exception for the following types of buildings:

- Condominium or cooperative apartment buildings;
- All buildings where the City Manager, or authorized representative, determines that testing and repair or replacement of lateral(s) has been performed to City standards within the last three years.
- All buildings where the City Manager, or authorized representative, determines that new sewer construction has been inspected and passed within the last three years.

A subsequent test would also be required within 3 years where chronic issues or known deficiencies in the new construction exist. This determination will be made by City staff and based on a test conducted by the City. There will be no charge to the property owner for this test except for standard building permit costs, and the cost of the repairs or replacement of the sewer lateral if needed.

**FINANCIAL IMPACT:**

There will be no short-term financial impact to the City however, there would be long-term savings, as the treatment cost will be reduced and there will be fewer sewer overflow events. In the event of a passed ordinance, the only impact would be if staff was required to perform a subsequent lateral test and this would require staff time.

**RECOMMENDED COUNCIL ACTION:**

Receive staff presentation and provide direction on how to proceed with the proposed ordinance amendment.

**ATTACHMENTS:**

- Attachment A- Proposed Amendment to Ordinance 76-360
- Attachment B- Uniform Plumbing Code Section 712.2 - 712.3
- Attachment C- Excerpt from the River Watch Settlement
LATERAL TESTING

The property owner shall have the sewer lateral(s) to the property tested for inflow and infiltration and all necessary repairs or replacements performed to prevent all inflow and infiltration.

The City of Fortuna will use the following events as a basis or “trigger” for inspection, repair or replacement of the private sewer lateral whenever any property located within the City of Fortuna:

1. Transfer of ownership of the property, if no inspection or replacement of the sewer lateral occurred within twenty (20) years prior to the transfer;
2. The occurrence of two (2) or more SSOs caused by the same private lateral within the past two (2) years;
3. A change of use for the structure served:
   a. from residential to non-residential use;
   b. to a non-residential use that will result in a higher flow than the current non-residential use; or
   c. to non-residential use where the structure served has been vacant or unoccupied for more than three (3) years;
4. Upon replacement or repair of any part of the sewer lateral; or
5. Upon issuance of a building permit with a valuation of twenty-five thousand dollars ($25,000) or more.

This test shall be performed by a licensed contractor, certified to perform plumbing construction, paid for by the property owner, and signed off by an authorized City representative. Refer to the Uniform Plumbing Code sections 712.2-712.3 for Test Procedure.

- If the real property does not have an existing Sewer Clean-out at the property line, a Sewer Clean-out shall be installed in accordance with all City of Fortuna Code requirements prior to transfer of title. At the property owner’s request and expense, the City will install the Sewer Clean-out.
- An inspection card signed by an authorized City representative must accompany title transfer proceedings. It is the responsibility of the property buyer or seller to repair, replace and conform to all infiltration requirements prior to transfer of property connected to the city sewer system.

Exceptions: This section shall not apply to:

- Condominium or cooperative apartment buildings;
- To all buildings where the City Manager, or authorized representative, determines that testing and repair or replacement of lateral(s) has been performed to City standards within the last three (3) years.
- To all buildings where the City Manager, or authorized representative, determines that new sewer construction has been inspected and passed within the last three (3) years. This determination shall be made by a test performed by City staff. Except for standard permit costs, there will be no charge to the property owner for this test.

Should the lateral fail the test, the lateral shall be either repaired or replaced and retested. A plumbing permit will be required in order to perform the necessary repairs or replacement. This process shall continue until the lateral passes the required test.

Lateral Certification. Once the lateral has successfully passed the testing procedure, the City representative witnessing the test will sign the permit inspection card as approved.
ATTACHMENT B

Uniform Plumbing Code Section 712.2 - 712.3
Lateral Testing Procedure

**712.2 Water Test.** The Water test shall be applied to the drainage and vent systems either in its entirety or in sections. If the test is applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system filled with water to point of overflow. If the system is tested in sections, each opening shall be tightly plugged, except the highest opening of the section under test, and each section shall be filled with water, but no section shall be tested with less than a ten (10) foot (3048 mm) head of water. In testing successive sections, at least the upper ten (10) feet (3048 mm) of the next preceding section shall be tested, so that no joint or pipe in the building (except the uppermost ten feet of the system) shall have been submitted to a test of less than a ten (10) foot (3048 mm) head of water. The water shall be kept in the system, or in the portion under test, for at least fifteen (15) minutes before inspection starts. The system shall then be tight at all points.

**712.3 Air Test.** The air test shall be made by attaching an air compressor testing apparatus to any suitable opening and, after closing all other inlets and outlets to the system, forcing air into the system until there is a uniform gauge pressure of five (5) pounds per square inch (34.5 kPa) or sufficient to balance a column of mercury ten (10) inches (254 mm) in height. The pressure shall be held without introduction of additional air for a period of at least fifteen (15) minutes.
ATTACHMENT C

Excerpt from the River Watch Settlement

VII. Lateral Program

A. Lateral Inspection and Repair Program: Within two (2) years from the Effective Date of this Agreement, the City staff shall recommend to the City Council an ordinance establishing a program for the inspection, repair, and/or replacement of private sewer laterals. The program will use the following events as a basis or “trigger” for inspection, repair and/or replacement:

(i) Transfer of ownership of the property, if no inspection or replacement of the sewer lateral occurred within twenty (20) years prior to the transfer;

(ii) The occurrence of two (2) or more SSOs caused by the same private sewer lateral within the past two (2) years;

(iii) A change of use for the structure served:
(1) from residential to non-residential use;
(2) to a non-residential use that will result in a higher flow than the current non-residential use; or
(3) to non-residential use where the structure served has been vacant or unoccupied for more than three (3) years;

(iv) Upon replacement or repair of any part of the sewer lateral; or

(v) Upon issuance of a building permit with a valuation of twenty-five thousand dollars ($25,000.00) or more
DATE: February 8, 2018

TO: Honorable Mayor and Council Members

FROM: Kevin Carter, Deputy Director of Public Works

THRU: Mark Wheetley, City Manager

SUBJECT: Discuss Possible Compensation for PG&E Utility Easements to Private Property Owners in order to Accommodate the Rule 20A 12th Street Undergrounding Project Design

STAFF RECOMMENDATION:

Discuss with staff whether the City should pay for PG&E utility easements being requested by property owners along 12th Street as part of the Rule 20A Undergrounding Project.

EXECUTIVE SUMMARY:

The City of Fortuna City Council established a Utility Undergrounding District surrounding 12th Street at its Regular Meeting on April 15, 2013. Staff has since been working with the Pacific Gas and Electric as well as AT&T and Suddenlink on the design and many other aspects of Project Management for the project including easement acquisition.

The project will require the installation of both above ground transformers and below ground vaults in order to relocate the equipment from the poles to underground. There are eleven (11) locations designed into the project for either an above ground transformer or an underground vault, which require the acquisition of utility easements.

One of the locations is on City owned property at 280 12th Street (the old Ford Dealership location). The City requested that Council approve this easement at their Regular Meeting on October 2, 2017. This easement was granted and has since been recorded. Out of the eleven property owners, which the project will require easements from, PG&E has only been able to secure two (one of which is for the City’s property). The High School is a property owner that is being requested to agree to two of the easements (multiple above ground transformers and below ground vaults, on two parcels). Discussions with administrative staff and City staff indicate no concerns at this time that these easements will be secured. This leaves seven property owners, which the project will require easements from to complete this phase.

PG&E is currently pursuing these easements; however, City staff may be needed to play a larger role in negotiations if PG&E is not successful in obtaining the remaining easements. A couple property owners either would like compensation for the easement or are currently not willing to provide the easement for one reason or another.

Staff is requesting that Council provide direction to staff on whether or not the City is willing to offer compensation for easements. If Council decides to offer compensation, staff would then move forward with PG&E on negotiations with the property owners, and return to Council for final authorization to provide payment. The City is committed to paying for the replacement of the streetlights through an agreement originally signed by the existing City Manager in 2013. This expense is budgeted within the current fiscal year’s Capital Improvement Program.
FINANCIAL IMPACT:

The financial impact is to be determined at a future Council meeting.

RECOMMENDED COUNCIL ACTION:

Receive staff presentation and provide direction for how to proceed with the acquisition of these easements.

ATTACHMENTS:

- Attachment A- Example of requesting owner easement exhibit – Orville Smith