
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.

***This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor’s Emergency Declaration related to COVID-19, and the Governor’s Executive Order N-29-20 issued on March 17, 2020 that allows attendance by member of the City Council, City staff, and the public to participate by teleconference, videoconference, or both.**

***To submit public comments for this meeting prior to the meeting, please email comments to cityclerk@ci.fortuna.ca.us by noon on Monday, November 2, 2020. All public comments received by noon will be read into the record (limit to 3 minutes) during the meeting. If your public comments are received after noon on Monday, they may not be read into the record, but will be included in the official minutes.**

To provide public comment during the meeting, you can call 1-669-900-9128 and enter Meeting ID: 874 7008 5468 and Password: 055392 press star (*) 9 on your phone - this will raise your hand. You will continue to hear the meeting on the call. When it is time for public comment on the item you wish to speak on, the Clerk will unmute your phone. You will hear a prompt that will indicate your phone is unmuted. Please state your name and begin your comment. You will have 3 minutes to comment.

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

Council	Staff
Council Member Dean Glaser	City Manager Merritt Perry
Council Member Mike Johnson	City Clerk Siana L. Emmons
Council Member Jeremy Stanfield	Parks & Recreation Director Cameron Mull
Mayor Pro Tem Tami Trent	Deputy Director of Community Development Liz Shorey
Mayor Sue Long	

II. PRESENTATIONS / PROCLAMATIONS

- The Great American Smokeout Proclamation
- National American Indian Heritage Month Proclamation
- Redwood Empire Municipal Insurance Fund (REMIF) Merger with Public Agency Risk Sharing Authority of California (PARSAC) to create the California Intergovernmental Risk Authority (CIRA), presented by Amy Northam, REMIF General Manager

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.

To provide public comment during the meeting, you can call 1-669-900-9128 and enter Meeting ID: 874 7008 5468 and Password: 055392 press star (*) 9 on your phone - this will raise your hand. You will continue to hear the meeting on the call. When it is time for public comment on the item you wish to speak on, the Clerk will unmute your phone. You will hear a prompt that will indicate your phone is unmuted. Please state your name and begin your comment. You will have 3 minutes to comment.

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 – October 19, 2020 (Regular Meeting), October 19, 2020 (Special Meeting) & October 21, 2020 (Special Meeting)
2. Report of Disbursements
3. Continue the Declaration of the Existence of a Local Emergency in Response to Coronavirus (COVID-19)

V. CITY COUNCIL BUSINESS

- A. Public Hearing: Unmet Transit Needs
- B. Public Hearing: To Consider an Amendment of Title 17 – Zoning Regulations of the Fortuna Municipal Code, Adding Section 17.06.220 Small Wireless Communications Facilities and Amending Section 17.07.004 Administration. *Ordinance 2020-744* (1st Reading)
- C. Business Loan to Eric Allen for 1434 Rohnerville Road and Lease of Vacant City Parcel on Rohnerville Road

VI. CITY MANAGER’S REPORT

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 Dean Glaser	Redwood Coast Energy Authority
• Council Member Mike Johnson	Humboldt County Association of Governments, Historical Commission, League of California Cities Transportation, Communication and Public Works
• Council Member Jeremy Stanfield	Fortuna Business Improvement District, Parks & Recreation 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, Humboldt County Redevelopment Oversight Board

IX. ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Section 54956.8 of the Government Code; Vacant Land along Eel River and 1320 Riverwalk Drive; Negotiating Parties: City Manager Merritt Perry for the City of Fortuna and Troy Land as Negotiating Parties; Under Negotiation: Price and Terms of payment.

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.

Siana L. Emmons,
City Clerk



City of Fortuna Proclamation

In Recognition of

The Great American Smokeout *November 19, 2020*

WHEREAS, the American Cancer Society encourages all tobacco users to join the Great American Smokeout and quit tobacco for at least one day; and

WHEREAS, smoking remains the leading cause of preventable death in the United States; and

WHEREAS, tobacco companies are attempting to block the new statewide ban on flavored tobacco that was designed to prevent kids from getting addicted; and

WHEREAS, local surveys show our retail environment is filled with tobacco products - and even stores with pharmacies providing health care services can sell tobacco products, giving a mixed message that tobacco use is safe; and

WHEREAS, the predominance of tobacco products makes it easy for youth to start smoking and harder for smokers to quit; and

WHEREAS, there are many free resources to help adults and teenagers quit smoking and vaping; and

WHEREAS, on Thursday, November 19th there will be a free quit-kit giveaway at Eureka Natural Foods on Broadway from noon to 3p.m.

NOW, THEREFORE, BE IT PROCLAIMED that the City Council of Fortuna hereby recognizes and supports the American Cancer Society's GREAT AMERICAN SMOKEOUT, on Thursday, November 19, 2020, and encourages all residents who use tobacco products to consider that they do not have to stop smoking in one day. Just start with day one.

SIGNED this 2nd day of November 2020, at the City of Fortuna, in the State of California, and in witness thereof, the seal of Fortuna.

*Sue Long,
Mayor, City of Fortuna*



City of Fortuna *Proclamation*

In Recognition of
National American Indian Heritage Month
November 2020

WHEREAS, the history and culture of our great nation have been significantly influenced by American Indians and Indigenous peoples; and

WHEREAS, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today; and

WHEREAS, the time has come to stop suppressing the memories of crimes committed against American Indians by the seizing and occupying of their land; and

WHEREAS, historic atrocities committed against the tribes living in Humboldt County are recently coming to light; and

WHEREAS, American Indian customs and traditions which were once suppressed are now respected and celebrated as part of a rich legacy throughout the United States, and

WHEREAS, Native American Awareness Week, begun in 1976, was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

WHEREAS, in honor of National American Indian Heritage Month community celebrations as well as cultural, artistic, educational, and historical activities have been planned throughout the nation.

NOW, THEREFORE, BE IT PROCLAIMED that the City Council of Fortuna does hereby proclaim November 2020 as National American Indian Heritage Month in the City and urge all our citizen to observe this month with appropriate programs, ceremonies, and activities.

SIGNED this 2nd day of November 2020, at the City of Fortuna, in the State of California, and in witness thereof, the seal of Fortuna.

Sue Long, Mayor, City of Fortuna

STAFF REPORT

City Council Discussion Agenda Item

DATE: November 2, 2020

TO: Honorable Mayor and Council Members

FROM: Siana L. Emmons, City Clerk/HR Manager

PREPARED BY: Amy Northam, REMIF General Manager

THROUGH: Merritt Perry, City Manager

SUBJECT: **Discussion/Presentation on the Redwood Empire Municipal Insurance Fund (REMIF) and the Merger with Public Agency Risk Sharing Authority of California (PARSAC) to Create the California Intergovernmental Risk Authority (CIRA)**

STAFF RECOMMENDATION:

Receive presentation on the Redwood Empire Municipal Insurance Fund and the merger with Public Agency Risk Sharing Authority of California to create the California Intergovernmental Risk Authority.

Discuss Joint Powers Agreement and Bylaws for the California Intergovernmental Risk Authority, which permits the merger or joining of the Redwood Empire Municipal Insurance Fund and the Public Agency Risk Sharing Authority of California (agreement and bylaws will be presented as consent item at future Council meeting).

Discuss amended Joint Powers Agreement and Bylaws for Redwood Empire Municipal Insurance Fund, which permits the self-insured health program to remain under the Redwood Empire Municipal Insurance Fund (amended agreement and bylaws will be presented as consent item at future Council meeting).

BACKGROUND:

Rather than purchase commercial insurance through a commercial insurance carrier, the City of Fortuna participates in an intergovernmental arrangement through which a group of cities and towns (referred to as the members) contribute to a shared fund that pays for liability and workers' compensation claims and provides risk management services. That fund is commonly referred to as a pool. Pools are empowered to exist through the sections of the California Government Code known as joint powers authority (JPA), which allow two or more like entities to pool funds to pay for claims.

Fortuna is currently a member of the pool named the Redwood Empire Municipal Insurance Fund. Our pool functions as an extension of the City of Fortuna and is governed by a board of directors comprised of members in the pool.

Public entity pools are fundamentally different from conventional insurance. The primary purpose of any public entity pool is to manage and reduce underlying risks to the benefit of public entity members and the public at large. Conventional insurers exist primarily to finance losses, while public pools are collaborating partners that help public entities create, foster, and manage safe environments in order to minimize personal, physical, and property damages and losses.

ANALYSIS:

The Redwood Empire Municipal Insurance Fund (REMIF) is a public entity pool representing 15 small to medium sized cities/towns. It was formed in 1976 with a mission to provide workers' compensation coverage in response to increasing and unaffordable commercial rates. Coverage was expanded in the mid-1980s to include liability coverage and other services. Other lines of coverage have been added since that time, which are outlined further below.

The Public Agency Risk Sharing Authority of California (PARSAC) is a public entity pool representing 34 small to medium sized cities/towns and 1 fire district. It was formed in 1986 with a mission to provide liability coverage in response to the insurance crisis that eliminated commercial coverage for cities. Coverage was expanded in 1990 to include workers' compensation coverage and other services. Other lines of coverage have been added since that time, which are outlined further below.

PARSAC and REMIF provide a pooled liability program, pooled workers' compensation program, and coverage for group purchased property, Board of Directors public officials' errors and omissions, auto physical damage, special events, fidelity bonds, cyber liability, and other ancillary benefits.

REMIF has a pooled medical/health program.

Both pools focus on managing and maintaining a financially stable risk sharing pool for members, and the board of directors have a conservative funding and investment philosophy. They share a similar philosophy to embrace diverse opinions, have discussions that are constructive and collaborative, encourage participation from the members, balance member interests with those of the pool and work together towards a greater good.

Both pools also share a similar culture in that the pool is member owned, member governed, member driven and exists to serve its members. The organizations are also similar in that they serve small to medium sized cities/towns, and share a similar footprint in Northern California, while PARSAC has presence throughout the State.

A comparison matrix of the lines of coverage and services offered by both pools is attached to this staff report.

Given the similarities between the two agencies, REMIF and PARSAC explored a strategic partnership, which ultimately led to a proposed merger between the two organizations. Rather than one pool merging into the other, the Board of Directors for the pools directed the creation of a new pool (called the California Intergovernmental Risk Sharing Authority or CIRA). There will be great benefits in sharing resources, sharing expenses and drawing on strengths. Benefits also include succession planning, more robust, stable programs, shared training resources, long-term program sustainability, and eliminating redundancies. While a merger could have realized savings to the members of both pools, the intent of a merger between PARSAC and REMIF is to have long-term

stability, sustainability and adding depth and breadth to the agencies, with the singular goal of better serving our members.

After over a year of in-depth analysis of such a merger, the Board of Directors for both pools directed the merger of the organizations, effective 07/01/21, creating a new pool, CIRA. To proceed, the individual members must seek adoption of the CIRA agreements, which will be presented for adoption at a future council meeting. Council is asked to adopt the CIRA Joint Powers Agreement and Bylaws (which will be presented for adoption as a consent item on a future agenda), and further direct staff to work with the CIRA on steps necessary to complete the merger.

While the intent of the merger is to merge the liability, workers' compensation and property programs, there is also an interest to have the self-insured health plan remain under the care, custody and control of REMIF, at least for the time being. This necessitated changes to the underlying Joint Powers Agreement and Bylaws. Council is asked to adopt the REMIF Joint Powers Agreement and Bylaws (which will be presented for adoption as a consent item on a future agenda).

FINANCIAL IMPACT:

The merger will consolidate the operations and expenses of both pools. CIRA will work towards eliminating redundant expenses, which will lower long term operating costs. Consolidating operations will also achieve greater economies of scale, improve service delivery, and CIRA will be in a better position to leverage its larger size for better services, rates and coverage with service providers and excess insurers. A larger organization will also result in more predictable funding and reserving forecasts (with more available data), which reduces the likelihood of future assessments. The merged organization will be more fiscally viable and provide greater long-term stability and sustainability.

ATTACHMENTS:

- California Intergovernmental Risk Authority Frequently Asked Questions
- REMIF/PARSAC Comparison Checklist

FREQUENTLY ASKED QUESTIONS . . .

Who is the other organization that we are merging with?

We are forming a merger and strategic partnership with the Public Agency Risk Sharing Authority of California (PARSAC). PARSAC is a pool of 44 cities and towns located in both Northern and Southern California. Like REMIF, PARSAC offers self-funded general and auto liability, employment liability, workers' compensation, and property coverage. REMIF however also offers a self-funded medical program, which will not be part of the merger, at least for the time being. Like REMIF, PARSAC members are full-service cities and towns, most providing police and/or fire services.

Why are we merging organizations?

The pooling industry has dramatically changed in the past decade. Some pools have dissolved due to retirement of key personnel, inability to remain fiscally solvent or have absorbed by larger organizations.

The merger of our organizations will make both organizations stronger. It will lead to long term stability and sustainability, as we will be able to spread risks and operating costs to a larger base of members. It will provide for more robust, stable programs. There will be built in redundancies and succession planning.

The financial impact due to a series of adverse loss years will be diminished because our larger size. A larger membership base will also result in more predictable funding and reserving forecasts (with more available data), which reduces the likelihood of future assessments. Finally, it will ultimately result in lower operating costs. Consolidating operations will eliminate redundancies, achieve economies of scale, improve service, and put us in a better position to leverage our larger size for better services, rates and coverage with service providers and excess insurers.

In short, it will bring both breadth and depth to the organization.

What is the name of the new organization?

The new organization will be the California Intergovernmental Risk Authority (CIRA).

What is the effective date for CIRA?

It is proposed CIRA will begin to provide coverage and services to its members July 1, 2021.

Will my agency have representation on the CIRA Board?

Yes, each member will be represented by one Board Director and one Alternate Director. Each member will have one vote.

What will be the role of the Board?

The duties of the CIRA Board will be similar to current REMIF Board in that the Board will adopt the budget, approve new members, approve dividends and assessments, approve new programs and services and elect officers.

Will the Executive Committee composition remain the same?

No, the Executive Committee will expand from 5 to 13 members. For the first two election cycles, former REMIF members will occupy at least 5 Committee seats. At least one of these seats will be an officer

position (President, Vice President, Treasurer, Auditor Controller). Committee members will be elected to serve a two-year term.

How many Board meetings will there be?

There will be at least two semiannual Board meetings each year.

How long is my agency committed to CIRA membership?

Existing PARSAC and REMIF members must participate for two fiscal years. New CIRA members may withdraw after 5 years.

Will there be any staffing changes?

The staffs of both organizations will be combined. Although there will not be any positions eliminated, job duties and assignments may be reassigned to achieve efficiency and improve service delivery.

Will my existing claims transfer to CIRA?

No, claims with incident dates prior to the merger (June 30, 2021 or before) will remain with each organization. Each organization will determine, independently, how those claims are concluded.

Will there be any change in coverage?

We will continue to offer the same coverages as currently provided: general liability, automobile liability, employment liability, workers' compensation, property, crime/employee dishonesty, special events, etc. We are currently analyzing excess providers for general liability, workers' compensation, and employment liability programs, and exploring alternative property coverage which will provide broader coverage and potentially lower costs. In the coming months, the analysis will be presented to the Transition Committee for review. In addition, REMIF will continue to offer a self-funded health program.

How will the merger affect my annual program premium contributions?

We will be allocating fixed costs to more members and this will reduce overall administration costs. Funding rates will be more stable (in the long term) as the predictive value of our loss data become more credible with a larger membership base. The actuary will complete his funding analysis later this year. Although there will be normal contribution adjustments due to changes in members' payroll and loss experience, our goal is to limit rate changes to no more than +/- 10% due to the merger.

Where will the CIRA office be located?

It is anticipated the CIRA office will be based out of Sacramento, with an office in Sonoma. REMIF will continue to maintain and provide certain pre-merger programs and services through its Sonoma office, as well as house some CIRA employees. The operating expenses for both buildings relating to CIRA's self-funded and insured programs (liability, workers' compensation, property, etc.) will be allocated to all CIRA members.

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END.

Lines of coverage	PARSAC	REMIF
Liability	✓	✓
Employment Practices Liability	✓	✓
Automobile Liability	✓	✓
Property Damage (3 rd party)	✓	✓
Workers' Compensation	✓	✓
Auto Physical Damage	✓	✓
Public Official Errors and Omissions	✓	✓
Property Damage (for members' property)	✓	✓
Special Events Coverage	✓	✓
Fidelity Bond	✓	✓
Employee Benefits (dental, vision, LTD, life)	✓	✓
Medical benefits (actives, retirees)	⊘	✓

Services Offered	PARSAC	REMIF
Safety Program	✓	✓
Grants	✓	⊘
Consultation and referral services	✓	✓
Customized risk management presentations	✓	⊘
Video and print resource library	✓	⊘
Regional and onsite risk management training	✓	✓
Web-based OSHA safety courses	✓	✓
In person OSHA safety courses	⊘	✓
Web-based employment practices courses	✓	✓
On site risk assessments	✓	✓
Post-accident assistance and mitigation	✓	✓
Operational Best Practices Templates	✓	⊘

Lexipol Fire and LE	✓	✓
Consultation with employment law firms	✓	✓
Liebert Cassidy Whitmore (LCW) Consortium Membership	✓	✓
DMV pull program	✓	⊘
DOT Drug Screening Program	✓	✓
Defensive Driver Training	✓	✓
Pre-employment physicals	⊘	✓

I. CALL TO ORDER / FLAG SALUTE / ROLL CALL

Mayor Long called the regular meeting to order at 6:00 p.m., and Council Member Glaser led the flag salute.

Council	Staff
Council Member Glaser	City Manager Merritt Perry
Council Member Mike Johnson	City Clerk, Siana L. Emmons
Council Member Jeremy Stanfield	Chief of Police Casey Day
Mayor Pro Tem Tami Trent	Deputy City Engineer Brendan Byrd
Mayor Sue Long	

II. ORAL COMMENTS FROM THE PUBLIC

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

III. 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 – October 5, 2020 (Regular Meeting)
2. Administrative Department Monthly Report
3. Community Development Department Monthly Report
4. Finance Department Monthly Report
5. Parks & Recreation Monthly Report
6. Police Department Monthly Report
7. Public Works Monthly Report
8. River Lodge Monthly Report
9. Report of Disbursements
10. Supplemental Budget Request for Transit Bus Repair
11. Authorize City Manager to Sign a Release of All Property Damage Claims from GIECO Casualty Company to Receive a Payment from GEICO
12. Supplemental Budget Request for the Citywide Striping and Unsignalized Intersection Project
13. Supplemental Budget Request for the Rohner and Hillside Creeks Letter of Map Revision (LOMR)

ITEM PULLED FROM CONSENT:

Council Member Stanfield pulled consent item 5 and acknowledged a generous donation from Redwood Coast Mountain Bike Association and Whalund Construction by improving the existing bike track and creating a permanent paved pump track. Council Member Stanfield also acknowledged the Humboldt Lodging Alliance for their generous contribution to improvements to landscaping outside the River Lodge.

PUBLIC COMMENT:

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

CITY COUNCIL ACTION:

Council Member Johnson moved, seconded by Council Member Glaser to approve Consent Calendar Items 1 through 13. Roll Call vote.

AYES: Council Members Glaser, Johnson, Stanfield, Mayor Pro Tem Trent, Mayor Long

NOES: None

ABSENT: None

ABSTAIN: None

Motion Carried 5/0

IV. CITY COUNCIL BUSINESS

- A.** Award of Professional Contract for Waste Water National Pollutant Discharge Elimination System Compliance Project (Capital Improvement Project (CIP) 0171)

STAFF RECOMMENDATION:

Authorize the City Manager to negotiate a professional services contract with Jacobs to provide engineering and environmental services for the City of Fortuna Wastewater NPDES Compliance Project, CIP 0171, for a total contract not to exceed amount of \$3,000,000.

STAFF REPORT:

Deputy City Engineer, Brendan Byrd provided a staff report on the professional services contract with Jacobs to provide engineering and environmental services.

PUBLIC COMMENT:

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

CITY COUNCIL ACTION:

Council Member Glaser moved, seconded by Council Member Johnson to approve a professional services contract with Jacobs to provide engineering and environmental services for the City of Fortuna Wastewater NPDES Compliance Project, CIP 0171, for a total contract not to exceed amount of \$3,000,000. Roll Call vote.

AYES: Council Members Glaser, Johnson, Stanfield, Mayor Pro Tem Trent, Mayor Long

NOES: None

ABSENT: None

ABSTAIN: None

Motion Carried 5/0

- B.** League of California Cities In Favor of Proposition 20, *Resolution 2020-37*

STAFF RECOMMENDATION:

Adopt *Resolution 2020-37*, supporting California's Proposition 20.

STAFF REPORT:

City Manager Merritt Perry provided a report on supporting California's Proposition 20.

PUBLIC COMMENT:

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

CITY COUNCIL ACTION:

Mayor Pro Tem Trent moved, seconded by Council Member Glaser to adopt *Resolution 2020-37* and read by title only. Roll call vote.

Resolution 2020-37, A Resolution of the City Council of the City of Fortuna Supporting California’s Proposition 20 on the November 2020 Ballot.

AYES: Council Members Glaser, Johnson, Stanfield, Mayor Pro Tem Trent, Mayor Long

NOES: None

ABSENT: None

ABSTAIN: None

Motion Carried 5/0

V. CITY MANAGER’S REPORT

City Manager Merritt Perry provided a verbal report.

VI. FUTURE AGENDA ITEMS None.

VII. CITY COUNCIL REPORTS AND COMMENTS

• Council Member Dean Glaser	Redwood Coast Energy Authority
• Council Member Mike Johnson	Humboldt County Association of Governments, Historical Commission, League of California Cities Transportation, Communication and Public Works
• Council Member Jeremy Stanfield	Fortuna Business Improvement District, Parks & Recreation 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, Humboldt County Redevelopment Oversight Board

VIII. ADJOURN TO CLOSED SESSION

PUBLIC COMMENT:

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

Mayor Pro Tem Trent moved, seconded by Council Member Stanfield to adjourn to closed session at 6:57 p.m. Motion carried 5/0.

1. PUBLIC EMPLOYMENT, pursuant Section 54957 of the California Government Code. Title: City Manager.

CITY COUNCIL ACTION: No Council action to report out.

IX. REPORT OUT AND ADJOURN

Mayor Pro Tem Trent moved, seconded by Council Member Stanfield to adjourn the meeting at 7:13 p.m. Motion carried 5/0.

Submitted by,
Siana L. Emmons, City Clerk

I. CALL TO ORDER

Mayor Long called the Public Session to order at 4:30 p.m.

FLAG SALUTE

Council Member Glaser led the flag salute.

ROLL CALL

Council	Staff
Council Member Dean Glaser	City Manager Merritt Perry
Council Member Mike Johnson	City Clerk Siana Emmons
Council Member Jeremy Stanfield	Deputy Community Development Director Liz Shorey
Mayor Pro Tem Tami Trent	
Mayor Sue Long	

II. ORAL COMMENTS FROM THE PUBLIC

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

III. DISCUSSION ITEMS

A. Discuss Planning Division Priorities

Deputy Director of Community Development, Liz Shorey, and City Manager Merritt Perry led a discussion on Planning Division priorities

PUBLIC COMMENT:

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

IV. ADJOURN

Mayor Pro Tem Trent moved, seconded by Council Member Johnson to adjourn the meeting at 5:36 p.m. Motion carried 5/0.

Respectfully Submitted by
Siana L. Emmons, City Clerk

I. CALL TO ORDER

Mayor Long called the Public Session to order at 11:10 a.m.

FLAG SALUTE

Council Member Glaser led the flag salute.

ROLL CALL

Council	Staff
Council Member Dean Glaser	City Clerk Siana Emmons
Council Member Mike Johnson	City Manager Merritt Perry (<i>In closed Session</i>)
Council Member Jeremy Stanfield (<i>Absent</i>)	
Mayor Pro Tem Tami Trent	
Mayor Sue Long	

ORAL COMMENTS FROM THE PUBLIC

There being no oral comments from the public, Mayor Long closed the public comment section.

II. ADJOURN TO CLOSED SESSION

Mayor Pro Tem Trent moved, seconded by Council Member Johnson to adjourn to closed session at 11:14 a.m. Motion carried 4/0

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, pursuant Section 54957 of the California Government Code. Title: City Manager.

III. REPORT OUT AND ADJOURN

Mayor Pro Tem Trent moved, seconded by Council Member Glaser to adjourn the meeting at 1:20 p.m.

COUNCIL ACTION:

Council reviewed performance evaluation with City Manager Merritt Perry and recommended a salary increase per employment contract effective September 16, 2020.

Siana L. Emmons
City Clerk

STAFF REPORT
City Council Consent Calendar Agenda Item

DATE: November 2, 2020
TO: Honorable Mayor and City Council Members
FROM: Merritt Perry, City Manager
SUBJECT: Report of Disbursements for October 22, 2020 and October 28, 2020

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:

Disbursement was processed as follows:

- | | | |
|--------------------|----|------------|
| • October 22, 2020 | \$ | 262,814.81 |
| • October 28, 2020 | \$ | 19,558.73 |

RECOMMENDED COUNCIL ACTION:

Informational Item. Receive report by Consent Agenda vote.

ATTACHMENTS:

- Disbursements Detail Report for October 22, 2020
- Disbursements Detail Report for October 28, 2020



Expense Approval Report

By (None)

Payment Dates 10/22/2020 - 10/22/2020

Payment Number	Payment Date	Vendor Name	Payable Number	Description (Item)	Amount
69325	10/22/2020	ACCURATE DRUG TESTING SERV...	920	Employee DMV Physical	90.00
69326	10/22/2020	AT&T 5025	10200893	23484108935031	33.09
69327	10/22/2020	AT&T 9011	15428222	9391061226	164.68
69327	10/22/2020	AT&T 9011	15428223	9391061228	82.34
69327	10/22/2020	AT&T 9011	15428223	9391061228	82.34
69327	10/22/2020	AT&T 9011	15435258	9391064205	211.47
69328	10/22/2020	CALIF BUILDING STANDARDS	093020	3rd Quarter 2020 SB 1473	268.00
69328	10/22/2020	CALIF BUILDING STANDARDS	093020	3rd Quarter 2020 SB 1473	-27.00
69329	10/22/2020	COLANTUONO, HIGHSMITH & ...	44147	Legal Services - Rezone	970.00
69330	10/22/2020	COLLEGE OF THE REDWOODS	201079	Academy Spring Module - Burle...	1,704.00
69331	10/22/2020	CRYSTAL SPRINGS BOTTLED W	33426	Water Delivery - City Hall	8.00
69331	10/22/2020	CRYSTAL SPRINGS BOTTLED W	33427	Water Delivery - Park Office	8.00
69332	10/22/2020	DEPARTMENT OF JUSTICE	472099	Fingerprint/Livescan Services - ...	986.00
69333	10/22/2020	DEPT OF CONSERVATION	093020	3rd Quarter 2020 Seismic	819.29
69333	10/22/2020	DEPT OF CONSERVATION	093020	3rd Quarter 2020 Seismic	-40.55
69334	10/22/2020	DIVISION OF THE STATE ARC	093020	3rd Quarter 2020 SB1186	3,112.00
69334	10/22/2020	DIVISION OF THE STATE ARC	093020	3rd Quarter 2020 SB1186	-2,800.80
69335	10/22/2020	EMMONS, SIANA	101420	Park Deposit Refund	250.00
69336	10/22/2020	ENGINEERED FIRE SYSTEMS,	16855	Fire Plan Review Service	600.00
69337	10/22/2020	ERIC LINDSTROM ARCHITECTS	3	COFPD Feasibility Study	2,450.51
69338	10/22/2020	FORTUNA ACE HARDWARE AND	320204	Supplies - Streets	29.64
69338	10/22/2020	FORTUNA ACE HARDWARE AND	320207	Supplies - Utilities	49.89
69338	10/22/2020	FORTUNA ACE HARDWARE AND	320214	Tools/Supplies - WWTP	51.17
69338	10/22/2020	FORTUNA ACE HARDWARE AND	320214	Tools/Supplies - WWTP	216.99
69338	10/22/2020	FORTUNA ACE HARDWARE AND	320219	Supplies - Utilities	24.25
69338	10/22/2020	FORTUNA ACE HARDWARE AND	320237	Supplies - WWTP	46.20
69338	10/22/2020	FORTUNA ACE HARDWARE AND	320352	Supplies - Parks	20.31
69338	10/22/2020	FORTUNA ACE HARDWARE AND	320352	Supplies - Parks	64.84
69338	10/22/2020	FORTUNA ACE HARDWARE AND	320387	Supplies - Parks	17.43
69338	10/22/2020	FORTUNA ACE HARDWARE AND	320410	Supplies - Parks	43.57
69339	10/22/2020	GRAINGER	9679282880	Tools - WWTP	284.66
69340	10/22/2020	HENSELL MATERIALS	601818	Supplies - Streets	55.13
69341	10/22/2020	HUMB CO TAX COLLECTOR	200454002	2600 Rohnerville Fire Assessme...	180.00
69342	10/22/2020	HUMBOLDT PETROLEUM	89530	Car Wash Services - PD	28.00
69343	10/22/2020	HYDESVILLE COMM CHURCH	101520	Park Deposit Refund - Covid Ca...	250.00
69343	10/22/2020	HYDESVILLE COMM CHURCH	101520	Park Deposit Refund - Covid Ca...	350.00
69344	10/22/2020	INDUSTRIAL ELECTRIC SERV	IN37462	Supplies - WWTP	124.99
69344	10/22/2020	INDUSTRIAL ELECTRIC SERV	IN37476	Supplies - WWTP	119.87
69344	10/22/2020	INDUSTRIAL ELECTRIC SERV	IN37476	Supplies - WWTP	359.62
69345	10/22/2020	KIMBALL-MIDWEST	8286797	Supplies - Streets/Utilities/Gene..	138.01
69345	10/22/2020	KIMBALL-MIDWEST	8286797	Supplies - Streets/Utilities/Gene..	138.01
69345	10/22/2020	KIMBALL-MIDWEST	8286797	Supplies - Streets/Utilities/Gene..	138.02
69346	10/22/2020	MENDES FAMILY AUTO DETAILI...	451	City Car Detailing Service	75.00
69346	10/22/2020	MENDES FAMILY AUTO DETAILI...	451	City Car Detailing Service	75.00
69346	10/22/2020	MENDES FAMILY AUTO DETAILI...	451	City Car Detailing Service	75.00
69347	10/22/2020	MENDES SUPPLY INC	M199971	Janitorial Supplies - CH/PD	86.92
69347	10/22/2020	MENDES SUPPLY INC	M199971	Janitorial Supplies - CH/PD	86.93
69348	10/22/2020	MERCER FRASER COMPANY	102145	Asphalt Concrete	90.06
69348	10/22/2020	MERCER FRASER COMPANY	202604	Jameson Creek Project Retention	-3,281.13
69348	10/22/2020	MERCER FRASER COMPANY	202604	Jameson Creek Fish Passage Im...	65,622.58
69348	10/22/2020	MERCER FRASER COMPANY	202604	Jameson Creek Project Retention	-5,534.37
69348	10/22/2020	MERCER FRASER COMPANY	202604	Jameson Creek Fish Passage Im...	110,687.42
69349	10/22/2020	MISSION LINEN INDUS SERV	513410791	Corp Yard Linen Service	52.39
69349	10/22/2020	MISSION LINEN INDUS SERV	513410791	Corp Yard Linen Service	44.19

Expense Approval Report

Payment Dates: 10/22/2020 - 10/22/2020

Payment Number	Payment Date	Vendor Name	Payable Number	Description (Item)	Amount
69349	10/22/2020	MISSION LINEN INDUS SERV	513410793	Wastewater Linen Service	85.52
69349	10/22/2020	MISSION LINEN INDUS SERV	513410811	Parks/Rink Linen Service	65.38
69349	10/22/2020	MISSION LINEN INDUS SERV	513413913	Corp Yard Linen Service	5.42
69349	10/22/2020	MISSION LINEN INDUS SERV	513413913	Corp Yard Linen Service	5.43
69350	10/22/2020	NAPA AUTO PARTS FORTUNA	967248	Supplies - WWTP	30.78
69351	10/22/2020	NATIONAL ASSOCIATION OF C	092920	2 year Annual Membership - Ch...	110.00
69352	10/22/2020	NORTH COAST JOURNAL	202073400	Sr Admin Assistant Recruitment...	69.00
69352	10/22/2020	NORTH COAST JOURNAL	202073400	Sr Admin Assistant Recruitment...	69.00
69352	10/22/2020	NORTH COAST JOURNAL	202073401	Sr Admin Assistant Recruitment...	69.00
69352	10/22/2020	NORTH COAST JOURNAL	202073401	Sr Admin Assistant Recruitment...	69.00
69352	10/22/2020	NORTH COAST JOURNAL	202073464	Sr Admin Assistant Recruitment...	25.00
69352	10/22/2020	NORTH COAST JOURNAL	202073464	Sr Admin Assistant Recruitment...	25.00
69352	10/22/2020	NORTH COAST JOURNAL	202073465	Sr Admin Assistant Recruitment...	25.00
69352	10/22/2020	NORTH COAST JOURNAL	202073465	Sr Admin Assistant Recruitment...	25.00
69352	10/22/2020	NORTH COAST JOURNAL	202073467	Sr Admin Assistant Recruitment...	28.00
69352	10/22/2020	NORTH COAST JOURNAL	202073467	Sr Admin Assistant Recruitment...	28.00
69353	10/22/2020	NORTHCOAST HORTICULTURE S	443451	Supplies - Streets	27.11
69354	10/22/2020	NYLEX.NET	9089	IT Services - CH	465.92
69355	10/22/2020	OCCU-MED, LTD	09209030a	Day Pre-employment Physical	427.00
69356	10/22/2020	O'REILLY AUTOMOTIVE STORE	406987	Vehicle Repair - WWTP	8.96
69356	10/22/2020	O'REILLY AUTOMOTIVE STORE	407644	Vehicle Repair - PD	98.79
69356	10/22/2020	O'REILLY AUTOMOTIVE STORE	407645	Vehicle Repair - Utilities	12.03
69357	10/22/2020	PINTERMEDIA LLC	196360	River Lodge Monthly Web Hosti...	30.00
69358	10/22/2020	PLANWEST PARTNERS INC	2019301	SB2 Planning Grant Programs I...	7,760.00
69359	10/22/2020	POSTMASTER	102020	Ancillary Service Fee - 21 pieces...	6.51
69359	10/22/2020	POSTMASTER	102020	Ancillary Service Fee - 21 pieces...	6.51
69360	10/22/2020	PR DIAMOND PRODUCTS	57004IN	Powergrit Chain - Utilities	-75.65
69360	10/22/2020	PR DIAMOND PRODUCTS	57004IN	Powergrit Chain - Utilities	482.83
69360	10/22/2020	PR DIAMOND PRODUCTS	57004IN	Powergrit Chain - Utilities	482.82
69361	10/22/2020	RECOLOGY EEL RIVER FORTUN	448398	Refrigerator Disposal - Parks	35.00
69362	10/22/2020	RECOLOGY EEL RIVER FORTUN	85290	Debris Box - 1319 Rohnerville R...	1,307.59
69363	10/22/2020	RESERVE ACCOUNT	101920	Replenish Postage Meter	2,500.00
69364	10/22/2020	SEQUOIA GAS STATION	684599	Equipment Fuel	29.43
69364	10/22/2020	SEQUOIA GAS STATION	687353	Equipment Fuel	23.21
69364	10/22/2020	SEQUOIA GAS STATION	687355	Propane - WWTP	23.20
69365	10/22/2020	SHN CONSULTING ENG & GEOL	106779	WWTP Digester Maintenance P...	39,755.37
69366	10/22/2020	STATE BOARD OF EQUALIZATION	093020	3rd Quarter 2020 Use Tax	453.00
69366	10/22/2020	STATE BOARD OF EQUALIZATION	93020	3rd Quarter 2020 Sales Tax	1.00
69366	10/22/2020	STATE BOARD OF EQUALIZATION	93020	3rd Quarter 2020 Sales Tax	27.00
69367	10/22/2020	STITCH WITCH	373666	Pink Patches/Polo Shirts - PD	253.89
69367	10/22/2020	STITCH WITCH	373666	Pink Patches/Polo Shirts - PD	542.50
69368	10/22/2020	SUDDENLINK	100400882	Fiber Optic Service FY 20/21	362.49
69368	10/22/2020	SUDDENLINK	100400882	Fiber Optic Service FY 20/21	362.48
69368	10/22/2020	SUDDENLINK	100400882	Fiber Optic Service FY 20/21	362.49
69368	10/22/2020	SUDDENLINK	100400882	Fiber Optic Service FY 20/21	362.49
69369	10/22/2020	SWRCB	101220A	T2 Operator Certification Fee -...	60.00
69370	10/22/2020	SWRCB	101220B	T3 Operator Certification Fee - J...	90.00
69371	10/22/2020	TERMINIX PROCESSING CTR	401215781	Pest Services - Newburg PD Facil...	60.00
69372	10/22/2020	TYLER TECHNOLOGIES INC	25311007	Annual Software Maintenance ...	6,444.02
69372	10/22/2020	TYLER TECHNOLOGIES INC	25311007	Annual Software Maintenance ...	5,155.21
69372	10/22/2020	TYLER TECHNOLOGIES INC	25311007	Annual Software Maintenance ...	2,577.61
69372	10/22/2020	TYLER TECHNOLOGIES INC	25311007	Annual Software Maintenance ...	1,288.80
69372	10/22/2020	TYLER TECHNOLOGIES INC	25311007	Annual Software Maintenance ...	5,155.21
69372	10/22/2020	TYLER TECHNOLOGIES INC	25311007	Annual Software Maintenance ...	5,155.22
69373	10/22/2020	USA BLUEBOOK	376330	Supplies - WWTP	28.28
69374	10/22/2020	WENDT CONSTRUCTION	113682	Crane Truck Service - WWTP	150.00
Grand Total:					262,814.81

Report Summary

Fund Summary

Fund	Payment Amount
100 - General Fund	28,964.21
105 - Donations Fund	542.50
120 - Development & Building Fund	559.45
125 - ADA Compliance Fund	311.20
160 - Riverlodge Fund	195.68
165 - Museum Exhibit Fund	27.00
210 - Solid Waste Fund	35.00
240 - Abatement Fund	1,307.59
280 - Gas Tax Fund	1,538.69
300 - Special Grants	7,760.00
350 - Capital Projects Fund	62,341.45
359 - Department of Fish & Wildlife Fund	105,153.05
500 - Water Fund	6,755.40
550 - Wastewater Fund	7,568.22
560 - Wastewater Capital Fund	39,755.37
Grand Total:	262,814.81

Account Summary

Account Number	Account Name	Payment Amount
100-1610	Prepaid Postage	2,500.00
100-1684	Distributed Telephone	82.34
100-2220	Refundable Park Deposits	500.00
100-2450	Dept Conserv. - Seismic F...	819.29
100-2455	Calif Bldg - SB 1473 Fee	268.00
100-2460	Sales Tax Payable	377.35
100-4300	Park Use Fee	350.00
100-4400	Building Permit And Inspe...	-27.00
100-5500-1500	Department Supplies	94.92
100-5500-2000	Department Supplies	340.82
100-5500-4100	Department Supplies	147.81
100-5500-5450	Department Supplies	89.31
100-5505-5450	Vehicle Fuel & Oil	52.64
100-5565-5450	Janitorial Supplies	130.22
100-5710-1500	Software Maintenance	6,444.02
100-5710-2000	Software Maintenance	5,155.21
100-5710-5400	Software Maintenance	2,577.61
100-5715-2000	Vehicle Repairs	126.79
100-5720-4100	Equipment Repair	138.01
100-5740-2000	Building Repair and Maint...	60.00
100-5775-1500	Network Support	362.49
100-5775-2000	Network Support	362.48
100-6025-1500	Professional Services	2,916.43
100-6025-3200	Professional Services	970.00
100-6035-1100	Personnel Services	216.00
100-6035-1150	Personnel Services	216.00
100-6035-2000	Personnel Services	427.00
100-6220-2000	CLETS Service	211.47
100-6625-2000	Livescan Fees	986.00
100-6720-2000	County Property Tax	180.00
100-7000-2000	Travel, Conferences & Tra...	1,704.00
100-7015-2000	Dues & Subscriptions	110.00
100-7612-1100	Contingency	75.00
105-5500-2000	Department Supplies	542.50
120-4400	Building Permit And Inspe...	-40.55
120-6005-3000	Engineering Services	600.00
125-2470	SB 1186 State Architect	3,112.00
125-4081	SB 1186 Disability Access	-2,800.80

Account Summary

Account Number	Account Name	Payment Amount
160-4334	River Lodge Catering Servi...	1.00
160-5780-5800	Web Maintenance	30.00
160-6200-5800	Telephone	164.68
165-4340	Museum Revenue	27.00
210-5735-5300	Janitorial Services - HHW	35.00
240-5500-0100	Department Supplies	1,307.59
280-5500-4200	Department Supplies	249.89
280-5710-4200	Software Maintenance	1,288.80
300-6025-3200	Professional Services	7,760.00
350-2030	Retention Payable	-3,281.13
350-6015-9374	General Contracting	65,622.58
359-2030	Retention Payable	-5,534.37
359-6015-9374	General Contracting	110,687.42
500-5500-6000	Department Supplies	150.65
500-5500-6100	Department Supplies	99.51
500-5500-6200	Department Supplies	6.51
500-5525-6100	Asphalt	90.06
500-5710-6300	Software Maintenance	5,155.21
500-5715-6100	Vehicle Repairs	87.03
500-5720-6100	Equipment Repair	138.02
500-5775-6300	Network Support	362.49
500-5900-6100	Tools & Small Equipment	482.83
500-6200-6100	Telephone	33.09
500-7012-6000	Certification	150.00
550-5500-6500	Department Supplies	24.25
550-5500-6600	Department Supplies	718.98
550-5500-6700	Department Supplies	6.51
550-5710-6700	Software Maintenance	5,155.22
550-5715-6500	Vehicle Repairs	75.00
550-5715-6600	Vehicle Repairs	8.96
550-5775-6700	Network Support	362.49
550-5900-6500	Tools & Small Equipment	482.82
550-5900-6600	Tools & Small Equipment	501.65
550-6025-6600	Professional Services	150.00
550-6200-6500	Telephone	82.34
560-6005-9975	Engineering Services	39,755.37
	Grand Total:	262,814.81

Project Account Summary

Project Account Key	Payment Amount
None	260,964.72
ABA19-0118	1,307.59
Exp FUNDRAISER	542.50
	Grand Total:
	262,814.81



Payment Dates 10/28/2020 - 10/28/2020

Payment Number	Payment Date	Vendor Name	Payable Number	Description (Item)	Amount
69376	10/28/2020	ADAMS, JANICE	101920	Monday Club Deposit Refund - ...	250.00
69377	10/28/2020	CALIFORNIA SPECIAL DISTRICTS...	102220	RCRPD Annual Membership Fee	191.00
69378	10/28/2020	CCAC	8813	Training - S. Emmons	50.00
69378	10/28/2020	CCAC	8814	Training - S Emmons	60.00
69379	10/28/2020	CORNERSTONE REALTY	101920	Refund Softball Forfeit Dep - Co...	125.00
69380	10/28/2020	CWEA	101620	CWEA Membership Renewal - J...	192.00
69381	10/28/2020	DEPARTMENT OF JUSTICE	475374	BAC Analysis Service	175.00
69382	10/28/2020	ELLIS ART & ENGINEERING	21925	Supplies - WWTP	68.00
69383	10/28/2020	EUREKA RUBBER STAMP	A31440	Supplies - Engineering	4.33
69384	10/28/2020	FERNDALE JEWELERS	361493	Recognition Plaque - PD	54.25
69385	10/28/2020	FORTUNA ACE HARDWARE AND	320598	Supplies - WWTP	14.30
69385	10/28/2020	FORTUNA ACE HARDWARE AND	320684	Supplies - Parks	38.60
69386	10/28/2020	GENARO, NICOLE	101920	Softball Forfeit Dep Refund - Co...	125.00
69387	10/28/2020	HDL, COREN & CONE	SIN004384	Property Tax Service FY 20/21	1,577.69
69388	10/28/2020	HUMBOLDT FASTENERS INC	422001	Tools - Streets	63.03
69389	10/28/2020	HUMBOLDT PETROLEUM	89563	Car Wash Services - PD	12.00
69390	10/28/2020	HUMBOLDT VETERINARY MEDI...	341648	Vet Services	180.00
69390	10/28/2020	HUMBOLDT VETERINARY MEDI...	341648	Vet Services	10.82
69390	10/28/2020	HUMBOLDT VETERINARY MEDI...	342040	Vet Services	390.00
69391	10/28/2020	HUMMEL TIRE & WHEEL	252586	Tires - Utilities	864.72
69392	10/28/2020	JARVIS, FAY, DOPORTO & GI	14543	Legal Services	22.50
69393	10/28/2020	LAPRIORE, ROBERT	101920	Softball Forfeit Dep Refund - Co...	125.00
69394	10/28/2020	LIEBERT CASSIDY WHITMORE	1507059	Legal Services	148.00
69395	10/28/2020	MAD RIVER COMMUNITY HOSPI	101920	Softball Forfeit Dep Refund - Co...	125.00
69396	10/28/2020	MERCER FRASER COMPANY	102200	Cement	296.57
69396	10/28/2020	MERCER FRASER COMPANY	102200	Cement	148.28
69397	10/28/2020	MISSION LINEN INDUS SERV	513455533	Corp Yard Linen Service	73.17
69397	10/28/2020	MISSION LINEN INDUS SERV	513455533	Corp Yard Linen Service	64.97
69397	10/28/2020	MISSION LINEN INDUS SERV	513455534	Wastewater Linen Service	94.48
69397	10/28/2020	MISSION LINEN INDUS SERV	513455540	Parks/Rink Linen Service	69.00
69397	10/28/2020	MISSION LINEN INDUS SERV	513475881	Mat Service - Police FY 20/21	38.98
69398	10/28/2020	MITCHELL 1	IB25126248	Software Subscription - Shop FY...	64.83
69398	10/28/2020	MITCHELL 1	IB25126248	Software Subscription - Shop FY...	64.83
69398	10/28/2020	MITCHELL 1	IB25126248	Software Subscription - Shop FY...	64.83
69398	10/28/2020	MITCHELL 1	IB25126248	Software Subscription - Shop FY...	64.83
69399	10/28/2020	NO CALIFORNIA GLOVES	533468	Gloves - WWTP	85.44
69399	10/28/2020	NO CALIFORNIA GLOVES	533468	Gloves - WWTP	85.45
69400	10/28/2020	NORMANS CLEANERS	61260	River Lodge Linen Service	86.90
69400	10/28/2020	NORMANS CLEANERS	61260	River Lodge Linen Service	14.30
69401	10/28/2020	NORTH COAST JOURNAL	202073402	Sr Admin Assistant Recruitment...	69.00
69401	10/28/2020	NORTH COAST JOURNAL	202073402	Sr Admin Assistant Recruitment...	69.00
69401	10/28/2020	NORTH COAST JOURNAL	202073466	Sr Admin Assistant Recruitment...	25.00
69401	10/28/2020	NORTH COAST JOURNAL	202073466	Sr Admin Assistant Recruitment...	25.00
69401	10/28/2020	NORTH COAST JOURNAL	202073793	Police Officer Trainee Recruitm...	138.00
69401	10/28/2020	NORTH COAST JOURNAL	202073996	Police Officer Trainee Recruitm...	50.00
69402	10/28/2020	NORTH COAST LABORATORIES	155127	Lab Tests	235.00
69403	10/28/2020	O'REILLY AUTOMOTIVE STORE	408958	Vehicle Repair - PD	52.01
69404	10/28/2020	PACIFIC GAS & ELECTRIC CO	10206726	44469516726	112.48
69405	10/28/2020	PETERSON	PC030191823	Equipment Maintenance - WW...	19.60
69406	10/28/2020	RECOLOGY EEL RIVER	102620	Refund Duplicate Payment - Co...	300.00
69407	10/28/2020	REDWOOD COMMUNITY ACTI...	18SRTS	SO FORTUNA ELEM SCHOOL SR...	1,905.99
69408	10/28/2020	REDWOOD GLASS & WINDOWS	RW8246	Plexi Glass - WWTP	271.25
69408	10/28/2020	REDWOOD GLASS & WINDOWS	RW8246	Plexi Glass - WWTP	271.25
69409	10/28/2020	ROCHA'S AUTOMOTIVE INC	109991	Vehicle Repair - PD	150.00

Expense Approval Report

Payment Dates: 10/28/2020 - 10/28/2020

Payment Number	Payment Date	Vendor Name	Payable Number	Description (Item)	Amount
69410	10/28/2020	RWS SERVICES	51098	Radio Equipment Install - New ...	1,097.15
69411	10/28/2020	SEQUOIA GAS STATION	687397	Equipment Fuel	23.57
69411	10/28/2020	SEQUOIA GAS STATION	687404	Equipment Fuel	32.42
69411	10/28/2020	SEQUOIA GAS STATION	687427	Equipment Fuel	39.67
69412	10/28/2020	SHUMARD, DAYNE	101920	Softball Forfeit Dep Refund - Co...	125.00
69413	10/28/2020	STITCH WITCH	373674	Sgt Shirts - PD	43.40
69414	10/28/2020	SUELZLE, JESSIE	101920	Softball Forfeit Dep Refund - Co...	130.00
69415	10/28/2020	SUNBELT RENTALS INC	106731329	Tools - General Services	58.07
69416	10/28/2020	SWRCB ACCOUNTING OFFICE	EA02211378	ELAP Certification Renewal - Cer..	1,332.75
69416	10/28/2020	SWRCB ACCOUNTING OFFICE	EA02211378	ELAP Certification Renewal - Cer..	3,998.25
69417	10/28/2020	SYAR INDUSTRIES INC	798509	Asphalt	304.22
69417	10/28/2020	SYAR INDUSTRIES INC	798509	Asphalt	608.46
69417	10/28/2020	SYAR INDUSTRIES INC	798509	Asphalt	-8.11
69417	10/28/2020	SYAR INDUSTRIES INC	798509	Asphalt	304.23
69418	10/28/2020	TAYLOR, TINA	101920	Park Deposit Refund	250.00
69419	10/28/2020	THOMAS R BESS INC	3852	Asphalt	394.11
69420	10/28/2020	USA BLUEBOOK	380512	Plant Chemicals	415.70
69420	10/28/2020	USA BLUEBOOK	384754	Supplies - WWTP	39.65
69421	10/28/2020	WELLS, MAGGIE	101920	Softball Forfeit Dep Refund - Co...	125.00
69422	10/28/2020	WHITCHURCH ENGINEERING	101920	Softball Forfeit Dep Refund - Co...	150.00
69423	10/28/2020	WILDWOOD SAW	32553	Equipment Maintenance - Parks	83.51
69424	10/28/2020	WILLISON, VONAI	101920	Softball Forfeit Dep Refund - Co...	135.00
				Grand Total:	19,558.73

Report Summary

Fund Summary

Fund	Payment Amount
100 - General Fund	5,604.22
110 - Rohner Rec District Fund	191.00
120 - Development & Building Fund	300.00
160 - Riverlodge Fund	351.20
180 - Asset Seizure Fund	1,097.15
260 - TDA Non-Transit Fund	394.11
280 - Gas Tax Fund	367.25
353 - ATP-Safe Routes Fund	1,905.99
500 - Water Fund	3,396.79
550 - Wastewater Fund	5,951.02
Grand Total:	19,558.73

Account Summary

Account Number	Account Name	Payment Amount
100-2220	Refundable Park Deposits	250.00
100-4310	Recreation Program Fees	1,165.00
100-5500-2000	Department Supplies	43.40
100-5500-4000	Department Supplies	4.33
100-5500-4100	Department Supplies	73.17
100-5500-5450	Department Supplies	335.17
100-5505-5450	Vehicle Fuel & Oil	95.66
100-5565-5450	Janitorial Supplies	69.00
100-5715-2000	Vehicle Repairs	214.01
100-5720-5450	Equipment Repair	83.51
100-5900-4100	Tools & Small Equipment	58.07
100-6020-1600	Legal Services	148.00
100-6020-2000	Legal Services	22.50
100-6025-1400	Professional Services	1,577.69
100-6025-2000	Professional Services	38.98
100-6035-1100	Personnel Services	94.00
100-6035-1150	Personnel Services	94.00
100-6035-2000	Personnel Services	188.00
100-6600-2000	State Fees	175.00
100-7000-1150	Travel, Conferences & Tra...	110.00
100-7015-2000	Dues & Subscriptions	64.83
100-7015-4100	Dues & Subscriptions	64.83
100-7400-2800	Miranda's Rescue	570.00
100-7455-2800	Veterinary Expenses	10.82
100-7612-2000	Contingency	54.25
110-6700-5450	Administration Fees	191.00
120-4425	Zoning Fees	300.00
160-2221	Monday Club Deposits	250.00
160-5547-5800	User Group Linen	86.90
160-5565-5800	Janitorial Supplies	14.30
180-8000-2000	Capital Outlay	1,097.15
260-8000-4150	Capital Outlay	394.11
280-5525-4200	Asphalt	304.22
280-5900-4200	Tools & Small Equipment	63.03
353-6025-9075	Professional Services	1,905.99
500-5500-6000	Department Supplies	85.44
500-5500-6100	Department Supplies	64.97
500-5525-6100	Asphalt	600.35
500-5715-6100	Vehicle Repairs	864.72
500-5740-6300	Building Repair and Maint...	271.25
500-6505-6000	Utility - General & Electric	112.48
500-6605-6000	Lab Permit Fees	1,332.75
500-7015-6000	Dues & Subscriptions	64.83

Account Summary

Account Number	Account Name	Payment Amount
550-5500-6600	Department Supplies	301.88
550-5500-6700	Department Supplies	148.28
550-5525-6500	Asphalt	304.23
550-5555-6600	Plant Chemicals	415.70
550-5720-6600	Equipment Repair	19.60
550-5740-6700	Building Repair and Maint...	271.25
550-5766-6600	Bio solids Management	235.00
550-6605-6600	Lab Permit Fees	3,998.25
550-7012-6600	Certification	192.00
550-7015-6600	Dues & Subscriptions	64.83
	Grand Total:	19,558.73

Project Account Summary

Project Account Key	Payment Amount
None	19,558.73
	Grand Total:
	19,558.73

STAFF REPORT

City Council Consent Calendar Agenda Item

DATE: November 2, 2020

TO: Honorable Mayor and City Council Members

FROM: Siana Emmons, City Clerk

THROUGH: Merritt Perry, City Manager

SUBJECT: **Continue the Declaration of the Existence of a Local Emergency in Response to Coronavirus (COVID-19)**

STAFF RECOMMENDATION:

Continue the declaration a state of local emergency by way of adopted *Resolution 2020-12* and a City Proclamation dated March 20, 2020. Additionally it is recommended that the City Council review the City’s actions to date to respond to the COVID-19 emergency and provide input on current and future actions.

EXECUTIVE SUMMARY:

On April 6, 2020, the Fortuna City Council adopted *Resolution 2020-12*, confirming the existence of a Local Emergency and ratifying the City Manager/Director of Emergency Services’ Proclamation of existence of a Local Emergency in Response to the Coronavirus (COVID-19), dated March 20, 2020.

California Government Code section 8630 and Ordinance 97-611 of the City of Fortuna empowers the City Manager (Director of Emergency Services) to proclaim the existence or threatened existence of a local emergency when said city is affected or likely to be affected by a public calamity and the City Council is not in session. On March 20, 2020, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of a local emergency in the City of Fortuna in response to COVID-19. The proclamation was pursuant to Fortuna Municipal Code FMC 2.36.020(B), however, the City Council must ratify that declaration at the next regularly scheduled Council meeting or it shall have no further force or effect.

The Fortuna Municipal Code states that “at least every 21 days after the proclamation of a local emergency and until said local emergency is terminated, the City Council shall review the continuing need for a local emergency.”

The City may require additional assistance in the future, and a formal declaration of emergency allows additional resources to flow to the City in a timely fashion. The declaration of emergency also allows needed flexibility in staffing decisions and steps needed to continue to deliver essential services and to protect the City’s residents. The declaration enables the City to more effectively respond to the outbreak, and potentially obtain reimbursement for the response.

FINANCIAL IMPACT:

While there will be costs associated with City's emergency response to COVID-19, continuing the declaration of a Local Emergency by the City Council has no direct cost impact. However, it may enable potential external sources for reimbursement to costs associated with the City's emergency response.

RECOMMENDED COUNCIL ACTION:

Approve continuance of the declaration of a local emergency. Consent Agenda vote.

ATTACHMENTS:

- *Adopted Resolution 2020-12 - A Resolution Of The City Council Of The City Of Fortuna Declaring a State of Emergency due to COVID 19*
- *City of Fortuna Proclamation Declaring a State of Emergency due to COVID19, dated March 20, 2020*

RESOLUTION 2020-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORTUNA DECLARING A STATE OF EMERGENCY DUE TO COVID-19

WHEREAS, Ordinance 97-611 of the City of Fortuna empowers the City Manager (Director of Emergency Services) to proclaim the existence or threatened existence of a local emergency when said city is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS, the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS, it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS, if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS, on March 19, 2020 The County of Humboldt released a “Shelter in Place” Order directing all individuals living in Humboldt County to shelter in their residences except to provide or receive certain essential services or engage in essential activities and ordering all non-essential businesses to cease operations at physical locations and order cessation of all non-essential travel,

WHEREAS, on March 19, 2020 California Governor Gavin Newsom announced a state “Stay at Home” Order, which directs 40 million California residents to stay home indefinitely except for essential jobs, errands and some exercise, and

WHEREAS, the City of Fortuna Municipal Code states “State of emergency” means the duly proclaimed, by the Governor or Director of the State Office of Emergency Services, existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation, or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions other than conditions causing a “state of war emergency,” which conditions, by reason of their magnitude are, or are likely to be, beyond the control of the services, personnel equipment, and facilities of any single county, city, and county and city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy

shortage which requires extraordinary measures beyond the authority vested in the California Public Utilities Commission, and

WHEREAS, during a state of emergency the City Manager is designated the Director of Emergency Services and the Police Chief is designated Assistant Director of Emergency Services (Ord. 97-611), and

WHEREAS, if the City Council is not in session, the Director may proclaim the existence or the threatened existence of a local emergency when circumstances described in FMC 2.36.020(B) exist. Said proclamation shall be in writing and shall take effect immediately. When a local emergency is proclaimed by the Director, the City Council shall review and ratify the proclamation at the next regularly scheduled council meeting, and

WHEREAS, on March 20, 2020, The City Manager (Director of Emergency Services) proclaimed the existence or threatened existence of a local emergency due to the COVID-19 pandemic, and

WHEREAS, At least every 21 days after the proclamation of a local emergency and until said local emergency is terminated, the City Council shall review the continuing need for a local emergency and shall terminate the local emergency at the earliest possible date the conditions warrant, and

WHEREAS, the City Council of the City of Fortuna does hereby find:

That conditions of extreme peril to the safety of persons and property have arisen within said city, caused by the COVID-19 Pandemic and associated response;

NOW, THEREFORE, LET IT BE RESOLVED that a local emergency now exists throughout the City of Fortuna; and

IT IS FURTHER ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this city shall be those prescribed by state law, by ordinances, and resolutions of this city, and by the City of Fortuna Emergency Plan, as approved by the City Council.

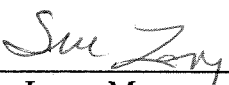
PASSED AND ADOPTED on this 6th day of April, 2020, by the following vote:

AYES: Council Member Glaser, Johnson, Stanfield, Mayor Pro Tem Trent, Mayor Long

NOES: None

ABSTAIN: None

ABSENT: None



Sue Long, Mayor

ATTEST:



Siana L. Emmons, City Clerk



City of Fortuna

Proclamation

A PROCLAMATION OF THE CITY OF FORTUNA CONFIRMING THE
EXISTENCE OF A LOCAL EMERGENCY DUE TO COVID-19
(By the City Manager, Director of Emergency Services)

WHEREAS, Ordinance 97-611. of the City of Fortuna empowers the City Manager (Director of Emergency Services) to proclaim the existence or threatened existence of a local emergency when said city is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS, the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS, it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS, if COVID- 19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS, on March 19, 2020 The County of Humboldt released a “Shelter in Place” Order directing all individuals living in Humboldt County to shelter in their residences except to provide or receive certain essential services or engage in essential activities and ordering all non-essential businesses to cease operations at physical locations and order cessation of all non-essential travel,

WHEREAS, on March 19, 2020 California Governor Gavin Newsom announced a state “Stay at Home” Order, which directs 40 million California residents to stay home indefinitely except for essential jobs, errands and some exercise, and

WHEREAS, the City of Fortuna Municipal Code states “State of emergency” means the duly proclaimed, by the Governor or Director of the State Office of Emergency Services, existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation, or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions other than conditions causing a “state of war emergency,” which conditions, by reason of their magnitude are, or are likely to be, beyond the control of the services, personnel equipment, and facilities of any single county, city, and county and city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage which requires extraordinary measures beyond the authority vested in the California Public Utilities Commission, and

WHEREAS, during a state of emergency the City manager is designated the Director of Emergency Services and the Police Chief is designated Assistant Director of Emergency Services (Ord. 97-611), and

WHEREAS, if the city council is not in session, the director may proclaim the existence or the threatened existence of a local emergency when circumstances described in FMC 2.36.020(B) exist. Said proclamation shall be in writing and shall take effect immediately. When a local emergency is proclaimed by the director, the city council shall review and ratify the proclamation at the next regularly scheduled council meeting, and

WHEREAS, At least every 21 days after the proclamation of a local emergency and until said local emergency is terminated, the city council shall review the continuing need for a local emergency and shall terminate the local emergency at the earliest possible date the conditions warrant.

WHEREAS, the City Manager (Director of Emergency Services) of the City of

Fortuna does hereby find:

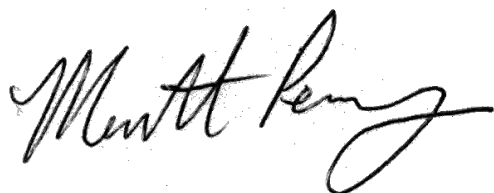
That conditions of extreme peril to the safety of persons and property have arisen within said city, caused by the COVID-19 Pandemic and associated response and that the City Council of the City of Fortuna is not in session and cannot immediately be called into session;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout said city; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this city shall be those prescribed by state law, by ordinances, and resolutions of this city, and by the City of Fortuna Emergency Plan, as approved by the City Council.

Dated: March 20, 2020

By:

A handwritten signature in black ink, appearing to read "Matt Remy". The signature is written in a cursive style with a large, sweeping flourish at the end.

City Manager (Director of Emergency Services)
City of Fortuna

STAFF REPORT

City Council Business Agenda Item

DATE: November 2, 2020

TO: Honorable Mayor and City Council

FROM: Cameron Mull, Director of Parks & Recreation

THROUGH: Merritt Perry, City Manager

SUBJECT: **PUBLIC HEARING: Receive Public Comment Concerning Unmet Transit Needs (UTN)**

STAFF RECOMMENDATION:

Hold a public hearing concerning Unmet Transit Needs, and forward all public comments received to Humboldt County Association of Governments (HCAOG) for consideration.

EXECUTIVE SUMMARY:

Each year, the Transportation Development Act (TDA) Statutes require the Humboldt County Association of Governments (HCAOG), as the Regional Transportation Planning Agency (RTPA), to hold an *Unmet Transit Needs Hearing* for the purpose of evaluating the best methods of providing public transportation. It is local policy for HCAOG to request each member entity hold a public hearing on unmet transit needs annually. These local hearings are in addition to HCAOG's required public hearing and their purpose is to broaden the hearing forum. The local hearings also provide City Council Members and County Board of Supervisors an opportunity to hear and respond to local comments. All persons and groups known to have interest in transit-related matters are notified in advance of these hearings. The appropriate public notices are also published in the local print media. The public is encouraged to offer any comments and/or possible solutions to various transit needs. By holding a public hearing at a Council meeting, the Council is acknowledging the receipt of public comments.

The City of Fortuna provides two transportation systems to serve Fortuna residents; the City operated Dial-A-Ride (DAR) system, and the Humboldt Transit Authority's, Regional Redwood Transit System (RTS). RTS is a commuter service and covers a 65-mile stretch of Highway 101 from Trinidad to Benbow. Service runs from 5:30 am -10:30 pm Monday through Friday, and from 8:30 am to 9:30 pm on Saturday. There are 46 southbound and northbound trips on weekdays and on Saturdays. Adult Fares are \$3.50 for a one-way trip and a monthly-unlimited pass may be purchased for \$62.00.

The Fortuna Transit Bus Service is a Dial-A-Ride (DAR) system; the City operates two buses Monday through Friday from 8:00 am - 4:30 pm. The Fortuna Transit Service is

available to persons over the age of 50 or disabled persons living within the city limits of Fortuna. Riders call for bus service anytime during the previous calendar month for doctor's appointments, one week in advance to reserve a ride for hair, work, lunch site, or other non-medical appointments, and the day-of or day before for shopping, visiting friends, & banking. Riders are picked up at their homes and delivered to their destination, and when they are ready to return home or travel to another destination, they call the Transit/ Parks office to dispatch a bus for service. Once a month a planned trip is made to Eureka for shopping. Fortuna Transit's DAR started weekly medical appointments to Eureka in July of 2018 (Measure E funded) to allow people to get the medical services they need in the Eureka area, as there are more medical providers housed there.

Staff continues to monitor expenses and revenues to insure compliance with the State Mandated 10% fare box recovery ratio. The fares for rides are \$2.50 per ride or \$22.50 for a prepaid punch card for 15 rides.

The primary purpose of TDA funds is to provide various types of transportation services to the public that are financially "reasonable" to fund, and secondarily to provide funds for roadway repair projects. Before HCAOG can allocate funds for purposes "not directly related to public transportation services, specialized transportation services, or facilities provided for the exclusive use of pedestrians and bicycles" (PUC Sec. 99401.5), HCAOG must first implement the unmet transit needs process. Because the primary purpose of the TDA is to fund transit, the unmet transit needs process is used to prove that there are no "unmet transit needs" that are "reasonable to meet" prior to funding street and road projects.

Council will not be asked to make a finding on Unmet Transit Needs. They are to receive public comment concerning transit needs and to forward findings on to HCAOG. If the RTPA and the HCAOG Board finds that there are no unmet transit needs or that there are no unmet transit needs that are *reasonable to meet*, the City of Fortuna may then expend excess TDA funds for non-transit purposes. A finding that there are unmet transit needs, including those that are reasonable to meet, delivers a mandate to the respective entity to set aside funds, to implement a program to meet those needs deemed "reasonable to meet."

FINANCIAL IMPACT

Humboldt County Association of Governments adopted the 2020-2021 Local Transportation Fund Apportionment and Allocations for \$428,964 to the City of Fortuna. Of that total amount, \$316,695 is allocated to fund 590 for the transit system, and \$112,269 is allocated to Fund 260 and Fund 265 for *non-transit* activities, which is budgeted to fund Capital Improvements/ Streets Projects.

RECOMMENDED COUNCIL ACTION:

1. Receive staff presentation and review Council questions with staff
2. Open the Public Hearing

3. Close the Public Hearing
4. Motion to forward comments received during the public hearing to HCOAG for consideration of Unmet Transit Needs. Roll Call vote.

ATTACHMENTS:

- HCAOG UTN Letter to Humboldt County Administrative Office (CAO) and City Managers, which includes Citizen Participation for Assessing Unmet Transit Needs



HCAOG

*Regional Transportation
Planning Agency*

611 I Street, Suite B
Eureka, CA 95501
707.444.8208
Fax: 707.444.8319
www.hcaog.net

Members:

*City of Arcata
City of Blue Lake
City of Eureka
City of Ferndale
City of Fortuna
City of Rio Dell
City of Trinidad
County of Humboldt*

October 2, 2020

To: City Managers/County Administrative Officer
North Coast Tribal Transportation Commission
McKinleyville Municipal Advisory Committee
Manila Community Services District

From: Marcella May, HCAOG Executive Director 

Re: Unmet Transit Needs Process – Public Hearings

Every year, as established by the California Transportation Development Act (TDA), the Humboldt County Association of Governments (HCAOG) is required to conduct a citizen participation process to identify any “unmet transit need” (UTN) in the region. This process is required prior to allocations of TDA funding the following fiscal year. All comments deemed to meet the definition of an unmet transit need will then be analyzed to determine if the need is “reasonable to meet.” A summary of the process and the adopted definition and criteria used to determine if a need is reasonable to meet are provided in the attached document.

Due to the coronavirus pandemic, transit systems in the region lost an average of 70% of ridership. We would therefore like to include in this year’s discussion, the public’s view of returning to or using transit once the pandemic subsides and the stay at home order is lifted.

The HCAOG Board of Directors will hold a public hearing on Thursday, November 19, 2020. Though not required, we encourage your agency to also conduct a public hearing between the timeline of October 19th through the end of November. We also request that you forward us a record of all comments received.

Please provide your meeting date to Christie Smith at christie.smith@hcaog.net by **Tuesday, October 13, 2020**, to allow us to meet publishing and posting requirement deadlines. HCAOG will publish an ad in the either the Times Standard or the North Coast Journal which will include a schedule of all hearing dates and times. Either I or a member of HCAOG’s Social Service Transportation Advisory Council will join your meeting to provide information or answer any questions. Thank you for your assistance.

Enclosure

ec: City Clerks



HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS
Regional Transportation Planning Agency
Humboldt County Local Transportation Authority
Service Authority for Freeway Emergencies
611 I Street, Suite B
Eureka, CA 95501
(707) 444-8208
www.hcaog.net

Citizen Participation Process for Assessing Unmet Transit Needs

Transportation Development Act

The Humboldt County Association of Governments (HCAOG) is responsible for allocating Transportation Development Act funds for public transportation services within the region. Each year the Unmet Transit Needs process is carried out to identify and evaluate any potential needs that are not being met through existing public transportation services. HCAOG is required to assess unmet transit needs prior to allocating any TDA funds for purposes *not* directly related to public transit.

The effects of the Coronavirus (Covid-19) has been detrimental to all transit agencies statewide. This year HCAOG would like to get feedback from the public on improvements that could be implemented to encourage ridership.

Public Process to Make a Finding

HCAOG's Social Services Transportation Advisory Council (SSTAC) leads the public participation process. Although only one public hearing is required, approximately ten public meetings are held to gather public suggestions. The SSTAC considers all public testimony and input, determines if the suggestions meet the adopted definition of an unmet transit need and applies adopted criteria to determine if the need is "reasonable to meet".

At the end of the process, the SSTAC will forward one of the following findings to the HCAOG board for consideration:

- (a) there are no unmet transit needs; or
- (b) there are no unmet transit needs which are "reasonable to meet"; or
- (c) there are unmet transit needs, including those that are "reasonable to meet"

Transportation Development Act funds must be allocated first to unmet transit needs, which are found to be reasonable to meet within a jurisdiction, before any remaining funds can be allocated for non-transit purposes, such as bicycle and pedestrian facilities or streets and roads.

Opportunities for Public Comment on Unmet Transit Needs

- Comments can be submitted online at: <http://hcaog.net/documents/unmet-transit-needs>
- Utilization of Social Services Transportation Advisory Council (SSTAC) members for information sharing among the community; and
- One of ten public meetings.
- Comment submittals by email or telephone: marcella.clem@hcaog.net/444-8208

UNMET TRANSIT NEEDS DEFINITION & REASONABLE TO MEET CRITERIA

Unmet transit needs are, at a minimum:

- (1) Trips requested from residents who do not have access to public transportation, specialized transportation, or private transport services or resources for the purpose of traveling to medical care, shopping, social/recreational activities, education/training, and employment; or
- (2) Proposed public transportation, specialized transportation, or private transport services identified in the following, but not limited to: a Transportation Development Plan, Regional Transportation Plan, Coordinated Public Transit–Human Services Transportation Plan.

HCAOG Plans can be found at: <http://hcaog.net/library>

Additionally, unmet transit needs do not include:

- ❖ Improvements funded or scheduled for implementation in the next fiscal year. Due to Covid-19, there are no new improvements funded or scheduled for the next fiscal year. Two potential new services that will be reevaluated this year are:
 - Express bus service between McKinleyville and Eureka during peak hours
 - Late Night Weekday Service on the Regional Transit System
- ❖ Minor operational improvements or changes such as bus stops, schedules, and minor route changes. Minor operational improvements are changes to service which do not affect the operating cost of the transit service either by requiring additional staff and/or additional vehicle hours of service or miles of service.
- ❖ Trips for primary or secondary school transportation
- ❖ Sidewalk improvements or street and road needs

Reasonable to meet criteria:

- (1) To be considered “reasonable to meet”, a service must be operationally feasible and financially sustainable, as defined below:
 - a) The service must have adequate roadways, and must be safe to operate.
 - b) Enough money should be available from identified sources of funding to pay for the marginal operating costs of the service continuously for three years.
- (2) The service must be projected to meet a minimum “marginal farebox-return-ratio” of 10 percent within 2 years. If multiple competing services are requested, other factors may also be considered such as estimated subsidy per passenger trip and passengers per vehicle hour of service. For new service, ridership and farebox-return-ratio thresholds will be considered.
- (3) Pursuant to the requirements of TDA Statutes (Public Utilities Code Section 99401.5c, a determination of needs that are “reasonable to meet” shall not be made by comparing unmet transit needs with the need for streets and roads, for the allocation of TDA funds.
- (4) Once a service is determined to be "reasonable to meet" and is implemented, it can be expected that the ridership in the first 1-2 years of the new service will be less than the projected optimal ridership. Ridership should be evaluated at 6-month intervals to determine if service is meeting performance standards adopted by the transit provider, and specifically, whether the service meets a minimum 10 percent marginal farebox-return-ratio. If the service is being adequately promoted and fails to be within 60 percent of the identified standards after six months, 90 percent with the first year, or 100 percent within two years, the service may be cancelled and deemed "no longer reasonable to meet." An exception to this rule is when a community or group is willing to participate in sharing the ongoing cost of the new service.

STAFF REPORT

City Council Business Agenda Item

DATE: November 2, 2020

TO: Honorable Mayor and Council Members

FROM: Liz Shorey, Deputy Director of Community Development

THROUGH: Merritt Perry, City Manager

SUBJECT: **A Public Hearing to Consider an Amendment of Title 17 – Zoning Regulations of the Fortuna Municipal Code, Adding Section 17.06.220 Small Wireless Communications Facilities and Amending Section 17.07.004 Administration. Ordinance 2020-744**

STAFF RECOMMENDATION:

Adopt standards for small wireless communications facilities pursuant to the attached ordinance, Section 17.06.220, Small Wireless Communications Facilities and Section 17.07.004 Administration, by adopting *Ordinance 2020-744*.

EXECUTIVE SUMMARY:

In response to the growing demand for increased wireless capability, the telecommunications industry is actively seeking to implement the fifth generation of wireless network technology, known as 5G. 5G technology requires the installation of new small cell antennas, which are smaller than traditional stand-alone towers and must be placed in closer proximity to each other. In most jurisdictions, small cell antennas are typically placed in public rights-of-way, mounted to existing utility infrastructure such as streetlights and power poles. Small cell antennas are similar to Wi-Fi networks in that their coverage is limited and they must be placed approximately 300-500 feet apart. Therefore, next generation 5G technology will necessarily require increased density and a more rapid build-out to provide service.

Existing Federal and State law significantly limits local authority over wireless telecommunication facilities. Additionally, a recent Declaration and Order from the FCC further limits local control over small cell facilities, and imposes short “shot clocks” on processing small cell facility application. The FCC Order provides that aesthetic requirements must be reasonable, no more burdensome than those applied for other types of infrastructure, and published in advance.

Currently, Fortuna does not have specific regulations that apply to small wireless facilities, as the City’s “Communications Structures” (FMC 17.06.021) adopted in 1996 was based on single large transmission towers needed for broad coverage. By comparison, small wireless facilities are

significantly smaller systems often located in the public right-of-way on existing or new poles, such as streetlights, and consist of a single small omnidirectional antenna, or several small panel antennas concealed behind a cylindrical shroud or cover. The establishment of new standards that responds to the changing technology and needs of small telecommunications facilities will ensure that new facilities are visually compatible and appropriately sited within the community. Given the FCC's Order and recent interest among wireless carriers to install 5-G technology throughout California, it is important that Fortuna establish criteria for processing wireless facility applications and adopt standards for these facilities. The proposed Ordinance would govern the application, processing, aesthetic standards, and operation of wireless facilities to the extent allowed by Federal and State law. The following provides a brief overview of applicable Federal and State law regarding wireless facilities, and key points contained in the proposed City regulations.

Federal and State Law

The area of Federal and State law governing the telecommunications industry is designed to promote the development of wireless facilities with minimal local control. The following summarizes some of the key issues of these laws.

Both Federal and State law prohibit a local authority from regulating many aspects of telecommunication facilities, including:

- Regulations based on health or environmental impacts.
- Regulations to control electromagnetic or radio waves.
- Collocation on existing wireless telecommunication facilities.
- Modification of existing wireless towers that does not substantially change dimensions.
- The installation of wireless facilities on existing utility poles in public rights-of-way.

Under Federal law, a city may not prohibit, or have the effect of prohibiting, wireless telecommunication facilities (Federal Telecommunications Act, 47 U.S.C., § 253(a)). However, Federal and State law allow local control over the placement, construction, and aesthetics of wireless facilities, so long as there is no "effective prohibition" on service. Additionally, in September 2018, the FCC issued an Order effective in January 2019 that is intended to streamline the provision of wireless services. The FCC Fact Sheet and Order may be found at: <https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf>.

The FCC Order makes it easier for telecommunication companies to install small cell facilities by setting forth new regulations regarding the deployment of small cell antennas, including shot clocks and fees. The new FCC rules include:

- Shot Clock. Applications to mount small cell antennas on public infrastructure must be processed within 60 days, and applications for new poles must be processed within 90 days.
- Fee Guidelines. Fees are limited to \$500 for an initial application and \$270 for an annual right-of-way access fee per small cell. If higher fees are imposed, the local jurisdiction must establish that they are a "reasonable approximation" of costs incurred. The City will be adopting the fees in the near future on the Council Fee Schedule.

- A city may impose requirements regarding the minimum spacing between small cell antennas, because spacing is considered an aesthetic consideration. However, the Order does not detail what it would consider a reasonable spacing distance and spacing between antennas may not be so distant as to effectively prohibit the functioning of wireless facilities.
- A city may require that any new or substantially changed wireless facility receive a discretionary permit (such as a conditional use permit); however, non-substantial changes to existing facilities must be approved ministerially. (Otherwise known as a Section 6409(a), Eligible Facilities approvals.)
- A city must allow wireless facilities in public rights-of-way, subject to certain exceptions and regulations based on aesthetics. Telephone companies have the right to place equipment - including wireless facility equipment - within public rights-of-way subject to aesthetic and safety standards.

To ensure wireless facilities conform to federal and state regulations, yet are sensitively designed and sited, staff has drafted an ordinance that contains City permit procedures, design standards, and location preferences Fortuna. The primary goals of the ordinance are to:

1. **Sensitive Siting:** Direct WCFs to preferred locations such as alleys and non-residential zones;
2. **Visual Compatibility:** Require all WCFs to be stealth-designed to extent feasible;
3. **Maintenance:** Require WCFs and associated improvements to be well maintained for the life of the facility;
4. **Transparency:** Provide notices to property owners within 300-feet of a proposed WCF and require public hearings for facilities that don't implement stealth design or are located in discouraged locations;
5. **Consistency:** An established WCF policy will help ensure facilities are processed consistently.

Permit Procedures

The proposed policy would create a tiered permit system for WCFs based on the facility's design and location. Facilities designed in a stealth manner and sited in a preferred location would be eligible for an administrative, over-the-counter use permit. Facilities which are not stealth and/or which are sited in non-preferred locations, such as residential zones and certain streets, would be subject to a special use permit and be considered in a publicly noticed hearing before the Planning Commission or City Council. The proposed tiers are shown in the following table:

Table 1. WCF Tiers and Types of Required WCF Permits¹

Tier	Types of Facilities	Location	Permit Required
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I	Modifications to an existing facility per 47 C.F.R. Section 1.40001(b)(3)	All	Section 6409(a) Permit
II	Strand-mounted facilities	All	Zoning Administrator Minor Use Permit (FMC 17.07.004.B)
	Stealth pole-mounted facilities in ROW	Alleys, non-residentially zoned properties ²	
	Stealth building- or façade-mounted facilities		
	A collocation or modification that is not a Tier I facility		
III	Stealth pole-mounted facilities in ROW	Residentially zoned properties, ROWs	Planning Commission Conditional Use Permit (FMC 17.07.004.C)
	Stealth building- and façade-mounted facilities		
IV	Non-stealth facilities and all towers	All	City Council Major Use Permit (FMC 17.07.004.D)
	Any facility	Main Street, 12 th Street, Riverwalk Drive	
¹ Applies to all types of cell facilities, including small cell facilities. ² Alleys which divide a non-residential and a residential zone are considered non-residential for the purposes of this policy			

The proposed procedures would create an administrative use permit for Tier II facilities that would include mailed public notices to property owners within 300 feet of a planned WCF. The notices would provide residents with an opportunity to request a public hearing within 10 days. If no requests for a hearing are received, an over-the counter permit would be issued. If a request is received, the application would be scheduled for a public hearing before the Planning Commission.

Location Standards

To the extent feasible, all proposed facilities under the proposed procedures would be sited according to the following preferences, ordered from the most to the least preferred. Where possible, new WCFs would be encouraged to collocate on structures with existing WCFs to minimize the number of facilities.

ENVIRONMENTAL REVIEW:

The installation of new poles, collocation of wireless cells on existing poles, and installation of small equipment will not result in any changes to the environment. Therefore, the adoption of the Ordinance is exempt from the California Environmental Policy Act (“CEQA”) pursuant

to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility of any significant environmental effects as a result of the proposed small cell standards.

FISCAL IMPACT: No fiscal impact as a result of the Code amendments.

PLANNING COMMISSION RECOMMENDATION: On October 13, 2020, the Planning Commission considered the code adoption and voted (6-1) in favor of recommending to the Council that the amendments be adopted pursuant to the attached ordinance.

RECOMMENDED COUNCIL ACTION:

Staff recommends that the Council adopt the zoning amendment through the following motion:

1. Receive staff presentation and review questions with staff
2. Open public comment
3. Close public comment
4. Motion to adopt *Ordinance 2020-744* and read by title only. Roll call vote.

ATTACHMENTS:

- Attachment 1— *Ordinance 2020-744, An Ordinance of the City of Fortuna Amending Title 17 – Zoning Regulations of the Fortuna Municipal Code, Adding Section 17.06.220 Small Wireless Communications Facilities and Amending Section 17.07.004 Administration*
- Attachment 2—Small Wireless Cell Facilities Images

Attachment 1

ORDINANCE NO. 2020-744

AN ORDINANCE OF THE CITY OF FORTUNA AMENDING TITLE 17 – ZONING REGULATIONS OF THE FORTUNA MUNICIPAL CODE, ADDING SECTION 17.06.220 SMALL WIRELESS COMMUNICATIONS FACILITIES AND AMENDING SECTION 17.07.004 ADMINISTRATION

WHEREAS, there have been significant changes in the types of communication facilities used to provide communications services within the City; and

WHEREAS, both federal and state law has been modified regarding the regulation of small wireless communication facilities both in the public rights or way and on private property outside of the public rights of way; and

WHEREAS, the City desires to ensure to the greatest extent allowed under federal state law that small wireless communication facilities are located, designed, installed, constructed, maintained, and operated in a manner that meets the aesthetic and public health and safety requirements of the City; and

WHEREAS, the City deems it necessary and appropriate to adopt standards and regulations relating to the location, design, installation, construction, maintenance, and operation of small wireless communication facilities, including towers, antennas, and other structures both in the public rights or way and on private property outside of the public rights of way and to provide for the enforcement of these standards and regulations consistent with federal and state legal requirements; and

WHEREAS, the ordinance is consistent with the Fortuna General Plan pursuant to the following policies:

PFS-8.3 Broadband Services. The City shall work with telecommunication companies to provide broadband services to all interested residents and businesses in Fortuna.

PFS-8.4 Regional Telecommunication Infrastructure. The City shall work with the County and other pertinent agencies to coordinate telecommunication infrastructure planning on a regional basis for both telephone and data.

PFS-8.5 Wireless Communication Facilities. To minimize the visual impact of wireless communication facilities (e.g., cell towers), the City shall require that they meet the following conditions:

- Are located away from residential and open space areas;
- Are not visibly intrusive to residential neighborhoods or public rights-of-way;
- When possible, are co-located with other wireless facilities on existing buildings, towers, poles, or other existing support structures; and
- Are painted, camouflaged, or textured in a manner as to reduce their visual impacts.

WHEREAS, the installation of new poles, colocation of wireless cells on existing poles, and installation of small equipment will not result in any changes to the environment, and therefore, the adoption of the Ordinance is exempt from the California Environmental Policy Act (“CEQA”) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility of any significant environmental effects as a result of the proposed small cell standards; and

WHEREAS, the public interest is protected by the establishment of uniform and comprehensive standards and regulations regarding the siting, screening, maintenance, and operation of wireless telecommunication facilities within the City in a manner that is consistent with State and Federal law; and

WHEREAS, the Planning Commission has considered the code amendments at a duly noticed public hearing on October 13, 2020, and voted (6-1) to recommend that the Council adopt the amendments.

NOW, THEREFORE, The City Council of the City of Fortuna, State of California, does ordain as follows:

SECTION 1. Code Amendment. Section 17.06.220 of Chapter 17.06 of the Fortuna Municipal Code is hereby added in its entirety as set forth in **Exhibit “1”**. The provisions of Section 17.06.220. The adoption of this Ordinance shall not affect any actions and proceedings that began before the effective date of this Ordinance; prosecution for ordinance violations committed before the effective date of this Ordinance; licenses and penalties due and unpaid at the effective date of this Ordinance.

SECTION 2. Severability. If any subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. Conflicts. All ordinances and parts of ordinances or resolutions, in conflict herewith, are hereby repealed to the extent of such conflicts and no further.

SECTION 4. Effective Date. The effective date of this ordinance is thirty (30) days after its adoption by the City Council.

INTRODUCED AND FIRST READING PERFORMED on the _____ day of _____, 2020 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Sue Long, Mayor

Siana L. Emmons, City Clerk

SECOND READING PERFORMED AND ADOPTED on the _____ day of _____, 2020
by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Sue Long, Mayor

Siana L. Emmons, City Clerk

Exhibit “1”

**Chapter 17.06
REGULATIONS THAT APPLY TO SPECIFIC USES**

Section 17.06.220 Wireless Communication Facilities, Small

- A. Purposes.** The purpose of this section is to provide uniform standards for the establishment and modification of small wireless communications facilities (WCFs) in the city and to provide for the desired location, design, installation, construction, maintenance, and operation of WCFs consistent with applicable federal and state requirements. These standards are intended to address and balance the potentially adverse visual and aesthetic impacts of WCFs while providing for the communication needs of residents, local businesses, and government agencies; manage the public rights-of-way, and ensure the public is not incomed by the placement of WCFs on private land or in the public rights-of-way. The primary aim of these provisions is to ensure that WCFs in Fortuna:
1. Provide residents, visitors, and emergency responders with access to a modern and reliable high-speed wireless network.
 2. Are reviewed and provided within the parameters of the law.
 3. Provide residents with advance notification of pending WCF applications.
 4. Are encouraged to locate in preferred locations and away from residential and other sensitive areas, except as allowed by this section.
 5. Represent the fewest possible facilities necessary to complete a network without discriminating against providers of functionally equivalent services or prohibiting the provision of wireless services.
 6. Maintain the City of Fortuna’s unique community character and distinctive high-quality aesthetics through concealment and “stealth” techniques to the maximum extent feasible.
 7. Maintain the community of Fortuna’s quality of life.
- B. Authority.** This section is enacted pursuant to the city’s police power to regulate for the public health, safety and welfare subject to the limitations of that power under federal and state law, including, but not necessarily limited to, the Federal Telecommunications Act of 1996, Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, state laws regulating the processing and procedures associated with local WCF approvals. This section shall be interpreted in conjunction with the federal and state laws and regulations regarding the processing and placement of telecommunications facilities within the city.
- C. Scope.** Except as set forth in subsection “S”, below, this section shall apply to all small wireless communication facilities as defined by the FCC within the City.

D. Definitions.

1. “**Antenna**” means a device or system of wires, poles, rods, dishes, or similar devices used to transmit and/or receive radio or electromagnetic waves.
2. “**Collocation**” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(2), as may be amended, which defines that term as “[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.” As an illustration and not a limitation, the FCC’s definition effectively means “to add” new equipment to an existing facility and does not necessarily refer to more than one wireless facility installed at a single site.
3. “**Director**” means the Director of the Community Development Department.
4. “**Eligible facilities request**” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(3), as may be amended, which defines that term as “[a]ny request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) Collocation of new transmission equipment; (ii) Removal of transmission equipment; or (iii) Replacement of transmission equipment.”
5. “**FCC**” means the Federal Communications Commission or its successor agency.
6. “**Lattice tower**” is defined as a free-standing framework tower, typically 3 or 4 sided.
7. “**Monopole**” is a tower that consists of a single pole structure (non-lattice), designed and erected on the ground or on top of a structure, to support WCF antennas and related equipment.
8. “**RF**” means radio frequency or electromagnetic waves generally between thirty kHz and three hundred GHz in the electromagnetic spectrum.
9. “**Section 6409(a)**” means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. Section 1455(a), as may be amended.
10. “**Significant gap**” is a gap in the service provider’s own wireless telecommunications facilities, as defined in federal case law interpretations of the Federal Telecommunications Act of 1996.
11. “**Site**” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(6), as may be amended, which provides that “[f]or towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the

site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.”

12. **“Small wireless facilities”** or “small cell facilities” or “wireless facilities, small” or “WCF” means a small wireless facility within the meaning of 47 C.F.R. § 1.6002.1(1) or any successor provision, which defines a small cell wireless facility as meeting the following conditions: 1) satisfaction of one of the following: a) mounted on structures no higher than 50 feet, including antenna; b) mounted on structures no more than 10% taller than other adjacent structures; or c) not extending existing structures to a height of more than 50 feet or 10% whichever is greater; 2) antenna is no greater than 3 cubic feet in volume; 3) all other wireless equipment associated with structure is no more than 28 feet in volume; 4) no human exposure to radio frequency radiation in excess of FCC Guidelines; 5) not located on Tribal lands; and 5) not require antenna registration. This definition does not mean a “Communication Structure” under FMC 17.06.021.
13. **“Stealth facility”** is any facility designed to blend into the surrounding environment, and is visually unobtrusive. Examples of stealth facilities may include architecturally screened roof-mounted antennas, facade-mounted antennas painted and treated as architectural elements to blend with the existing building, or elements designed to appear as vegetation or trees.
14. **“Temporary wireless communications facility”** means a wireless communications facility consisting of a vehicle-mounted facility, a building-mounted antenna, or a similar facility, and associated equipment, that is used to provide temporary coverage for an event, an emergency, or to provide temporary replacement coverage due to the removal of an existing permitted, permanent wireless communications facility.
15. **“Tower”** means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(9), as may be amended, which defines that term as “[a]ny structure built for the sole or primary purpose of supporting any [FCC]-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.” Examples include, but are not limited to, monopoles, mono-trees, and lattice towers.
16. **“Transmission equipment”** means the same as defined by the FCC in 47 C.F.R. Section 140001(b)(8), as may be amended, which defines that term as “[e]quipment that facilitates transmission for any [FCC]-licensed or authorized wireless communication service including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications

services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.” (Also referred to as “equipment”).

17. **“Wireless communications provider”** is any company or organization that provides or who represents a company or organization that provides wireless communications services. (Also referred to as “service provider” or “carrier”).

E. Application Requirements.

1. **In general.** No person shall construct, install, attach, operate, collocate, modify, reconstruct, relocate, or otherwise deploy any WCF within the city’s jurisdictional and territorial boundaries, on private property and within the public right-of-way except in compliance with this section.
2. **Permit Required.** All requests for a WCF shall be accompanied by a Use Permit application as outlined in Fortuna Municipal Code (FMC) Chapter 17.07 and required fees and deposits. In addition, the following information shall be submitted unless waived by the director:
 - a. Full sets of plans, including site plan, elevations, landscape details, and color and material samples;
 - b. Full color, scaled photo-simulations of the proposed WCF from publicly visible viewpoints;
 - c. Coverage maps which shows existing and proposed coverage;
 - d. A map of the carrier’s other existing and proposed sites and a description of how the proposed WCF fits into the overall, long-term network coverage plans;
 - e. Noise and acoustical information for the base transceiver station(s), equipment buildings, and associated equipment such as air conditioning units and back-up generators. Such information shall be provided by a qualified firm or individual, approved by the city, and paid for by the project applicant.
 - f. A signed copy of the proposed property lease agreement, exclusive of the financial terms of the lease, including provisions for removal of the WCF and appurtenant equipment within ninety days of its abandonment and provisions for city access to the WCF for removal where the provider fails to remove the WCF and appurtenant equipment within ninety days of its abandonment pursuant to subsection “O(6), below. The final agreement shall be submitted at the building permit stage.

- g. Proof that notice has been mailed to owners of all property owners, and the resident manager for any multi-family dwelling unit that includes ten or more units, within three hundred feet of the proposed personal wireless services facility.
- h. If applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all information on which the applicant relies on in support of that claim. Applicants are not permitted to supplement this showing if doing so would prevent the city from complying with any deadline for action on an application.
- i. Applications for a Tier III or IV facility shall be required to submit an alternative sites analysis which includes all other sites and facilities considered and a description of why more preferred sites/facilities were not selected.
- j. Verification that the proposed WCF will either comply with the FCC's guidelines for human exposure to radio frequency (RF) electromagnetic fields or will be categorically excluded from having to determine compliance with the guidelines per 47 CFR §1.1307(b)(1). If WCFs are proposed for collocation, the verification must show the total exposure from all facilities taken together meets the FCC guidelines.
- k. At the discretion of the director, the applicant may be required to submit an additional deposit to cover the City's costs to hire an independent, qualified consultant to evaluate any technical aspect of the proposed use including, but not limited to, issues involving radio frequency emission, alternative designs, and alternative sites.
- l. A security plan, subject to the director's approval, must be kept on file with the city. Permittee must comply with the security plan at all times.

3. Additional Requirements. The director may develop, publish, and from time to time update or amend any forms, checklists, guidelines, informational handouts, or other related materials that the director finds necessary, appropriate, or useful for processing any application governed under this section.

4. Indemnification—Liability. The following requirements shall be conditions of approval of all permits approved by the city for any WCF.

- 1. The permittee shall defend, indemnify and hold harmless the City of Fortuna, its officers, agents, and employees from any damages, liabilities, claims, suits, or causes of action of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance

of the permittee, its agents, employees, licensees, contractors, subcontractors, or independent contractors, pursuant to the approval issued by the city.

2. WCF operators and permittees shall use commercially reasonable methods to avoid any interference their WCF may cause with the City's communication systems and, in the event of any such interference, shall immediately determine the source of any interference, and eliminate the interference (including, but not limited to, filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and arising from third party claims against the city attributable to the interference.
3. The city shall promptly notify the permittee of any claim, action, or proceeding concerning the project and the city shall cooperate fully in the defense of the matter. The city reserves the right, at its own option, to choose its own attorney to represent the city, its officers, employees and agents in the defense of the matter, provided that the City shall be responsible for the cost of such attorney.
4. Failure to comply with any of these conditions shall constitute grounds for revoking a WCF use permit.

F. Other Permits and Regulatory Compliance. In addition to any permit or approval required under this section, the applicant, owner or operator, who owns or controls an WCF, must obtain all other permits and regulatory approvals (such as compliance with the California Environmental Quality Act) required by the city, any federal, state or local government agencies; and the applicant, owner or operator must comply with all applicable federal state and local government agency laws and regulations applicable to the WCFs, including, without limitation, any applicable laws and regulations governing RF emissions, and local zoning and building code requirements.

G. Prohibited WCFs. The following types of WCFs are prohibited.

1. WCFs that exceed current standards for RF emissions standards adopted by the FCC.
2. WCFs on sites containing existing or planned public or private school facilities; or within five hundred feet of said areas so designated or zoned.
3. WCFs in designated sensitive habitat areas, such as habitat restoration areas, as designated by the city. The community development department shall maintain a map identifying such areas.

H. Location Standards. To the extent feasible, all proposed WCFs shall be sited according to the following preferences, ordered from the most to least preferred:

1. Collocations in alley rights-of-way within or abutting non-residential zones;
2. New facilities in alley rights-of-way within or abutting non-residential zones;

3. Collocations on City owned parcels or rights-of-way (including alleys in residential zones);
4. Collocations outside public rights-of-way in non-residential zones;
5. New facilities outside public rights-of-way in non-residential zones;
6. Collocations in residential zones;
7. New facilities in residential zones.

I. Discouraged Locations. WCFs shall not be permitted on or within the rights-of-ways of Main Street, 12th Street, and Riverwalk Drive unless the applicant demonstrates, to the City Council’s, satisfaction that the facility is the least intrusive means possible to close an identified significant gap in coverage.

J. Required Permits. WCFs are grouped into four tiers, each with its own WCF permit requirements as shown in Table 1:

Table 1. WCF Tiers and Types of Required WCF Permits¹

Tier	Types of Facilities	Location	Permit Required
I	Modifications to an existing facility per 47 C.F.R. Section 1.40001(b)(3)	All	Section 6409(a) Permit
II	Strand-mounted facilities	All	Zoning Administrator Minor Use Permit (FMC 17.07.004.B)
	Stealth pole-mounted facilities in ROW	Alleys, non-residentially zoned properties ²	
	Stealth building- or façade-mounted facilities		
	A collocation or modification that is not a Tier I facility		
III	Stealth pole-mounted facilities in ROW	Residentially zoned properties, ROWs	Planning Commission Conditional Use Permit (FMC 17.07.004.C)
	Stealth building- and façade-mounted facilities		
IV	Non-stealth facilities and all towers	All	City Council Major Use Permit (FMC 17.07.004.D)
	Any facility	Main Street, 12 th Street, Riverwalk Drive	

¹Applies to all types of cell facilities, including small cell facilities.

²Alleys which divide a non-residential and a residential zone are considered non-residential for the purposes of this policy

K. Design Standards. To the extent feasible, all WCFs shall be designed in accordance with the following standards:

1. **Public Visibility.** In all areas, WCFs shall be designed and located where least visible to the public and least disruptive to the appearance of the host property. No WCF shall be installed in a location readily visible from a public vantage point, recreation area, scenic area, or residential area unless it is satisfactorily located and/or concealed or disguised to fit with the surrounding visual environment.
2. **Stealth Design Required.** All aspects of a WCF, including antennas, supports, equipment, wiring, and screening materials shall exhibit stealth design techniques to visually blend into the background or the surface on which they are mounted. Subject to City approval, applicants may use faux architectural elements (e.g., cupolas, bell towners, dormers, and chimneys), architectural treatments (e.g., colors and materials), elements replicating natural features (e.g., trees and rocks), landscaping, and other creative means to hide or disguise WCFs. Stealth facilities may also refer to those completely hidden by existing improvements, such as parapet walls.
3. **Equipment.** All equipment and utilities shall be undergrounded or located within existing structures unless it can be demonstrated that full concealment is physically or technologically infeasible. If equipment must be located outside, it shall be fully screened with landscaping, walls, architectural elements, or other screening device. If small outbuildings are constructed specifically to house equipment, they shall be designed and treated to match nearby architecture or the surrounding landscape. Any equipment that cannot be screened and is not required to be located at height shall be located underground in a vault.
4. **Height.** WCFs shall adhere to the existing height limitations of the underlying zone unless a height exception is granted pursuant to subsection K(11), below.
5. **Setbacks.** WCFs and associated equipment should adhere to building setbacks of the underlying zone. The following considerations and exceptions apply to WCF setback requirements:
 - a. WCFs mounted to an existing or new utility pole are exempt from setback requirements, except that they shall not be sited in an unsafe manner as determined by the City Engineer.
 - b. The City Council or Planning Commission, as applicable, may decrease or increase required setbacks.
6. **Collocation.** Collocating with existing or other planned wireless communication facilities is required whenever feasible. Service providers are encouraged to

collocate with major power transmission and distribution towers and other utility structures when in compliance with this section.

7. **Building or Structure-Mounted WCFs.**

- a. Antenna and associated mountings shall not project outward more than 24 inches from the face of a building unless concealed behind a faux architectural feature or other concealment method.
- b. Roof-mounted antennae shall not be placed on roof peaks unless concealed with a faux chimney or other concealment method.
- c. If permitted, WCFs on residential buildings shall only be allowed if disguised as a typical residential feature (e.g., chimney, dormer, etc.) and if all equipment is located inside the building.

8. **Ground Mounted Monopoles.**

- a. No new ground-mounted monopoles shall be permitted unless the applicant demonstrates that no other existing WCF can accommodate the proposed antenna and close an identified significant coverage gap. Cables and antennae for any non- stealth new monopoles shall be contained within the monopole or on top of the pole if the antennae width does not exceed the width of the pole.
- b. If permitted, all antennas shall be located inside the ground-mounted monopole, or on top of the monopole within the diameter of the natural slope of the top of the pole, or as close as possible to the monopole to disguise antenna to the maximum extent feasible.
- c. The placement, screening, and disguise of the monopole shall fit with the surrounding site design, architecture, and landscaping. Faux trees may be acceptable depending on their appearance, quality, and compatibility with existing nearby vegetation.
- d. When feasible and in compliance with this section, monopoles shall be placed next to tall buildings, structures, or trees.

9. **Lattice Towers.** New lattice towers shall not be permitted unless it is demonstrated that no other facility or group of facilities which comply with this policy and are less intrusive can close an identified significant coverage gap.

10. **WCFs in Public Rights-of-Way (ROW).**

- a. WCFs located within an alley right-of-way with any above ground equipment shall be sited away from residential windows and balconies.

“Within an alley” does not include poles at the end of an alley which intersects with a street.

- b. Antennas shall be attached to existing poles (e.g., utility poles), substantially similar replacement poles in the same location, or vertical structures already located in the ROW depending on which solution provides the greatest stealth. The installation of new poles or vertical structures may be permitted if it can be demonstrated that facilities mounted to an existing pole(s) or other stealth facilities could not close a significant coverage gap.
- c. New metal poles which can house wiring and small equipment inside the pole shall be used if mounting a WCF to an existing pole would create a greater visual impact.
- d. Antenna assembly may not exceed the height of an existing pole unless it extends no more than 10% of the height of the pole and is within the diameter of the natural slope of the pole.
- e. The use of an existing pole, replacement pole, or other existing vertical structure shall require the authorization of the owner. If a City street light or any structure in the right of way is proposed, an encroachment permit is required, as well as reasonable compensation (pursuant to the adopted Fortuna Fee Schedule) for City structures or poles.
- f. Panel antennas shall be vertically mounted to a pole or structure in compliance with any applicable separation requirements and shall not exceed eight-inches in distance from the pole to the front side of the panel.
- g. No more than four panel antennas or two omni-directional antennas shall be mounted on any utility pole or structure by any one provider. Other antenna styles shall follow this standard to the extent feasible.
- h. Antennas shall be painted to match the surface of the pole on which they are attached or shall otherwise be screened to reduce visibility.
- i. All other equipment associated with the facility shall be placed underground. If undergrounding is determined to be infeasible, all equipment should be setback at least 2.5 feet from the back of the curb and within the parkway or greenway or 2.5 feet back from the edge of sidewalk when it is contiguous to the curb.
- j. All equipment shall be located to prevent impacts to pedestrian access and provide adequate vehicular sight distance and safety.

k. New WCFs shall be discouraged from being placed on utility poles which are included in a planned utility undergrounding project.

11. **Design Exceptions.** An exception to one or more of the above design standards may be granted by the Planning Commission (Tier II and III facilities) or the City Council (Tier IV facilities) if a finding is made that the design standards are physically or technologically infeasible and/or the facility would be the least intrusive means possible to close an identified significant gap in coverage.

L. Temporary Wireless Communications Facility.

1. Temporary WCF, such as “cell on wheels” (COW) may be used for a maximum of 90 calendar days to replace permanent WCFs during the relocation or rebuilding process of an existing facility, during temporary events, and during emergencies through the issuance of a non-discretionary building permit and right-of-way encroachment permit, as applicable.

2. A temporary WCF may be used for more than 90 calendar days through approval of a Zoning Administrator Minor Use Permit.

M. Decision-Making Authority. Applications for WCF permits are considered in accordance with Table 2:

Table 2: Permit Decision-Making Matrix

	Role of Authority		
	Community Development Director	Planning Commission	City Council
6409(a)	Decision	-	-
Zoning Administrator Minor Use Permit ¹	Decision/Recommendation	Appeal/Decision	Appeal
Conditional Use Permit	Recommendation	Decision	Appeal
Major Use Permit	Recommendation	Recommendation	Decision

¹ A Tier II Zoning Administrator Use Permit may require Planning Commission approval if the carrier requests an exception to a design or performance standard as described in this policy or if a request for a public hearing is requested as outlined in this policy.

N. Permit and Public Noticing Procedures.

1. Noticing, public hearings, and appeals shall be as outlined in the Fortuna Municipal Code Section 17.07.

2. Other City permits including, but not limited to, an encroachment permit, building permit, etc. may be required in addition to any wireless communication use permits outlined in this policy.

O. Performance Standards.

1. **Noise.** All equipment, such as emergency generators and air conditioners, shall be designed and operated consistent with Fortuna General Plan noise standards.
2. **Maintenance.** All facilities, related equipment, and landscaping shall be maintained in good condition and free from trash, graffiti, and any form of vandalism throughout the life of the facility. Routine maintenance of equipment in residential zones or within 100 feet of a residential zone shall be conducted only during the hours of 8 a.m. and 5 p.m. weekdays. No maintenance may be performed on weekends or holidays observed by the City of Fortuna. In other zones, maintenance may occur anytime.
3. **Emergency Repairs.** Emergency repairs and maintenance shall be conducted within a reasonable length of time to be determined by the City Manager or their designee.
4. **Lighting.** Security lighting shall be kept to a minimum and shall only be triggered by a motion detector unless an exception is granted by the applicable decision-maker.
5. **Compliance with FCC RF Exposure Guidelines.** Within six months after final permit sign-off, and with each time extension or amendment request, the developer/operator shall submit to the director either verification that the WCF is categorically excluded from having to determine compliance with the guidelines per 47 CFR §1.1307(b)(1) or a project implementation report that provides cumulative field measurements of radio frequency (RF) electromagnetic fields of all antennas installed at the subject site. The report shall quantify the RF emissions and compare the results with currently accepted ANSI/IEEE standards as specified by the FCC. The director shall review the report for consistency with the project's preliminary proposal report submitted with the initial project application and the accepted ANSI/IEEE standards. If, on review, the director finds the project does not meet ANSI/IEEE standards, the City may take any action necessary, as provided by law, to require compliance including, but not limited to, permit revocation.
6. **Abandonment.** Any WCF that is not operated for a continuous period of 90 days will be considered abandoned. Within 90 days of receipt of notice from the City notifying the owner of such abandonment, the WCF owner must remove the facility and restore the site, as much as is reasonable and practical, to its prior

condition. If such WCF is not removed within 90 days, the WCF will be considered a nuisance and in addition to any other available remedy, will be subject to abatement under Chapter 86.50 of the Fortuna Municipal Code. If there are two or more users of a single WCF, then this provision will not become effective until all users stop using the WCF. The provider or owner must give notice to the City of the intent to discontinue use of any facility before discontinuing the use.

7. **Removal as Part of Utility Undergrounding Project.** Any WCF mounted to a utility pole which is included in a utility undergrounding project shall be removed at the carrier's expense at least 60 calendar days prior to the initiation of the undergrounding project.

P. Permit Findings. To approve a permit for a WCF, the decision-maker shall make all the following findings:

1. The proposed facility complies with the location, design, and performance standards of this section;
2. The proposed facility is consistent with the general plan, local coastal program, zoning ordinance, and any other applicable specific plan, ordinance, or policy adopted by the City Council;
3. The proposed facility will not be detrimental to public health, safety, and welfare;
4. The proposed facility will address an identified significant coverage gap in the least visually intrusive means possible.

Q. Permit Term. Permits for WCFs shall be granted for a period not to exceed five (5) years. Upon a request for either a permit extension or an amendment, the WCF should be reevaluated to assess the impact of the facility on adjacent properties, the record of maintenance and performance with reference to the conditions of approval, and consistency with these guidelines. Additionally, the City may review the appropriateness of the existing facility's technology and may require the applicant to document that the WCF maintains the technology that is the smallest, most efficient, and least visible and that there are not more appropriate and available locations for the facility, such as the opportunity to collocate or relocate to an existing building.

R. Appeals. Appeals of a WCF permit shall be processed in accordance with FMC §17.07.004.

S. Exemptions. Notwithstanding anything in this section to the contrary, this section shall not apply to any of the following:

1. Television antennae, satellite dishes, and amateur radio facilities, whether interior or exterior, as follows:
 - a. Direct broadcast satellite (DBS) antennae and television broadcast service (TBS) antennae or other similarly scaled telecommunication device that neither exceeds one meter in diameter nor extends above the roof peak or parapet.
 - b. Ground mounted antennas and support structures: (i) located entirely on-site and not overhanging or extending beyond any property line; (ii) not located within any required front or side yard setback; and (iii) screened from public view to the extent practical.
 - c. Antenna height shall not exceed the maximum allowable building height for the zoning district in which it is located by more than ten feet. The antenna support structure shall not exceed a width or diameter of twenty-four inches.
2. WCFs used only for public safety purposes, including transmitters, repeaters, and remote cameras so long as the facilities are designed to match the supporting structure.
3. WCFs that are accessory to other publicly owned or operated equipment used for data acquisition such as irrigation controls, well monitoring, and traffic signal controls.
4. WCFs erected and operated for emergency situations, as designated by the police chief, fire chief, or city manager so long as the facility is removed at the conclusion of the emergency.
5. Multipoint distribution service (MDS) antennas and other temporary mobile wireless service including mobile WCFs and services providing public information coverage of news events (less than two-weeks duration).
6. Mobile WCFs when placed on a site for less than seven consecutive days, provided any necessary building permit is obtained.
7. SES in a commercial or industrial zone that meet the following standards:
 - a. The antennas do not exceed two meters in either diameter or diagonal measurement.
 - b. The antennas are located as far away as possible from the edges of rooftops or are otherwise adequately screened to eliminate visibility from adjacent properties. The method of screening shall be approved by the director.
8. Commercial television (TVBS) and AM/FM radio antennas not extending more than twelve feet beyond the maximum allowed building height for the zone.
9. Personal wireless internet equipment, such as a wireless router, provided that the equipment is included entirely within a building or residence.
10. Any WCF that is specifically and expressly exempt from local regulation pursuant to federal or state law, but only to the extent of any such exemption and provided that the applicant must provide the documentation necessary to prove the exemption to the satisfaction of the director.

- T. Existing conforming and legal nonconforming WCFs.** Except as may otherwise be required by state or federal law (as in the case of an eligible facility request), modification of an existing legal nonconforming WCF shall be subject to same permitting requirements as a new WCF.
- U. Transfer of Operations.** The permittee shall not assign or transfer any interest in its permits for WCFs without advance written notice to the director. The notice shall specify the identity of the assignee or transferee of the permit, as well as the assignee or transferee's address, telephone number, name of primary contact person(s), and other applicable contact information, such as an e-mail address or facsimile number. The new assignee or transferee shall comply with all of the WCF's conditions of approval.
- V. Violations—Public nuisance.** Any violation of this section is deemed a public nuisance subject to abatement and shall, in addition to any other available legal penalty or remedy, constitute grounds for revocation of any permits and/or approvals granted under this section or any predecessors to this section.
- W. Revocation of permit.**
1. Permittees shall fully comply with all conditions related to any permit or approval granted under this section or any predecessors to this section. Failure to comply with any condition of approval or maintenance of the WCF in a matter that creates a public nuisance or otherwise causes jeopardy to the public health, welfare or safety shall constitute grounds for revocation. If such a violation is not remedied within a reasonable period, following written notice and an opportunity to cure, the director may schedule a public hearing before the planning commission to consider revocation of the permit. The planning commission revocation action may be appealed to the city council pursuant to section 17.07.004.
 2. If the permit is revoked pursuant to this section, the permittee shall remove its WCF at its own expense and shall repair and restore the site to the condition that existed prior to the WCF's installation or as required by the director within ninety days of revocation in accordance with applicable health and safety requirements. The permittee shall be responsible for obtaining all necessary permits for the WCF's removal and site restoration.
 3. At any time after ninety days following permit revocation, the director may have the WCF removed and restore the premises as he/she deems appropriate. The city may, but shall not be required to, store the removed WCF (or any part thereof). The WCF permittee shall be liable for the entire cost of such removal, repair, restoration, and storage. The city may, in lieu of storing the removed WCF, convert it to the city's use, sell it, or dispose of it in any manner deemed appropriate by the city.
- X. Mandatory removal and relocation.** If a WCF must be modified or relocated because of an abandonment, undergrounding of utilities, or change of grade, alignment or width of

any street, sidewalk or other public facility (including the construction, maintenance, or operation of any other city underground or aboveground facilities, including, but not limited to, sewers, storm drains, conduits, gas, water, electric or other utility systems, or pipes owned by city or any other public agency), the permittee shall modify, remove, or relocate its WCF, or portion thereof, as necessary without cost or expense to the city. Said modification or removal of a WCF shall be completed within ninety days of notification by the city unless exigencies dictate a different period of time as established by the director. In the event a WCF is not modified or removed within the requisite period of time, the city may cause the same to be done at the sole expense of permittee. Further, in the event of an emergency, the city may modify, remove, or relocate WCFs without prior notice to permittee provided permittee is notified within a reasonable period thereafter. A permittee electing to relocate a WCF that was removed pursuant to this section shall be subject to the requirements of this section applicable to the proposed relocation site.

Y. Appeals. Any person dissatisfied with the decision to approve, deny, or revoke a conditional use permit for the construction or modification of a WCF subject to this section may file an appeal in accordance with Section 17.07.004.

Z. Effect of state or federal law.

1. Ministerial permits. In the event the city attorney determines that state or federal law prohibits any discretionary permitting requirements of this section, all provisions of this section shall be apply with the exception that the required permit shall be reviewed and administered as a ministerial permit by the director rather than as a discretionary permit. Any conditions of approval set forth in this section or deemed necessary by the director shall be imposed and administered as reasonable time, place, and manner rules. If the city attorney subsequently determines that the law has changed and that discretionary permitting has become permissible, the city attorney shall issue such determination in writing with citations to legal authority and all discretionary permitting requirements shall be reinstated. The city attorney's written determinations under this section shall be a public record.
2. Exceptions. Exceptions to any provision of this section, including, but not limited to, exceptions from findings that would otherwise justify denial, may be granted pursuant to a conditional use permit subject to the following:
 - a. An applicant must request the exception at the time its application is submitted. The request must include both the specific provision(s) of this section from which the exception is sought and the legal and factual basis of the request. Any request for an exception after the city has deemed an application complete shall be treated as a new application.
 - b. The exception shall only be granted upon a finding that application of the provision of this section from which the exception is sought would in the

case of the proposed WCF violate federal law, state law, or both. The applicant shall have the burden of proof as to this finding.

- c. The city may hire an independent consultant, at the applicant's expense, to evaluate the issues raised by the exception request and shall have the right to submit rebuttal evidence to refute the applicant's claim.

Chapter 17.07

PROCEDURES, AMENDMENTS, AND ENFORCEMENT

Section 17.07.004 Application procedures, hearings, and appeals.

B. Authorized Hearing Officer.

1. The zoning administrator or his designee shall have the authority to consider applications for zoning clearance certificates under FMC [17.07.050](#). The zoning administrator shall also have authority to consider applications for ~~conditional~~ zoning administrator **minor** use permits, ~~or may at his discretion schedule for hearing by the planning commission any application for such permit. A notice on any use permit application considered by the zoning administrator shall be sent to the planning commissioners and any commissioner can request that a hearing before the commission be held.~~
2. The planning commission shall have the authority to consider applications for conditional use permits, variances and planned developments, and shall make recommendations to the city council on zone amendments and major use permits.
3. The city council shall have the authority to consider applications for major use permits.

Attachment 2
Small Wireless Cell Facilities Images





STAFF REPORT

City Council Business Agenda Item

DATE: November 2, 2020

TO: Honorable Mayor and Council Members

FROM: Merritt Perry, City Manager

SUBJECT: **Business Loan to Eric Allen for 1434 Rohnerville Road and Lease of Vacant City Parcel on Rohnerville Road**

STAFF RECOMMENDATION:

Staff recommends the City Council approve a business Loan in the amount of \$25,000 to Eric Allen for the renovation of the commercial property at 1434 Rohnerville Road and Authorize City Manager to lease adjacent vacant city owned parcel.

EXECUTIVE SUMMARY:

The property located at 1434 Rohnerville Road comprises a large part of what historically was the commercial district developed in the 1800's as Rohnerville. Rohnerville pre-dated the incorporation of the City of Fortuna and was ultimately annexed as part of the City of Fortuna. A large portion of Rohnerville was lost to fire in the 1890's and again around 1940.



A historical photos of the vicinity in the early 1930's.



Photo of the property in a nuisance condition prior to the new sidewalk construction.



Photo of the Property in its current condition after purchase by Mr. Allen

The property remained in commercial use for several decades until the death of the prior owner in 2016 and was formerly a small market ultimately and antique store. Two of the buildings were used for residential purposes. The prior owner did not keep the buildings in good repair and a lot of trash and debris was stored within and outside of the buildings for several years. The City declared it a nuisance in 2008 and it was cleaned up, but consistently required attention from the City to make sure that it did not remain a nuisance.

In 2016, the City constructed sidewalk and roadway improvements that added a new sidewalk and provided an alternative to the old wooden boardwalk along the front of the buildings, which was in a state of bad repair. The City right of way extends to the front buildings. Staff plans to bring a request to abandon the portion of the right of way behind the sidewalk to the council, and maintain only an easement for utility purposes.

Eric Allen purchased the property in 2019 and has made a comprehensive effort to remove the trash and debris and make cosmetic repairs to the buildings. Additional work is still needed to install a new roof and make structural repairs to the buildings. Mr. Allen has the long term goal of maintaining the existing residential uses and ultimately the restoration of the commercial use of the main building.

Mr. Allen inquired as to whether or not his project would be eligible for the Business Resiliency Loan Program that the City recently established to support business struggling with losses during the COVID-19 Emergency. Staff reviewed his request and came to the conclusion that his project did not fall under the Business Resiliency Loan Program, as there was not an existing business at that location. However, staff thought that a proposed loan for this project could improve the potential for commercial use of this site and facilitate the rehabilitation of a long term nuisance property into the future.

Mr. Allen requested that the City loan him \$25,000 at an interest rate of 2.5% with deferred payments for a period of one year with the entire amount amortized over 30 years payable in 10 years. Funds for this loan could come from Fund 836, which are proceeds from a past Industrial Development Grant with the purpose of setting up a revolving Loan fund to encourage business retention, expansion of existing businesses and job retention and creation. It is the opinion of staff that this relatively small investment would be instrumental for Mr. Allen to restore the long term viability of these buildings for commercial use.

Redwood Region Economic Development Corporation (RREDC), has agreed to help underwrite and service the loan and review documentation from Mr. Allen in a manner similar to the Business Resiliency Loan Program to the extent practicable, with the deviations to the loan terms stated above. A copy of the loan program guidelines are attached.

Additionally, Mr. Allen has requested that the City consider a lease of the City owned vacant lot immediately to the south of the subject parcel to provide overflow parking. This parcel is currently vacant and could not be developed as it consists primarily of a creek channel, riparian habitat and a small graveled area that has been used for staging and parking in the past. The APN of the parcel is 203-302-017. The City has no current use for this parcel other than for future drainage related work, for which the property should be retained. Renting or leasing the property to Mr. Allen for additional parking would not conflict with that future use. If acceptable to the council, the City Manager would develop a lease and a fair lease amount for the use of this property. Provisions would be included in the lease to protect the riparian habitat, maintain the vegetation on the property to avoid a nuisance condition and to not encumber the site

with storage of equipment, materials or other materials other than for short term staging to support the renovation of the buildings. The lease would be similar to the lease of the alley adjacent to Hunan Village Restaurant.

A street view of the vacant parcel with Mr. Allen’s property in the background is shown below.



FINANCIAL IMPACT:

The city would provide \$25,000 from Business Loan Fund 836 and collect 2.5% interest on that amount over the term of the loan. The current balance of Fund 836 is approximately \$500,000 with anticipated proceeds (approximately \$375,000) from the sale of the city-owned property at 320 Main to be deposited within this fund within the next five years. In the event of a foreclosure on the property the City could lose the amount of principle loaned to Mr. Allen.

The value of the lease would likely be a relatively small amount (estimated at approximately \$200 per year) that would adjust annually to reflect the increase in property values.

RECOMMENDED COUNCIL ACTION:

1. Receive staff report and review Council questions with staff
2. Open Public Comment
3. Close Public Comment
4. Approve a business Loan in the amount of \$25,000 to Eric Allen for the renovation of the commercial property at 1434 Rohnerville Road and Authorize City Manager to establish terms and lease adjacent vacant city owned parcel.

ATTACHMENTS:

- Business Resiliency Emergency Loan Program Application Guidelines
- APN Map of Subject Parcels

Business Resiliency Emergency Loan Program

Guidelines

April 1, 2020

Approved: _____

Purpose

These guidelines are intended to regulate the rapid response emergency lending to businesses in the City of Fortuna to provide short-term capital to bridge SBA, Disaster Relief, private lending in response to the COVID-19 response. The City Manager is authorized to amend these guidelines from time to time to ensure they respond to community need. To the extent feasible, this program will be regionalized, combined with regional sources, serviced by regional partners, and/or combined with other similar loan programs. The intent is to ensure consistency across jurisdictions and entities participating in the Business Resiliency Emergency Loan Program.

These guidelines are authorized as amended pursuant to Resolution 190-63.

Loan Terms

Loan Limits: Up to \$10,000 in local program funds. Loan amount determined in underwriting based on need.

Loan Rate: 2.5% APR simple interest

Loan Terms:

1. Payments deferred for six months from close;
2. five year amortized thereafter upon approval if no other source of refinance available;
3. secured by ucc and/or personal guarantee;
4. no prepayment penalty.

Underwriting:

1. COVID-19 related gross revenue impact. Minimum 25% reduction in gross revenue. This must be documented in some way, and may include:
 - a. financials, tax returns, or other evidence of loss. May be prospective based on evidence (cancellation in orders, for example);
 - b. New businesses may use shorter periods or differences between projected and actual.
2. Bank referral/rejection. These loans are for non-bankable customers. If the applicant has a line of credit, a bankable loan, access to SBA loan funds, or is a customer at a bank that is offering SBA lending.
 - a. Applicants must have explored other potential funding sources
3. SBDC business loan counseling is required. Applicant must have been referred by, or is on the expedited business counseling list for SBDC before loan approval.
4. Application must describe how loan proceeds will provide resiliency (term operations extended, reduction in impact to A/P, making existing payroll obligations, etc.). This needs to be supported by the

Servicing:

AEDC to service loans

Eligible Uses:

1. payroll;
2. accounts payable (immediate and necessary);
3. rent/mortgage payments;
4. Utilities;
5. Other Operating Expenses.

Eligible Borrowers:

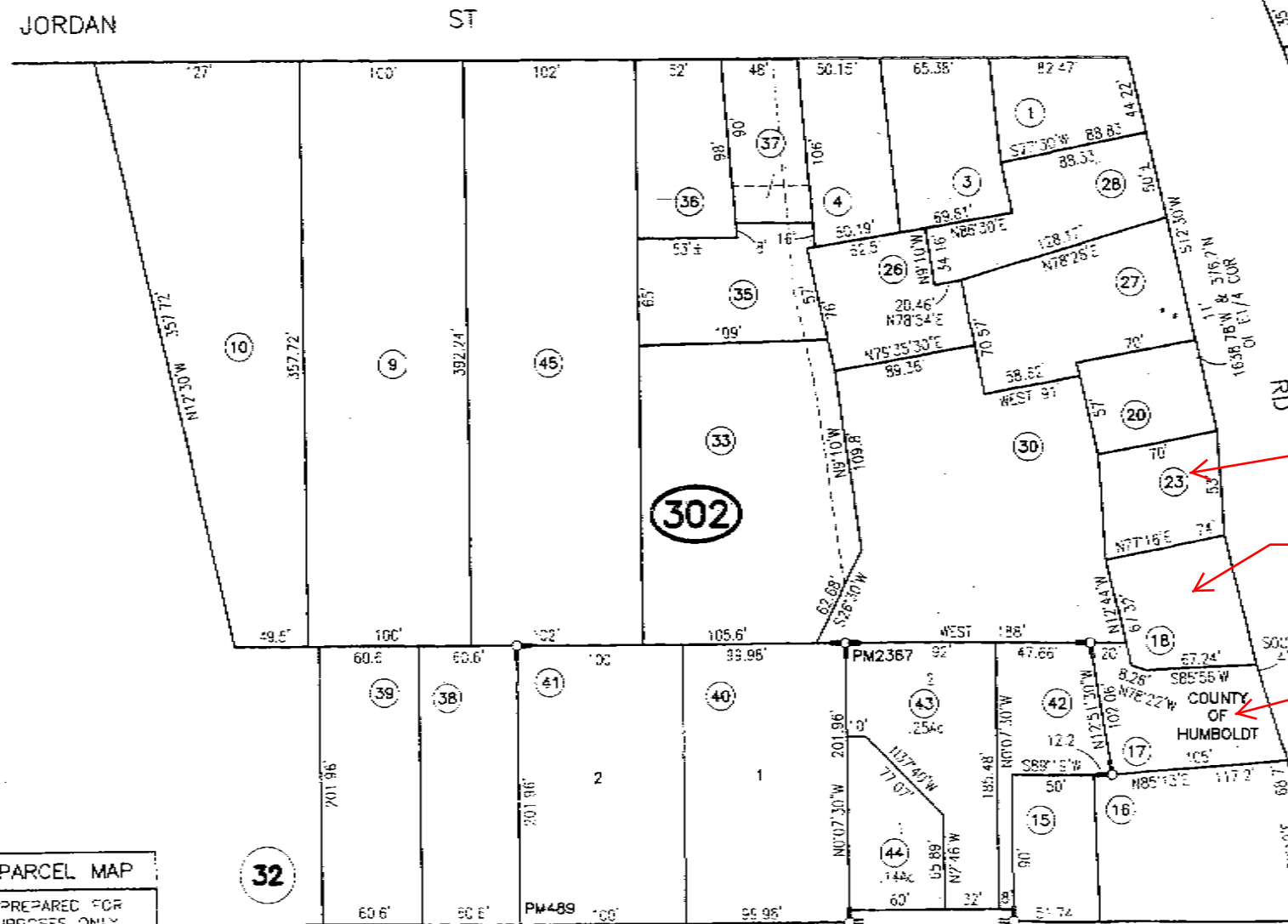
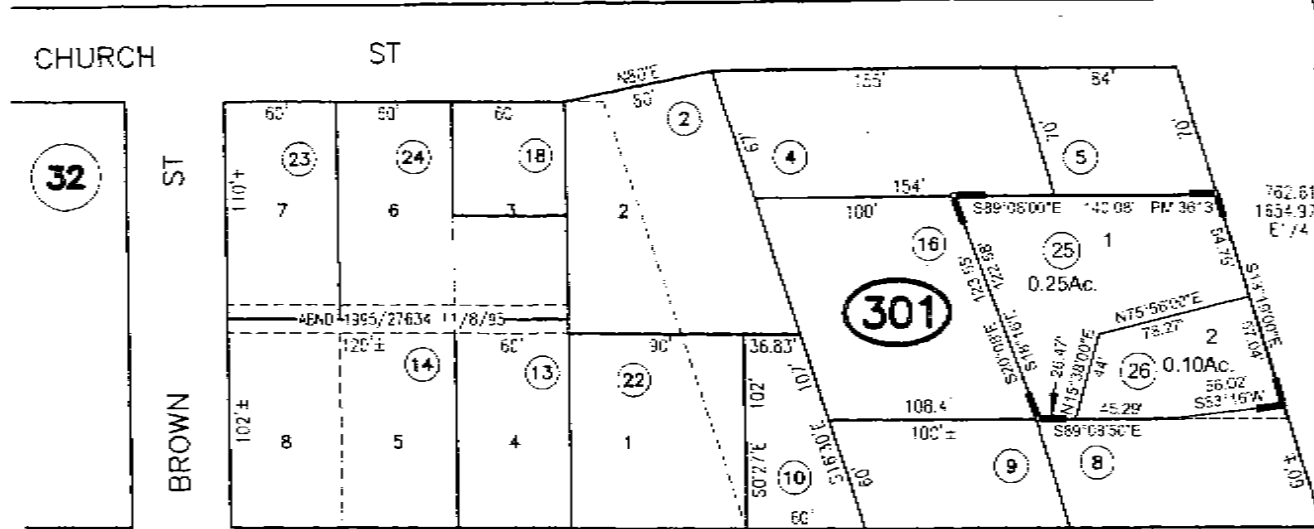
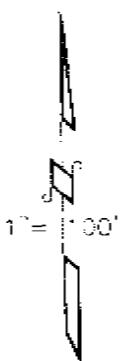
1. Business located in the City limits
 - a. Manufacturing, service, retail
2. Non-profits
3. Sole proprietors/self-employed

Process Map:

[Need to outline in more detail]

1. Applicant referral to City (direct, SBDC, AEDC, other)
2. City staff to discuss available programs (SBA, PPP, BRELP, ME).
3. Referral to SBDC
4. Referral to AEDC to conduct underwriting, processing, funding
5. Reporting/loan servicing

ROHNERVILLE. MAPS 1-27 & 30
 FRIGENBAUMS ADDN TO ROHNERVILLE. MAPS 6-22
 COATES & WALSH ADDN TO ROHNERVILLE. MAPS 6-20
 LS, Bk 11 of surveys, Pg 61
 PM348 of PM Bk 3, Pg 108
 PM489 of PM Bk 4, Pg 103
 PM2367 of PM Bk 21, Pg 9
 RS, Bk 47 of surveys, Pg 141
 RS, Bk 51 of surveys, Pg 112
 Tr598, Bk 24 of MAPS, Pgs 44-47
 "Basayo Village Sub'c"
 RS, Bk 67 of surveys, Pg 135
 Bk. 1, Pg. 40 Maps
 PM 3613 of PM Bk. 36, Pg. 50



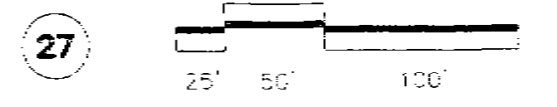
Eric Allen Parcel
209-0302-023

Eric Allen Parcel
209-0302-018

City of Fortuna
Vacant Parcel

ASSESSOR'S PARCEL MAP
 1 THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY
 2 NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN
 3 ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles.



Assessor's Map Bk. 203, Pg.30
 County of Humboldt, CA.

STAFF REPORT

City Manager's Report

DATE: November 2, 2020

TO: Honorable Mayor and City Councilmembers

FROM: Merritt Perry, City Manager

1. Upcoming Council Meeting Dates

*Special Meeting/Workshop

Monday, November 16, 2020 6:00 p.m.	Regular City Council Meeting Teleconference
Monday, December 7, 2020 6:00 p.m.	Regular City Council Meeting Teleconference

2. Upcoming Planning Commission Meeting Dates

Tuesday, November 10, 2020 6:00 p.m.	Regular Planning Commission Meeting Teleconference
Tuesday, November 24, 2020 6:00 p.m.	Regular Planning Commission Meeting Teleconference

3. Upcoming Measure E Meeting Dates

Tuesday, December 15, 2020 5:30 p.m.	Regular Measure E Meeting Teleconference
Tuesday, January 19, 2021 5:30 p.m.	Regular Measure E Meeting TBD
Tuesday, March 16, 2021 5:30 p.m.	Regular Measure E Meeting TBD

4. Upcoming Rohner Community Recreation and Park District (RCRPD) Meeting Dates

Wednesday, November 4, 2020 2:30 p.m.	Regular RCRPD Meeting Teleconference
Wednesday, December 2, 2020 2:30 p.m.	Regular RCRPD Meeting Teleconference

5. Verbal Report