

**AGENDA – CITY OF FERNDALE – HUMBOLDT COUNTY CALIFORNIA – U.S.A.  
STUDY SESSION – WASTEWATER TREATMENT PLANT CHANGE ORDERS**

Location:	City Hall	Date:	February 3, 2011
	834 Main Street	Time:	<b>5:30 pm</b>
	Ferndale CA 95536	Posted: 1/31/11	

1. CALL STUDY SESSION TO ORDER – Mayor
2. Wastewater Treatment Plant Change Order Discussion
3. ADJOURN STUDY SESSION

**AGENDA  
CITY OF FERNDALE – HUMBOLDT COUNTY CALIFORNIA – U.S.A.  
REGULAR CITY COUNCIL MEETING**

Location:	City Hall	Date:	February 3, 2011
	834 Main Street	Time:	<b>7 pm</b>
	Ferndale CA 95536	Posted: 1/31/11	

We welcome you to the meeting. Members of the Public may be heard on any business item on this Agenda before or during the City Council consideration of the item. The public may also directly address the City Council on any item of interest to the public that is not on the Agenda during the public comment time; however, the City Council generally cannot take action on an item not on the agenda.

A person addressing the City Council will be limited to five (5) minutes unless the Mayor of the City Council grants a longer period of time. While not required, we would appreciate it if you would identify yourself with your name and address when addressing the Council.

This City endeavors to be ADA compliant. Should you require assistance with written information or access to the facility, or a hearing amplification, please call 786-4224 24 hours prior to the meeting.

**TO SPEAK ON ANY ISSUE, BE ACKNOWLEDGED BY THE MAYOR BEFORE PROCEEDING TO THE PODIUM, STATE YOUR NAME AND ADDRESS FOR THE RECORD (optional), AND DIRECT YOUR COMMENTS ONLY TO THE COUNCIL.**

1. CALL MEETING TO ORDER – Mayor
2. PLEDGE ALLEGIANCE TO THE FLAG
3. ROLL CALL – City Clerk
4. CEREMONIAL..... None
5. MODIFICATIONS TO THE AGENDA
6. STUDY SESSIONS ..... See Above
7. PUBLIC COMMENT. (This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3<sup>rds</sup> of the Council that the item came up after the agenda was posted and is of an urgent nature requiring immediate action. This portion of the meeting will be approximately 30 minutes total for all speakers, with each speaker given no more than five minutes.)..... Page 4

8. CONSENT CALENDAR. (All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Unless a specific request is made by a Councilmember, staff or the public, the Consent Calendar will not be read. There will be no separate discussion of these items. However, if discussion is required, that item will be removed from the Consent Calendar and considered separately under "Call Items.")

- a. Acceptance of Accounts Payable ..... Page 4
- b. Approval of previous minutes..... Page 16

9. CALL ITEMS..... Page 18

10. PRESENTATION / Community Forum

- a. Tony Smithers - Humboldt Convention and Visitors Bureau update and proposed organization of the Humboldt tourism Business Improvement District..... Page 19

11. BUSINESS

- a. Resolution 2011-07 of 6<sup>th</sup> Progress Pay Request for Management and Construction Related Costs for the WWTP ..... Page 19
- b. Approval of Wastewater Treatment Plant Change Order #3 ..... Page 23
- c. Resolution 2011-09 Extension of Elizabeth Conner’s Contract ..... Page 24
- d. Second Reading and possible adoption of Ordinance 2011-01, Building Inspector / Construction Code Ordinance ..... Page 26
- e. First Reading of Ordinance 2011-02, State Video Service Franchises Ordinance..... Page 32
- f. Resolution 2011-08 Accepting Amended Rosenberg’s Rules of Order ..... Page 41

12. CORRESPONDENCE ..... Page 43

13. REPORTS

- a. City Manager Staff Report and Community Events ..... Page 44
- b. Commissions / Committees and others
  - i. Design Review Committee ..... Page 53
  - ii. Planning Commission..... Page 55
- c. Council Reports and Comments
  - i. HWMA..... Page 56

14. CLOSED SESSION ..... Page 62

- a. Pursuant to Government Code 54954.5, Public Employee Performance Evaluation Continuation, City Manager

15. REPORT OUT OF CLOSED SESSION ..... Page 62

16. ADJOURN ..... Page 62

**This notice is posted in compliance with Government Code §54954.2. The next Regular Meeting of the Ferndale City Council will be held on THURSDAY, March 3, 2011 in the Auditorium of City Hall at 7:00pm**

**Section 1**

**Call Meeting to Order**

**Section 2**

**Pledge Allegiance**

**Section 3**

**Roll Call**

**Section 4**

**Proclamation**

**Section 5**

**Modifications to the Agenda**

**Section 6**

**Study Sessions**

**Held Prior to this meeting – WWTP Change Order Discussion**

## **Section 7**

### **Public Comment**

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction.

Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3<sup>rd</sup> of the Council (three of the five members) that the item came up after the agenda was posted and is of an urgent nature requiring immediate action.

This portion of the meeting will be approximately 30 minutes total for all speakers, with each speaker given no more than five minutes. Please state your name and address for the record. (This is optional.)

## **Section 8**

### **Consent Agenda**

All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion.

Is there anyone on the Council, Staff or the public that would like to pull an item off the Consent Agenda for scrutiny? Those items will be considered separately under "Call Items."

**City of Ferndale**  
834 Main Street, P.O. Box 236, Ferndale, CA 95536

**Printed Regular Checks**

General Checking - Distribution Detail - From 12/22/10 To 01/21/11  
Check #: All - Vendor: All - Payee Name: All - By Payee Name - AP Pmt Distribution

Chk No.	Date	Pay	Ven ID	Vendor Name \ Payee Name		Distribution	Check
Acct No.		Type		Override Description		Amount	Amount
43296	01/10/11		101AP	101 AUTO PARTS	TDA		77.33
	24315088			Equipment repair		77.33	
<b>Total for 101 AUTO PARTS</b>							<b>77.33</b>
43245	01/03/11		TEQCO	3T EQUIPMENT COMPANY, INC.	Sewer		3,834.11
	30515122			Sewer line maintenance		3,834.11	
<b>Total for 3T EQUIPMENT COMPANY, INC.</b>							<b>3,834.11</b>
43297	01/10/11		ACHUM	ACCESS HUMBOLDT	4th Qtr Franchise		180.00
	10165055			Contractual services		180.00	
<b>Total for ACCESS HUMBOLDT</b>							<b>180.00</b>
43259	01/05/11		AFLAC	AFLAC - REMIT. PROCESSING SERV.	Employee Paid		184.34
	10012260			Health insurance payable		184.34	
<b>Total for AFLAC - REMIT. PROCESSING SERV.</b>							<b>184.34</b>
43298	01/10/11		BLUCR	ANTHEM BLUE CROSS \ ANTHEM BLUE CROSS OF CALIF			11,016.00
	10012260			Health insurance payable		1,477.00	
	10105007			Medical insurance		647.59	
	10125007			Medical insurance		1,569.73	
	10215007			Medical insurance		2,560.76	
	10315007			Medical insurance		317.63	
	10635007			Medical insurance	Monthly	123.14	
	22315007			Medical insurance		78.26	
	25315007			Medical insurance		182.50	
	26315007.1			Medical Insurance		403.28	
	30515007			Medical insurance		3,656.11	
<b>Total for ANTHEM BLUE CROSS OF CALIFORNIA</b>							<b>11,016.00</b>
43260	01/05/11		AQMD	AQMD	Streets & Roads		60.00
	10315044			Meetings and dues		60.00	
<b>Total for AQMD</b>							<b>60.00</b>
43222	12/28/10		ARNKE	ARNOLD C. KEMP	Housing/Code Books		574.14
	10435052			Building regulation/inspectio		574.14	
43247	01/03/11		ARNKE	ARNOLD C. KEMP	Monthly		2,129.84
	10435052			Building regulation/inspectio		2,129.84	
<b>Total for ARNOLD C. KEMP</b>							<b>2,703.98</b>
43248	01/03/11		ATTMB	AT&T MOBILITY			219.86
	10155034			Telephone		48.13	
	10215034			Telephone	Monthly	71.62	
	30515034			Telephone		100.11	
<b>Total for AT&amp;T MOBILITY</b>							<b>219.86</b>
43223	12/28/10		PHIAY	AYCOCK & EDGMON	Monthly		534.00
	10165054			Audit and accounting		534.00	
<b>Total for AYCOCK &amp; EDGMON</b>							<b>534.00</b>

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43224	12/28/10		BAKTA	BAKER & TAYLOR			351.31
	10615024			Books	Library	351.31	
<b>Total for BAKER &amp; TAYLOR</b>							<b>351.31</b>
43261	01/05/11		BAYWE	BAY WEST SUPPLY, INC.	Restroom Supplies		179.42
	10175024			Supplies - public restroom		72.28	
	10635020			Buildings and grounds maintenance		107.14	
<b>Total for BAY WEST SUPPLY, INC.</b>							<b>179.42</b>
43262	01/05/11		BENAD	BENEFICIAL ADMIN COMPANY INC.			187.04
	10012260			Health insurance payable		43.57	
	10105007			Medical insurance		8.88	
	10125007			Medical insurance		24.12	
	10215007			Medical insurance		48.24	
	10315007			Medical insurance		4.94	
	10635007			Medical insurance	Monthly	1.21	
	22315007			Medical insurance		1.57	
	25315007			Medical insurance		3.65	
	26315007.1			Medical Insurance		2.17	
	30515007			Medical insurance		48.69	
<b>Total for BENEFICIAL ADMIN COMPANY INC.</b>							<b>187.04</b>
43225	12/28/10		CALST	CALIFORNIA STATE DISBURSEMENT UNIT	Employee Paid		208.61
	10012250			Garnishments payable		208.61	
43299	01/10/11		CALST	CALIFORNIA STATE DISBURSEMENT UNIT			208.61
	10012250			Garnishments payable		208.61	
<b>Total for CALIFORNIA STATE DISBURSEMENT UNI</b>							<b>417.22</b>
43263	01/05/11		CHACO	CHAMBER OF COMMERCE	Qtrly Payment		5,967.25
	10175072			Chamber of Commerce		5,967.25	
<b>Total for CHAMBER OF COMMERCE</b>							<b>5,967.25</b>
43249	01/03/11		CITFO	CITY OF FORTUNA	Monthly		1,016.66
	10215035			Dispatch service		1,016.66	
43300	01/10/11		CITFO	CITY OF FORTUNA	Sewer		1,115.00
	30515157			Effluent testing		1,115.00	
<b>Total for CITY OF FORTUNA</b>							<b>2,131.66</b>
43250	01/03/11		COMAS	COMPUTER ASSISTANCE	Yrly Maintenance		356.25
	10125012			Office expense		356.25	
43264	01/05/11		COMAS	COMPUTER ASSISTANCE	Police Dept		75.00
	10215052			Professional services		75.00	
<b>Total for COMPUTER ASSISTANCE</b>							<b>431.25</b>
43251	01/03/11		DCIBU	DCI BUILDERS	Library		5,200.00
	10615095			Lytel grant expenditures		5,200.00	
<b>Total for DCI BUILDERS</b>							<b>5,200.00</b>

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Acct No.	Type			Override Description	Amount	Amount
43226	12/28/10		DELOR	DEL ORO WATER CO., FDLE. DIST.		287.69
10155031				Water	21.32	
10175031				Water - public restroom	50.26	
10215029				Water	24.17	
10615033				Water	20.31	
10625033				Water	88.07	
10635031				Water	58.40	
24315033				Water	25.16	
<b>Total for DEL ORO WATER CO., FDLE. DIST.</b>						<b>287.69</b>
43227	12/28/10		DEPJU	DEPARTMENT OF JUSTICE		35.00
10215052				Professional services	35.00	
<b>Total for DEPARTMENT OF JUSTICE</b>						<b>35.00</b>
43265	01/05/11		DOCST	DOCUSTATION		130.66
10165078				Copy machine expense	130.66	
<b>Total for DOCUSTATION</b>						<b>130.66</b>
43266	01/05/11		EDWJO	EDWARD JONES & COMPANY		10,559.34
10105010				Deferred comp	561.79	
10125010				Deferred retirement	1,634.23	
10215010				Deferred retirement	3,156.75	
10315010				Deferred retirement	733.20	
10635010				Deferred retirement	228.09	
22315010				Deferred retirement	217.84	
25315010				Deferred retirement	126.56	
26315010.1				Deferred compensation	549.17	
30515010				Deferred retirement	3,351.71	
<b>Total for EDWARD JONES &amp; COMPANY</b>						<b>10,559.34</b>
43228	12/28/10		EELRI	EEL RIVER DISPOSAL		29.25
10155030				Trash service	29.25	
<b>Total for EEL RIVER DISPOSAL</b>						<b>29.25</b>
100	12/28/10	EFT	EMPDE	EMPLOYMENT DEVELOPMENT DEPARTMENT	Payroll Taxes	775.26
10012302				State P/R Tax Deposits	775.26	
100	01/05/11	EFT	EMPDE	EMPLOYMENT DEVELOPMENT DEPARTMENT		2.85
10012302				State P/R Tax Deposits	2.85	
100	01/10/11	EFT	EMPDE	EMPLOYMENT DEVELOPMENT DEPARTMENT		719.65
10012302				State P/R Tax Deposits	719.65	
<b>Total for EMPLOYMENT DEVELOPMENT DEPART</b>						<b>1,497.76</b>
43229	12/28/10		FARPL	FARM PLAN		37.67
24315014				Vehicle expense	37.67	
43267	01/05/11		FARPL	FARM PLAN		46.76
30515014				Vehicle expense	46.76	
<b>Total for FARM PLAN</b>						<b>84.43</b>
43230	12/28/10		FEREM	FERNDALE EMPORIUM		4,771.00
10165099				Miscellaneous	4,771.00	

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Acct No.		Type		Override Description	Amount	Amount
<b>Total for FERNDALE EMPORIUM</b>						<b>4,771.00</b>
43231	12/28/10	FORVG		FORTUNA VINYL GRAPHICS		86.60
	10215014			Vehicle expense	Police Dept	86.60
<b>Total for FORTUNA VINYL GRAPHICS</b>						<b>86.60</b>
43232	12/28/10	FRONT		FRONTIER		743.85
	10155034			Telephone		200.28
	10215034			Telephone	Monthly	198.16
	10615034			Telephone		115.64
	24315034			Telephone		52.49
	30515034			Telephone		177.28
<b>Total for FRONTIER</b>						<b>743.85</b>
43252	01/03/11	GECAP		GE CAPITAL		171.19
	10165078			Copy machine expense	Monthly	171.19
<b>Total for GE CAPITAL</b>						<b>171.19</b>
43268	01/05/11	HUMAS		HUMBOLDT COUNTY ASSESSOR		11.90
	10125012			Office expense	Map Billing	11.90
<b>Total for HUMBOLDT COUNTY ASSESSOR</b>						<b>11.90</b>
43301	01/10/11	HUMTE		HUMBOLDT TERMITE & PEST	Community Center	65.00
	10635020			Buildings and grounds maintenance		65.00
<b>Total for HUMBOLDT TERMITE &amp; PEST</b>						<b>65.00</b>
43253	01/03/11	JAYPA		JAY PARRISH		460.23
	10125044			Meetings and dues	Reimburs/PARSAC	60.23
	10165096			Car Allowance	Monthly	400.00
<b>Total for JAY PARRISH</b>						<b>460.23</b>
43233	12/28/10	LMREN		L & M RENNER, INC.		327.54
	10155033			Utilities gas		145.68
	10215016			Fuel	Monthly	130.62
	24315016			Vehicle Fuel		38.16
	30515016			Vehicle gas		13.08
<b>Total for L &amp; M RENNER, INC.</b>						<b>327.54</b>
43269	01/05/11	LECAH		L.E.C.A.H.		50.00
	10215044			Meetings and dues	Police Dept	50.00
<b>Total for L.E.C.A.H.</b>						<b>50.00</b>
43234	12/28/10	LIVEL		LIVING EARTH LANDSCAPES		330.00
	10165099			Miscellaneous	City Green/Donation	330.00
<b>Total for LIVING EARTH LANDSCAPES</b>						<b>330.00</b>
43235	12/28/10	MANHD		MANHARD CONSULTING LTD		3,713.01
	10425052			General engineering		698.40
	26315052			Engineering		295.00
	30515095			Capital outlay	Sewer System	2,698.10
	40315052			Plans, specs & estimates	TE	21.51

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Acct No.		Type		Override Description	Amount	Amount
<b>Total for MANHARD CONSULTING LTD</b>						<b>3,713.01</b>
43236	12/28/10	MERFR		MERCER FRASER COMPANY		949.04
	24315020			Building & ground maintenance	949.04	
43270	01/05/11	MERFR		MERCER FRASER COMPANY	TDA	111.45
	24315020			Building & ground maintenance	111.45	
<b>Total for MERCER FRASER COMPANY</b>						<b>1,060.49</b>
43254	01/03/11	MIRRE		MIRANDA'S RESCUE		450.00
	10225096			Animal control	Ortly Payment	450.00
<b>Total for MIRANDA'S RESCUE</b>						<b>450.00</b>
43237	12/28/10	MISSN		MISSION UNIFORM & LINEN	Community Center	21.02
	10635020			Buildings & grounds maintenance - Comm	21.02	
43271	01/05/11	MISSN		MISSION UNIFORM & LINEN		22.73
	10635020			Buildings & grounds maintenance - Comm	22.73	
<b>Total for MISSION UNIFORM &amp; LINEN</b>						<b>43.75</b>
43272	01/05/11	NILCO		NILSEN COMPANY	Monthly	3,055.11
	10155020			Building and ground maint.	23.35	
	10165099			Miscellaneous City Green Trees/Donation	2,594.75	
	10175024			Supplies - public restroom	12.64	
	10625020			Building and ground maint.	43.34	
	10635020			Buildings and grounds maintenance	6.32	
	21625020			Building and grounds maint	274.74	
	24315020			Building & ground maintenance	25.32	
	24315021			Street maintenance	30.20	
	30515121			Sewer plant maintenance	44.45	
<b>Total for NILSEN COMPANY</b>						<b>3,055.11</b>
100	12/28/10	EFT	NORVA	NORTH VALLEY BANK	Payroll Taxes	4,815.93
	10012301			Federal P/R Tax Deposits	4,815.93	
100	01/05/11	EFT	NORVA	NORTH VALLEY BANK		29.50
	10012301			Federal P/R Tax Deposits	29.50	
100	01/10/11	EFT	NORVA	NORTH VALLEY BANK		4,432.15
	10012301			Federal P/R Tax Deposits	4,432.15	
43255	01/03/11	NORVL		NORTH VALLEY BANK (1) \ NORTH VALLEY BANK		1,948.36
	26315194			Interest-Six Rivers loan	Loan	1,948.36
<b>Total for NORTH VALLEY BANK</b>						<b>11,225.94</b>
43221	12/27/10	PACGA		PACIFIC GAS & ELECTRIC	Nov Monthly	3,651.63
	10155032			Utilities electric	160.33	
	10175032			Electric - public restroom	19.25	
	10215032			Utilities electric	95.68	
	10615032			Utilities	129.24	
	10625032			Utilities - electric	52.07	
	10635032			Utilities	239.92	
	22315058			Street lighting	1,183.10	
	24315032			Utilities	242.95	
	30515032			Utilities - electric - plant	1,529.09	

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43302	01/10/11	PACGA	PACIFIC GAS & ELECTRIC	Dec Monthly		3,462.12
	10155032		Utilities electric		138.96	
	10175032		Electric - public restroom		23.15	
	10215032		Utilities electric		95.52	
	10615032		Utilities		115.02	
	10625032		Utilities - electric		52.42	
	10635032		Utilities		212.71	
	22315058		Street lighting		24.73	
	24315032		Utilities		255.24	
	30515032		Utilities - electric - plant		2,544.37	
<b>Total for PACIFIC GAS &amp; ELECTRIC</b>						<b>7,113.75</b>
43303	01/10/11	PAUDI	PAUL DIAZ	Reimbursement		9.73
	10215014		Vehicle expense		9.73	
<b>Total for PAUL DIAZ</b>						<b>9.73</b>
43238	12/28/10	QUILL	QUILL			79.39
	10125012		Office expense		79.39	
<b>Total for QUILL</b>						<b>79.39</b>
43239	12/28/10	REDFR	RED FRONT STORE			12.84
	10175024		Supplies - public restroom		12.84	
<b>Total for RED FRONT STORE</b>						<b>12.84</b>
43256	01/03/11	ROBSM	ROBIN SMITH	Monthly		153.47
	10245052		Professional services		153.47	
<b>Total for ROBIN SMITH</b>						<b>153.47</b>
43273	01/05/11	SCOUTS	SCOUTS	Qtrly Payment		450.00
	10165099		Miscellaneous		450.00	
<b>Total for SCOUTS</b>						<b>450.00</b>
43274	01/05/11	SEQGA	SEQUOIA GAS COMPANY	Monthly		1,459.15
	10155033		Utilities gas		748.40	
	10615031		Gas		409.92	
	10635033		Gas		300.83	
<b>Total for SEQUOIA GAS COMPANY</b>						<b>1,459.15</b>
43275	01/05/11	SOUND	SOUND ADVICE	Replace Mic		562.69
	10094307		Miscellaneous		562.69	
<b>Total for SOUND ADVICE</b>						<b>562.69</b>
43240	12/28/10	STAPE	STAPLES CREDIT PLAN	Monthly		420.48
	10115012		Office expense - Council		43.31	
	10125012		Office expense		159.30	
	10155020		Building and ground maint.		66.01	
	10165095		Capital outlay		65.08	
	30515012		Office expense		86.78	
<b>Total for STAPLES CREDIT PLAN</b>						<b>420.48</b>

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General Checking - Distribution Detail - From 12/22/10 To 01/21/11  
Check #: All - Vendor: All - Payee Name: All - By Payee Name - AP Pmt Distribution

Chk No.	Date	Pay Ven ID	Vendor Name \ Payee Name		Distribution	Check
Acct No.	Type	Override Description		Amount	Amount	
43241	12/28/10	FEREN	THE FERNDALE ENTERPRISE			29.75
50045055			Contractual services	Housing	29.75	
<b>Total for THE FERNDALE ENTERPRISE</b>						<b>29.75</b>
43276	01/05/11	THOGZ	THOMAS W. GONZALEZ, SR	Community Center		270.00
10635020			Buildings and grounds maintenance		270.00	
<b>Total for THOMAS W. GONZALEZ, SR</b>						<b>270.00</b>
43257	01/03/11	USBNK	U.S. BANK CORPORATE PAYMENT SYSTEM	Monthly		1,517.20
10125044			Meetings and dues		74.62	
10165095			Capital outlay		1,236.76	
10175072.2			Employee appreciation		156.60	
30515158			UPS/Fedex		49.22	
<b>Total for U.S. BANK CORPORATE PAYMENT SYSTE</b>						<b>1,517.20</b>
43277	01/05/11	VALGR	VALLEY GROCERY			22.55
30515044			Meetings and dues		9.71	
30515157			Effluent testing	Sewer	12.84	
<b>Total for VALLEY GROCERY</b>						<b>22.55</b>
43242	12/28/10	VALLU	VALLEY LUMBER	Nov Monthly		140.14
10175024			Supplies - public restroom		21.64	
10635020			Buildings and grounds maintenance		17.48	
24315020			Building & ground maintenance		101.02	
43278	01/05/11	VALLU	VALLEY LUMBER	Dec Monthly		174.32
10155020			Building and ground maint.		15.17	
10175024			Supplies - public restroom		37.88	
10635020			Buildings and grounds maintenance		121.27	
<b>Total for VALLEY LUMBER</b>						<b>314.46</b>
43258	01/03/11	VERZN	VERIZON			259.73
10155034			Telephone		32.89	
10215034			Telephone	Monthly	91.98	
24315034			Telephone		36.20	
30515034			Telephone		98.66	
<b>Total for VERIZON</b>						<b>259.73</b>
43304	01/10/11	WILSA	WILDWOOD SAW	TDA		100.56
24315088			Equipment repair		100.56	
<b>Total for WILDWOOD SAW</b>						<b>100.56</b>
43279	01/05/11	WYCKO	WYCKOFF'S			470.83
30515122			Sewer line maintenance	Sewer	470.83	
<b>Total for WYCKOFF'S</b>						<b>470.83</b>
<b>Total for the 71 checks</b>					<b>86,111.09</b>	<b>86,111.09</b>

**City of Ferndale**  
834 Main Street, P.O. Box 236, Ferndale, CA 95536

**Printed Regular Checks**

General Checking - Distribution Detail - From 12/22/10 To 01/21/11  
Check #: All - Vendor: All - Payee Name: All - By Payee Name - AP Pmt Distribution

Account Distributions

Account No.	Account Description	Amount
10012250	Garnishments payable	417.22
10012260	Health insurance payable	1,704.91
10012301	Federal P/R Tax Deposits	9,277.58
10012302	State P/R Tax Deposits	1,497.76
10094307	Miscellaneous	562.69
10105007	Medical insurance	656.47
10105010	Deferred comp	561.79
10115012	Office expense - Council	43.31
10125007	Medical insurance	1,593.85
10125010	Deferred retirement	1,634.23
10125012	Office expense	606.84
10125044	Meetings and dues	134.85
10155020	Building and ground maint.	104.53
10155030	Trash service	29.25
10155031	Water	21.32
10155032	Utilities electric	299.29
10155033	Utilities gas	894.08
10155034	Telephone	281.30
10165054	Audit and accounting	534.00
10165055	Contractual services	180.00
10165078	Copy machine expense	301.85
10165095	Capital outlay	1,301.84
10165096	Car Allowance	400.00
10165099	Miscellaneous	8,145.75
10175024	Supplies - public restroom	157.28
10175031	Water - public restroom	50.26
10175032	Electric - public restroom	42.40
10175072	Chamber of Commerce	5,967.25
10175072.2	Employee appreciation	156.60
10215007	Medical insurance	2,609.00
10215010	Deferred retirement	3,156.75
10215014	Vehicle expense	96.33
10215016	Fuel	130.62

**City of Ferndale**  
834 Main Street, P.O. Box 236, Ferndale, CA 95536

**Printed Regular Checks**

General Checking - Distribution Detail - From 12/22/10 To 01/21/11  
Check #: All - Vendor: All - Payee Name: All - By Payee Name - AP Pmt Distribution

10215029	Water	24.17
10215032	Utilities electric	191.20
10215034	Telephone	361.76
10215035	Dispatch service	1,016.66
10215044	Meetings and dues	50.00
10215052	Professional services	110.00
10225096	Animal control	450.00
10245052	Professional services	153.47
10315007	Medical insurance	322.57
10315010	Deferred retirement	733.20
10315044	Meetings and dues	60.00
10425052	General engineering	698.40
10435052	Building regulation/inspectio	2,703.98
10615024	Books	351.31
10615031	Gas	409.92
10615032	Utilities	244.26
10615033	Water	20.31
10615034	Telephone	115.64
10615095	Lytel grant expenditures	5,200.00
10625020	Building and ground maint.	43.34
10625032	Utilities - electric	104.49
10625033	Water	88.07
10635007	Medical insurance	124.35
10635010	Deferred retirement	228.09
10635020	Buildings and grounds maintenance	630.96
10635031	Water	58.40
10635032	Utilities	452.63
10635033	Gas	300.83
21625020	Building and grounds maint	274.74
22315007	Medical insurance	79.83
22315010	Deferred retirement	217.84
22315058	Street lighting	1,207.83
24315014	Vehicle expense	37.67
24315016	Vehicle Fuel	38.16
24315020	Building & ground maintenance	1,186.83
24315021	Street maintenance	30.20

City of Ferndale  
834 Main Street, P.O. Box 236, Ferndale, CA 95536

**Printed Regular Checks**

General Checking - Distribution Detail - From 12/22/10 To 01/21/11  
Check #: All - Vendor: All - Payee Name: All - By Payee Name - AP Pmt Distribution

24315032	Utilities	498.19
24315033	Water	25.16
24315034	Telephone	88.69
24315088	Equipment repair	177.89
25315007	Medical insurance	186.15
25315010	Deferred retirement	126.56
26315007.1	Medical Insurance	405.45
26315010.1	Deferred compensation	549.17
26315052	Engineering	295.00
26315194	Interest-Six Rivers loan	1,948.36
30515007	Medical insurance	3,704.80
30515010	Deferred retirement	3,351.71
30515012	Office expense	86.78
30515014	Vehicle expense	46.76
30515016	Vehicle gas	13.08
30515032	Utilities - electric - plant	4,073.46
30515034	Telephone	376.05
30515044	Meetings and dues	9.71
30515095	Capital outlay	2,698.10
30515121	Sewer plant maintenance	44.45
30515122	Sewer line maintenance	4,304.94
30515157	Effluent testing	1,127.84
30515158	UPS/Fedex	49.22
40315052	Plans, specs & estimates	21.51
50045055	Contractual services	29.75
		<hr/>
		<b>86,111.09</b>

**City of Ferndale**  
834 Main Street, P.O. Box 236, Ferndale, CA 95536

**Printed PayCheck Checks**

General Checking - Date Range: From 12/22/10 To 01/21/11 - Check #: All - Dept: All  
Sort Code: All - EmpID: All - Emp Name: All - By Check Number

Check #	Date	Emp. #	Employee Name	Amount
43204	12/28/10	1,215	DEBERA H. AUSTRUS	1,521.74
43205	12/28/10	2,190	HEATH A. BOHACIK	924.41
43207	12/28/10	6,115	MARY ELLEN BOYNTON	101.58
43208	12/28/10	5,220	STEVE L. COPPINI	1,122.19
43209	12/28/10	5,221	DOUGLAS E. CULBERT	1,855.97
43210	12/28/10	2,178	PAUL A. DIAZ JR.	1,050.04
43211	12/28/10	2,185	LINDSEY D. FRANK	1,054.94
43212	12/28/10	2,179	JASON R. HYNES	1,139.81
43213	12/28/10	1,214	NANCY S. KAYTIS-SLOCUM	1,314.84
43214	12/28/10	5,235	TIMOTHY W. MIRANDA	1,064.71
43215	12/28/10	1,012	JAY D. PARRISH	1,981.27
43216	12/28/10	6,142	DIANNA L. RICHARDSON	64.64
43217	12/28/10	2,200	BRET A. SMITH	1,349.81
43218	12/28/10	1,216	BRIANNA A. SMITH	220.58
43219	12/28/10	5,280	DANIEL V. SUTTON	1,036.58
43220	12/28/10	6,221	BONNIE K. VON BRAUN	26.50
43246	01/03/11	1,510	MARIA A. ROSA	175.22
43280	01/11/11	1,215	DEBERA H. AUSTRUS	1,541.95
43281	01/11/11	2,190	HEATH A. BOHACIK	940.51
43282	01/11/11	6,115	MARY ELLEN BOYNTON	56.56
43283	01/11/11	5,220	STEVE L. COPPINI	1,158.75
43284	01/11/11	5,221	DOUGLAS E. CULBERT	1,884.06
43285	01/11/11	2,178	PAUL A. DIAZ JR.	804.01
43286	01/11/11	2,185	LINDSEY D. FRANK	774.38
43287	01/11/11	2,179	JASON R. HYNES	1,025.81
43288	01/11/11	1,214	NANCY S. KAYTIS-SLOCUM	1,328.43
43289	01/11/11	5,235	TIMOTHY W. MIRANDA	1,062.00
43290	01/11/11	1,012	JAY D. PARRISH	2,194.37
43291	01/11/11	6,142	DIANNA L. RICHARDSON	18.86
43292	01/11/11	2,200	BRET A. SMITH	1,379.75
43293	01/11/11	1,216	BRIANNA A. SMITH	199.43
43294	01/11/11	5,280	DANIEL V. SUTTON	943.03
43295	01/11/11	6,221	BONNIE K. VON BRAUN	40.58
<b>Total</b>				<b>31,357.31</b>

**City of Ferndale**  
834 Main Street, P.O. Box 236, Ferndale, CA 95536

**Checkbook Register**

NVB USDA Checking

From 12/22/10 To 01/21/11 - By Date

Number	Date	Payee/Description	Checks \ Payments	Deposits \ Additions	Balance
		Beginning balance			686,657.80
Other	12/27/10	Payment to Wahlund Const: 4851509	624,752.75		61,905.05
Other	12/27/10	Payment to Manhard: 48515095	60,058.51		1,846.54

**City of Ferndale, Humboldt County, California USA**  
City Council Minutes for the January 6, 2011 Meeting 7:00 p.m.

Mayor Jeffrey Farley called the meeting to order and announced that the council is going into closed session per Government Code 54954.5, Public Employee Performance Evaluation; City Manager Jay Parrish. Present for the session were Mayor Farley, Councilmen Mierzwa, Maxwell, and Titus as well as City Manager Parrish. Councilman Lorenzen was absent. The Council came out of closed session at 6:45pm. There was no reportable action from the closed session.

Mayor Jeffrey Farley called the regular meeting to order at 7:00 pm. Councilmen Ken Mierzwa, John Maxwell, Stuart Titus and Niels Lorenzen as well as staff City Manager Jay Parrish, City Clerk Nancy Kaytis-Slocum, Finance Manager Deb Austrus, Chief Bret Smith along with WWTP Project Manager Kent Hanford and Consultant Elizabeth Conner were in attendance. Those present pledged allegiance to the flag.

MOTION: (Titus/Mierzwa) Approve Resolution 2011-01 certifying the November 2, 2010 Election results. The City Clerk recited the Oaths of Office with Mayor Jeffrey Farley, Councilman John Maxwell and Councilman Niels Lorenzen.

There were no Modifications to the Agenda and nothing to report out of Closed Session.

Public Comment: Duane Martin is concerned that an item he brought up last month during public comment is not on the agenda regarding whether Ferndale Housing equity will be used for other needs in the city. Mayor Farley asked that this be put on the February agenda.

Consent calendar. The City Clerk asked to add page 14A to the agenda packet, the USDA checkbook register, which was inadvertently left out of the agenda packet. Members of the council as well as the media received a copy of the missing page. MOTION: (Maxwell/Titus) Accept Accounts Payable and Approve the minutes for December 2, 2010. Motion carried with an abstention from Councilman Lorenzen.

Consultant Elizabeth Conner gave an update on Ferndale Housing. During this meeting, the next step would be for the City Council to appoint the City Council as Board of Directors for the non-profit organization called Ferndale Housing. Phil Aycok, City Accountant, will schedule a meeting of the Board, with the initial meeting's business to possibly be: Election of Officers, authorize obtaining a federal ID number; establish a bank account; direction to draft bylaws; direction to obtain federal and state tax exempt status and establish initial funding of the Corporation. A property management firm will have to be chosen and there should be discussion on rules and policies. The Navy will be conducting the conveyance within a month. We are on schedule. We have been researching municipal financial law and our ability to borrow funds. The board will need to select a preferred contractor, and the final Market Study will be ready on February 11, 2011. We are obtaining quotes on mold assessment and abatement from three area professionals. The RFP for a contractor is being written; we are getting infrastructure bids from three companies on propane. We are assessing drainage problems in the area, and looking at grant money for energy efficiency retrofit. The City will be borrowing \$500,000 to \$700,000 for rehabilitation. We estimated high on much of the work needed. Speaking from the public were Duane Martin and Dick Hooley discussing the Market Study, feasibility of rental, waiting for the Market Study before accepting the transfer and does the Navy have the right to rescind their offer? MOTION: (Titus/Maxwell) Direct Staff to memorialize by resolution the appointment of the City Council as the Board of Directors for the non-profit organization called Ferndale Housing. All in favor.

Progress Pay Request for the Wastewater Treatment Plant (WWTP): Kent Hanford, Resident Project Representative reported that we are going into our sixth month of construction. The site has remained dry allowing for deliveries of material and access for workers. The slab was poured on December 15<sup>th</sup>. Within two to three weeks we'll have the foundation in place; in five to six weeks the building should be up. We are 1/3 of the way done with construction. He is currently waiting for change order figures. In answer to Councilman Mierzwa, Hanford related that the cost implication is about \$100,000 for another change order. The changes he presents will be laid out with scope and cost. The council would like to see the figures before the meeting. Hanford relayed that within two weeks he will have a better idea of when the change orders will be ready. MOTION: (Titus/Mierzwa) Approve Resolution 2011-02 Approval of 5<sup>th</sup> Progress Pay Request for Management and Construction Related Costs for the WWTP. All in favor. The City Council wants to see the change orders as soon as possible, perhaps in a study session an hour before the next meeting.

City Manager contract amendment: Presently, the contract states that the City Manager will work for 32 hours a week. For the last four years, Mr. Parrish has tried to do the job in 32 hours, but continues to put in 40+ hours a week. He is asking that the council amend the contract to include a 40 hour workweek and be compensated accordingly. After a lengthy discussion during which the City Manager was praised for his work, the following motion was made: MOTION: (Titus/Farley) As a way of expressing our appreciation of the City Manager's performance I propose a 10% increase in his salary, retroactive to January 1, 2011, with another performance evaluation scheduled for the June meeting with the possibility of another adjustment then and another evaluation at the conclusion of the WWTP. Four ayes with one nay from Lorenzen.

MOTION: (Titus/Mierzwa) Approve Resolution 2011-03 Establishing the City Council meeting schedule from February 2011 through January 2012. All in favor.

MOTION (Mierzwa/Maxwell) Confirm the mayor's recommendations as listed for appointees and alternates to various organizations to which the city belongs. All in favor.

MOTION: (Titus/Maxwell) Approve Resolution No. 2011-04: Annual Events and Parades Street Closures. All in favor.

Building Inspector and Construction Code Adoption: A couple of changes were made in the Ordinance: §6.01.1d, spelling error corrected; added 6.01.1k Green Code; and removed 6.01.3b. MOTION: (Titus/Maxwell) Approve First Reading of Ordinance 2011-01 Building Inspector – Construction Code Ordinance by title only and direct staff to set for Second reading and possible adoption at the February meeting. All in favor.

City Council Orientation Study Session: The City Council agreed that the orientation should begin with Rosenberg's Rules of Order on Thursday, January 20, 2011, at 5:30pm at Ferndale City Hall.

Caroline Titus, publisher of the Ferndale Enterprise praised Jay Parrish for the work he has done for the City of Ferndale. Jay Parrish thanked his staff for their help.

The meeting was adjourned at 9:00 pm. The next regular council meeting will be February 3, 2011.

Respectfully Submitted:

Nancy Kaytis-Slocum

City Clerk

## **Section 9**

### **CALL ITEMS**

**These are items pulled from the consent agenda  
for discussion and a separate motion.**

## **Section 10**

### **PRESENTATIONS**

Tony Smithers - Humboldt Convention and Visitors Bureau update and proposed organization  
of the Humboldt tourism Business Improvement District

## **Section 11**

### **BUSINESS**

Meeting Date:	February 3, 2011	Agenda Item Number	11a
Agenda Item Title:	Resolution 2011-07 Approval of 6 <sup>th</sup> Progress Pay Request for Management and Construction Related Costs for the WWTP		
Presented By:	Jay Parrish, City Manager		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input checked="" type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

**RECOMMENDATION:**

Approve Resolution 2011-07 Approval of 6<sup>th</sup> Progress Pay Request for Management and Construction Related Costs for the WWTP.

**BACKGROUND:**

Work on our WWTP began on August 2, 2010 and we have made three previous draw downs from the USDA loan. The costs associated with this draw down include costs from Wahlund Construction, as well as Construction Management costs from Manhard Consulting. This all falls within the parameters of our WWTP budget

**FISCAL IMPACT:**

\$442,524.43 from the USDA loan account.

RESOLUTION 2011-07

THE CITY COUNCIL OF THE CITY OF FERNDALE  
APPROVES THE SIXTH PARTIAL PAYMENT REQUEST TO WAHLUND CONSTRUCTION AND MANHARD  
CONSULTING FOR THE WASTEWATER TREATMENT FACILITY PROJECT

WHEREAS, Wahlund Construction began Work on our Wastewater Treatment Plant on August 2, 2010;  
and

WHEREAS, Manhard Consulting is supplying Construction Administration for this project; and

WHEREAS, The City of Ferndale will be processing partial pay requests on a monthly basis, as well as  
periodic individual bills; and

WHEREAS, The City Council has received the sixth partial payment request of \$387,197.12 for Wahlund  
and \$55,327.31 for Manhard Consulting. This all falls within the parameters of our WWTP budget

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Ferndale hereby approves payment  
of the Sixth partial payment request in the amount of \$387,197.12 for Wahlund and \$55,327.31 for  
Manhard Consulting.

PASSED AND ADOPTED on this 3<sup>rd</sup> day of February, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Jeffrey Farley, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Kaytis-Slocum, City Clerk



Civil Engineers  
Surveyors  
Water Resources Engineers  
Water & Wastewater Engineers  
Construction Managers  
Environmental Scientists  
Landscape Architects  
Planners

January 26, 2011

Mr. Jay Parrish  
City Manager  
City of Ferndale  
834 Main Street  
Ferndale, CA 95536

**RE: City of Ferndale Wastewater Treatment Plant Additions**

Dear Mr. Parrish:

The Wastewater Treatment Plant Project has begun the seventh month of construction. The recent weather has allowed much progress to be made on site. Most of the underground utilities serving the filter building have been installed and work has begun on the building foundation footings. The cast in place concrete UV channel inside the filter building is sufficiently complete to allow the building foundation to be constructed around it. All reinforcing steel for the biological treatment tank has been delivered to the site and the first tank wall section has been poured.

The contractor has submitted the sixth partial payment estimate. I have reviewed the estimate and find it acceptable and appropriate for the work completed at the time the estimate was prepared. The current pay estimate includes the following:

- Contractor Operational Costs
- Treatment and Control System Equipment Acquisition
- Filter Building Plumbing
- Filter Building Electrical
- Site Grading
- Site Piping
- Biological Treatment Tank Concrete and Rebar Placement

The retention required by the USDA contract specifications of ten percent, has been withheld from the partial payment request.

The contractor has submitted a contract change order proposal to complete the design modifications to the biological treatment tank. The proposal is under review and an agreement

with the contractor is expected soon. The change order will be ready for presentation to City Council prior to regularly scheduled February City Council meeting.

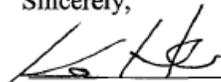
Site and building design modifications have been completed and revised plans have been issued to the contractor. Once the contractor has reviewed the current plans, a change order proposal will be submitted for review. The contract change order will be ready for presentation prior to the regularly scheduled March City Council meeting.

A summary of the current construction contract is included below

Original Contract Amount	\$	8,265,088.00
Net Total Change Orders	\$	(4,427.16)
Total Contract + Change Orders	\$	8,260,660.84
Contract Work + Change Order Work Completed To Date	\$	2,891,106.42
Work To Date Minus 10% Retention	\$	2,601,995.78
Previous Billed	\$	2,214,798.66
Work To Date Minus Previous Billed	\$	387,197.12
<b>TOTAL AMOUNT DUE</b>	<b>\$</b>	<b>387,197.12</b>

In the coming month, work on the biological treatment tank will continue along with the foundation for the filter building. The steel structure for the filter building will be delivered and erection may begin depending on weather. Site utility installation will continue and installation of the master lift station may begin. If you have any questions, please feel free to contact me.

Sincerely,



Kent Hanford  
Resident Project Representative

Meeting Date:	February 3, 2011	Agenda Item Number	11b
Agenda Item Title:	Approval of Wastewater Treatment Plant Change Order 3		
Presented By:	Jay Parrish, City Manager		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input checked="" type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

**RECOMMENDATION:**

Approve Wastewater Treatment Plant Change Order 3.

**BACKGROUND:**

The City Council will have a study session prior to this meeting, and will now vote on the change order as presented during the study session.

**FISCAL IMPACT:**

To be presented at the meeting.

Meeting Date:	February 3, 2011	Agenda Item Number	11c
Agenda Item Title:	Authorize City Manager to extend contract with Elizabeth Conner, Ferndale/Navy Housing Consultant		
Presented By:	Jay Parrish, City Manager		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input checked="" type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

**RECOMMENDATION:**

Approve Resolution 2011-09 Extending contract with Ferndale/Navy Housing Consultant.

**BACKGROUND:**

Last January, 2010 the City Council approved a contract extension with Ferndale/Navy Housing Consultant Elizabeth Conner to assist us in the acquisition and conveyance of the Navy Housing Property. That contract is now complete and the authorized funds have been expended. However, there are still significant unresolved issues and much work to be done to complete the conveyance. After assurance that the conveyance was eminent, we have now heard from the Navy that they need to do more to the environmental document before it can be considered complete. Other issues to be resolved include completing and analyzing the Market Study, Council acceptance of the Ferndale Housing Complex from the Navy which includes examination of escrow documents, determining the final scope of work for the rehabilitation and issuing an RFP for Contractor/s, obtaining a bank loan, conducting the rehabilitation and upgrade of property, making continued decisions related to the legal framework for ownership, establishing the non-profit and holding meetings of the non-profit to make various decisions including issuing an RFP for a Property Management Company and other steps necessary to lease up the housing units.

Staff requires the assistance of a consultant to conduct the tasks necessary to complete the conveyance. Elizabeth Conner has worked with us for the past two years with positive results and has the background and knowledge to carry out the above work or contract with others to complete. As a reminder, project expenses, such as this one, incurred by the City will be tracked and booked to the project and the City will be reimbursed.

**FISCAL IMPACT:**

Unknown

**RESOLUTION 2010-09**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE AUTHORIZING A CONTRACT**  
**EXTENSION WITH FERNDALE/NAVY HOUSING CONSULTANT, ELIZABETH CONNER**

**WHEREAS**, The City Council authorized the City Manager to negotiate an extension of Ferndale/Navy Housing Consultant Elizabeth Conner’s contract on January 7, 2010; and

**WHEREAS**, There have been unforeseen delays in the conveyance of the Navy Housing to the City of Ferndale; and

**WHEREAS**, The City Council wishes to examine the Market Study which is now being processed; and

**WHEREAS**, There is still a significant amount of work to be done to complete the conveyance and the rehabilitation of the property, and

**WHEREAS**, The City Council wishes to continue the acquisition process approved by the voters in November 2010.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Ferndale authorizes a contract extension with Ferndale/Navy Housing Consultant Elizabeth Conner;

**PASSED AND ADOPTED** by the City Council of the City of Ferndale on February 3, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Jeffrey Farley, Mayor

Attest:

\_\_\_\_\_  
Nancy Kaytis-Slocum, City Clerk

Meeting Date:	February 3, 2011	Agenda Item Number	11d
Agenda Item Title:	Second Reading and possible adoption of Ordinance 2011-01, Building Inspector - Construction Codes Ordinance		
Presented By:	City Manager Jay Parrish		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input checked="" type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

**RECOMMENDATION:**

Approve the 2<sup>nd</sup> reading of and adopt Ordinance 2011-01, "An Ordinance of the City of Ferndale Creating the Office of Building Inspector; Adopting Construction Codes and Standards; Providing Penalties for Violation; Establishing Fees for Permits and Inspections and Repealing Ordinances 226, 255, 257, 99-03 and 05-03" with suggested changes by title only.

**BACKGROUND:**

In January, 2010, the State of California Building Standards Commission adopted codes with amendments based on the model uniform codes published by the International Code Council and published them as California codes. The new California Regulations, title 24, was published in July, 2010. The 2010 California Building Standards Codes (Codes) adopted by the Building Standards Commission went into effect 180 days after the July publication by the State. The Codes must be enforced by each City and County as of January 1, 2011.

The purpose of the codes is to establish the minimum requirements to safeguard the public health and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation and energy conservation; safety to life and property from fire and other hazards attributed to the built environment; and to provide safety to fire fighters and emergency responders during emergency operations.

Each jurisdiction in California may either adopt these codes as written or may establish more restrictive building standards deemed necessary to address local climatic, geological, or topographical conditions. Staff is proposing a limited number of administrative amendments to facilitate implementation of the codes by staff. Specific amendments are proposed to allow terms of clarification of permit expiration, engineering of commercial buildings to allow waiver by the Building Official, property survey waiver by the Building Official, and terms and clarification of violation of penalties.

All of the California Building Codes required to be adopted by the City of Ferndale are listed in Article 6 of Ordinance 2011-01

The first reading, by title only, of the ordinance was approved, with modifications during the January 6, 2011 meeting. The changes shown on the attached ordinance in section 6.01 are the result of research for the correct wording.

## ORDINANCE NO. 2011-01

AN ORDINANCE OF THE CITY OF FERNDALE CREATING THE OFFICE OF BUILDING INSPECTOR; ADOPTING CONSTRUCTION CODES AND STANDARDS; PROVIDING PENALTIES FOR VIOLATION; ESTABLISHING FEES FOR PERMITS AND INSPECTIONS AND REPEALING ORDINANCES 226, 255, 257, 99-03 AND 05-03

The City Council of the City of Ferndale does Ordain as Follows:

ARTICLE 1: SHORT TITLE, PURPOSE AND SCOPE

§1.01: This ordinance shall be known and cited as the “Building Inspector - Construction Code Ordinance”.

§1.02: The purpose of the Building Inspector – Construction Code Ordinance is to create the office of Building Inspector of the City of Ferndale and to Adopt Construction Codes and Standards for the City of Ferndale.

§1.03: The provisions adopted in this ordinance shall not be exclusive but shall be cumulative and complementary to any other provisions of Ferndale City ordinances and County, State and Federal laws. Nothing in this ordinance shall be read, interpreted or construed so as to limit any existing right, power or authority of the Mayor or the City Council to enter into any supplemental agreement with the Building Inspector delineating additional terms and conditions of employment not inconsistent with any provision of this chapter.

§1.04: Nothing in this ordinance shall be construed as prohibiting the City from contracting with qualified persons, firms or agencies for building plan review and/or inspection services.

§1.05: Upon the effective date of this Ordinance, Ordinances 226, 255, 257, 99-03 and 05-03 are hereby repealed.

ARTICLE 2: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

§2.01: California Government Code §§37103 and 53060

ARTICLE 3: ENFORCEMENT AND PENALTIES

§3.01: Any person, firm, or corporation, whether as principal, agent, employee, or otherwise violating or causing the violation of any part of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for a term not exceeding six (6) months, or both. Such person, firm, or corporation shall be deemed guilty of a separate offence for each and every day during any portion of which any violation of this ordinance, or any part of this ordinance, is committed, continued or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

ARTICLE 4: DEFINED AND OFFICE CREATED

- §4.01: For the purposes of this Ordinance, the terms Building Official and Building Inspector are interchangeable.
- §4.02 Office Created. The office of Building Inspector of the City is created and established.
- §4.03: Appointment. The City Building Inspector shall be appointed by the City Manager, or in his/her absence, the City Council solely on the basis of his / her ability and qualifications and shall hold office at the pleasure of the City Manager or in his/her absence, the City Council.
- §4.04 Compensation / Expenses: The City Building Inspector shall receive such compensation as the City Council shall from time to time determine, unless the Building Inspector serves under an employment contract and then the compensation shall be according to the terms of the employment contract. Compensation may be based on a salary or hourly basis; and based on full time or part time basis.

ARTICLE 5: POWERS AND DUTIES

- §5.01: General: It shall be the duty of the Building Inspector to administer and enforce the provisions of this ordinance and all ordinances of the City and statutes of the State of California for regulating and providing minimum standards for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, location, design, quality of materials, operation, installation, replacement and maintenance of all buildings, and/or structures; heating, ventilation, cooling, refrigeration systems; electrical systems; plumbing and drainage systems; signs and solar systems in the City of Ferndale.
- §5.02: Additional Duties: It shall be the duty of the Building Inspector to perform such other duties and exercise such other powers as may be delegated to him/her from time to time by ordinance, resolution, or action of the City Council.
- §5.03 Right of Entry: When necessary to make an inspection to enforce any of the provisions of this code and the technical codes, or when the building official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Should entry be refused, the building official shall have recourse to the remedies provided by law to secure entry.

ARTICLE 6: ADOPTION OF CONSTRUCTION CODES

§6.01 The City of Ferndale incorporates by reference and adopts as its Building Standards and Regulations applicable to all occupancies in the City of Ferndale each and all of the terms, conditions, regulations, penalties, and provisions of the following codes as from time to time adopted, amended, added, and deleted by regulation of the California State Building Standards Commission:

6.01.1 The following codes *are required to be adopted by the City of Ferndale* ~~published by the International Conference of Building Officials:~~

- a. **California Administrative Code** – 2010 California Administrative Code (Part 1 of Title 24) Based on the 2009 International Building Code (IBC)
- b. **California Building Code** – 2010 California Building Code (Part 2 of Title 24), including Chapter 1 Division II (administration), and Appendices A (qualifications), C (agriculture), F (rodent proofing), G (flood resistant), H (signs), I (patio covers), and J (grading). Based on the 2009 International Building Code (IBC)
- c. **California Residential Code** – 2010 California Residential Code (Part 2.5 of Title 24), including Chapter 1 Division II (administration), and Appendices E (Manufactured Housing used as dwellings), G (swimming pools, spas, and hot tubs), J (existing building and structures), K (sound transmission), N (venting methods), O (gray water recycling systems), P (sizing of water piping systems). Based on the 2009 International Residential Code (IRC).
- d. **California Electrical Code** – 2010 California Electrical Code (Part 3 of Title 24). Based on the 2008 National Electrical Code (NEC)
- e. **California Mechanical Code** – 2010 California Mechanical Code (Part 4 of Title 24) including Chapter 1 Division II (administration). Based on the 2009 Uniform Mechanical Code (UMC)
- f. **California Plumbing Code** – 2010 California Plumbing Code (Part 5 of Title 24) including Chapter 1, Division II (administration). Based on the 2009 Uniform Plumbing Code (UPC)
- g. **California Energy Code** – 2010 California Energy Code (Part 6 of Title 24) including Chapter 1 Division II (administration).
- h. **California Historical Building Code** – 2010 California Historical Building Code (Part 8 of Title 24) including Chapter 1 Division II (administration)
- i. **California Fire Code** – 2010 California Fire Code (Part 9 of Title 24) including Chapter 1 Division II (administration). Based on the 2009 International Fire Code (IFC)
- j. **California Existing Building Code** – 2010 California Existing Building Code (Part 10 of Title 24). Based on the 2009 International Existing Building Code (IEBC)
- k. **California Green Building Standards Code** – “CAL Green” – 2010 California Green Building Standards Code (Part 11 of Title 24) (Tier 1) including Chapter 1 Division II (administration)
- l. **California Referenced Standards Code** – 2010 California Referenced Standards Code (Part 12 of Title 24)
- m. **1997 Uniform Building Code** – 1997 Uniform Housing Code. Published by the International Conference of Building Officials as referenced by the California

Department of Housing and Community Development and pursuant to the provisions of Section 17958, 17958.5, 17958.9 and 17959 of the California Health and Safety Code.

- ~~n. — Uniform Administrative Code~~
- ~~o. — Uniform Building Code~~
- ~~p. — California Building Code, Title 24 Part 2 (2 volumes — includes parts 8 & 10)~~
- ~~q. — California Residential Code, Title 24 Part 2.5~~
- ~~r. — California Electrical Code, Title 24 Part 3~~
- ~~s. — California Mechanical Code, Title 24 Part 4~~
- ~~t. — Uniform Building Code Standards~~
- ~~u. — Uniform Mechanical Code~~
- ~~v. — Uniform Sign Code~~
- ~~w. — Uniform Housing code, except its definition of “Substandard Building”~~

~~6.01.2 — The following codes published by the International Association of Plumbing and Mechanical Officials:~~

- ~~a. — Uniform Plumbing Code~~
- ~~b. — California Plumbing Code, Title 24 Part 5~~
- ~~c. — Uniform Mechanical Code~~

~~6.01.3 — The following codes published by the National Fire Protection Association:~~

- ~~a. — National Electrical Code~~

§6.02 The above-mentioned codes and amendments shall become effective and operative within the City of Ferndale 180 days after the date of the first publication of the State Building Standards Code by the State Building Standards Commission in the California Code of Regulations, the California Regulatory Notice Register or California Regulatory Code Supplement.

§6.03 The above-mentioned codes and amendments shall be and are adopted as the Construction Code of the City of Ferndale for regulating and providing minimum standards for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, location, design, quality of materials, operation, installation, replacement and maintenance of all buildings, and/or structures; heating, ventilation, cooling, refrigeration systems; electrical systems; plumbing and drainage systems; signs, and solar systems in the City of Ferndale, except as modified by the zoning Ordinance of the City of Ferndale and providing for the issuance of permits and the collection of fees.

§6.04 Nothing contained herein shall be construed as prohibiting or limiting the authority of the City of Ferndale from adopting or establishing more restrictive building standards than provided in the above-mentioned codes or amendments after making the findings required by Government Code §17958.7

§6.05 The City Inspector shall maintain one (1) copy of all building codes and standards as required by the State of California, California Building Code, Title 24.

## ARTICLE 7: FEES FOR PERMITS AND INSPECTIONS

§7.01 Any person required to obtain a permit shall at the time of filing an application shall pay to the City Clerk a deposit for plan review in the amount as set forth in the ~~Uniform~~ *California* Administrative Code referred to in §6.01.1(a) above.

§7.02 Where work is commenced prior to obtaining a permit, a double fee shall be charged.

§7.03 For the purpose of determining valuation of any work to be performed, the City may use the Valuation Data Table taken from the publication Building Standards, published by the International Conference of Building Officials once every two months during the year. The City will implement an updated edition of the Valuation Data Table commencing on July 1 of each year using the most recently published edition of the Valuation Data Table.

ARTICLE 8: PERSON MAY DO OWN WORK

§8.01 Nothing in this ordinance shall be construed as prohibiting any person from doing his own work or employing any person to work on a building or structure to which the provisions of this ordinance apply unless otherwise prohibited by law.

ARTICLE 9: SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 10: EFFECTIVE DATE:

This ordinance becomes effective thirty (30) days after the date of its enactment.

ARTICLE 11: POSTING REQUIREMENT

The City Clerk shall cause publication of this ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city, and posted in at least three public places in the city.

ARTICLE 12: ENACTING DATE AND SIGNATURES

Passed, approved and adopted by the City Council of the City of Ferndale at a regular meeting on February 3, 2011, by the following vote:

- AYES:
- NOES:
- ABSENT:

\_\_\_\_\_  
Jeffrey Farley, Mayor

ATTEST:  
  
\_\_\_\_\_  
Nancy Kaytis-Slocum, City Clerk

Meeting Date:	February 3, 2011	Agenda Item Number	11e
Agenda Item Title:	First Reading of Ordinance 2011-02, State Video Service Franchises Ordinance		
Presented By:	City Manager Jay Parrish		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input checked="" type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

**RECOMMENDATION:**

Approve the first reading of Ordinance 2011-02, State Video Service Franchises Ordinance by title only and direct staff to bring it to the Council for a second reading and possible adoption during the March, 2011 City Council Meeting.

**BACKGROUND:**

In 2004, The Ferndale City Council adopted an Enabling Ordinance for cable television franchises. This ordinance was the result of recommendations made by the Buske Group consultancy pursuant to a 2002 engagement in which the County of Humboldt cooperated with the cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna and Rio Dell as part of the franchise renewal process for the incumbent cable provider. Pursuant to that ordinance, on March 21, 2006, the Board of Supervisors and City Councils approved a cable franchise renewal and transfer to the current provider, now known as Suddenlink Communications.

Despite opposition by local governments, on September 29, 2006, the State Legislature passed, and Governor Schwarzenegger signed into law, the Digital Infrastructure and Video Competition Act of 2006 (DIVCA). DIVCA largely replaces the local issuance of cable television franchises with a system in which video franchises are issued by the California Public Utilities Commission.

DIVCA did not abolish existing cable television franchises entered into prior to its adoption and important public protections and benefits are "grandfathered" under DIVCA. Current County and City franchises are in effect to 2014 for Suddenlink, at which time a State Video Service Franchise is anticipated. Notably, DIVCA does provide circumstances under which a cable television provider may withdraw from a local franchise before the term ends and enter into a State franchise sooner.

In order to protect the interests of the Cities and the County of Humboldt when local cable franchises are eventually superseded by State Video Service Franchises, the Buske Group has prepared language for a new, DIVCA-compliant ordinance. Last fall, Access Humboldt convened a workshop in Eureka for local cable franchise authorities to discuss public policy considerations of DIVCA implementation.

The attached "State Video Service Franchises" Ordinance will supplement, not replace, the existing City ordinances adopted in 2004, with provisions that address: franchise fees; customer service; permits and construction; emergency alert system; and public, educational and government access channel capacity, support, interconnection, and signal carriage.

## ORDINANCE NO. 2011-02

AN ORDINANCE OF THE CITY OF FERNDALE ADDING CHAPTER 5: STATE VIDEO SERVICE FRANCHISES TO ORDINANCE 04-04, WHICH IMPLEMENTS THE PROVISIONS OF THE DIGITAL INFRASTRUCTURE AND VIDEO COMPLETION ACT OF 2006, CODIFIED IN CALIFORNIA PUBLIC UTILITIES CODE SECTION 5800 ET SEQ., WHICH THE CITY IS REQUIRED TO ADMINISTER AND ENFORCE THROUGHOUT THE CITY.

ARTICLE 1: The City Council of the City of Ferndale does Ordain as Follows:

*Chapter 5 shall be added to Ordinance 04-04 as follows:*

**Chapter 5 STATE VIDEO SERVICES FRANCHISES**

**§5.01 GENERAL PROVISIONS**

(A). Purpose. *This Section is applicable to video service providers who have been awarded a state video franchise under the California Public Utilities Code section 5800 et seq. (the Digital Infrastructure and Video Competition Act of 2006 ["DIVCA"]), to provide cable or video services in any location(s) within the incorporated boundaries of the City. It is the purpose of this Section to implement within the incorporated boundaries of the City the provisions of DIVCA and the rules of the California Public Utilities Commission promulgated there under that are applicable to a "local franchising entity" or a "local entity" as defined in DIVCA.*

(B). Rights Reserved.

(1). *The rights reserved to the City under this Chapter 5 are in addition to all other rights of the City, whether reserved by this Chapter 5 or Ordinance 04-04 or authorized by law, and no action, proceeding or exercise of a right shall affect any other rights which may be held by the City.*

(2). *Except as otherwise provided by DIVCA, a state franchise shall not include, or be a substitute for:*

(a). *compliance with applicable requirements for the privilege of transacting and carrying on a business within the City, including, but not limited to, compliance with the conditions that the City may establish before facilities may be constructed for, or providing, non-video services;*

(b). *any permit or authorization required in connection with operations on or in public rights-of-way or public property, including, but not limited to, encroachment permits, street work permits, pole attachment permits and street cut permits; and*

(c). *any permit, agreement or authorization for occupying any other property of the City or any private person to which access is not specifically granted by the state franchise.*

(3). *No permit issued by the City to a state franchise holder is itself a franchise, nor shall any permit create a vested right that would prohibit the City from revoking or amending the permit.*

(C). Compliance with City Ordinances. Nothing contained in Chapter 5 shall be construed so as to exempt a state franchise holder from compliance with all ordinances, rules or regulations of the City now in effect or which may be hereafter adopted which are consistent with this Chapter 5 or Ordinance 04-04 or California Public Utilities Code section 5800 et seq., or any obligations under any franchise issued by the City insofar as those obligations may be enforced under California Public Utilities Code section 5800 et seq.

(D). Compliance with DIVCA. When a video service provider holding a state franchise provides notice to the City pursuant to 5840(m) of DIVCA that it is commencing to provide video service to the City, a holder of a local franchise is entitled to seek a state franchise pursuant to 5930 (c) and the upon issuance of a state franchise by the California Public Utilities Commission for the franchise area the local franchise shall terminate.

## **§5.02 DEFINITIONS**

(A). Definitions Generally -- Interpretation of Language. For purposes of Chapter 5 the following terms, phrases, words, and their derivations shall have the meaning given in this Section. Words not defined in this Section shall have the same meaning as established in: (1) DIVCA, and if not defined therein, (2) California Public Utilities Commission rules implementing DIVCA, and if not defined therein, (3) Title VI of Title 47 of the Communications Act of 1934, as amended, 47USC § 521 et. seq., and if not defined therein (4) their common and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and "including" and "include" are not limiting. The words "shall" and "will" are always mandatory, but the use of those terms grants no private rights to any person with respect to the City. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law referred to herein are renumbered, then the reference shall be read to refer to the renumbered provision. References to laws, ordinances or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances and regulations now in force or hereinafter enacted or amended.

(1.) "Gross revenues" means all revenues actually received by the holder of a state franchise or its affiliates that are derived from the operation of the holder's network to provide cable service or video service within the incorporated areas of the City.

(2.) "PEG access," or "PEG" means the availability of a cable or state franchise holder's system for public, educational, or governmental use by various agencies, institutions, organizations, groups, and individuals, including organizations, groups, or individual members of the general public, educational institutions, and the City and its designated access providers, to acquire, create, and distribute programming not under a state franchise holder's editorial control.

(3.) "State franchise holder" means a cable operator or video service provider that has been issued a franchise by the California Public Utilities Commission to provide cable service or video service, as those terms are defined in California Public Utilities Code section 5830, within any portion of the incorporated limits of the City.

**§5.03 FRANCHISE FEES**

(A). State Franchise Fees. Any state franchise holder operating within the incorporated areas of the City shall pay to the City a state franchise fee equal to five percent (5%) of gross revenues that may be subject to a franchise fee under California Public Utilities Code section 5860.

(B). Payment of Franchise Fees. The state franchise fee required pursuant to this Chapter 5 shall be paid quarterly, in a manner consistent with California Public Utilities Code section 5860. The state franchise holder shall deliver to the City, by check or other means, which shall be agreed to by the City, a separate payment for the state franchise fee not later than forty-five (45) days after the end of each calendar quarter. Each payment made shall be accompanied by a report, detailing how the payment was calculated, and shall include such additional information on the appropriate form as designated by the City.

(C). Examination of Business Records. The City may examine the business records of the holder of a state franchise in a manner consistent with California Public Utilities Code section 5860(i).

(D). Late Payments. In the event a state franchise holder fails to make payments required by this Chapter 5 on or before the due dates specified herein, the City shall impose a late charge at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%).

**§5.04 CUSTOMER SERVICE**

(A). Customer Service Standards. A state franchise holder shall comply with Sections 53055, 53055.1, 53055.2 and 53088.2 of the California Government Code; the FCC customer service and notice standards set forth in Sections 76.309, 76.1602, 76.1603, and 76.1619 of Title 47 of the Code of Federal Regulations; Section 637.5 of the California Penal Code; the privacy standards of Section 551 of Title 47 of the United States Code; and, to the extent consistent with DIVCA, all other applicable state and federal customer service and consumer protection standards pertaining to the provision of video service, include any such standards hereafter adopted. In case of a conflict, the stricter standard shall apply. All customer service and consumer protection standards under this paragraph shall be interpreted and applied to accommodate newer or different technologies while meeting or exceeding the goals of the standards.

(B). Penalties for Violations of Standards. The City shall enforce the compliance of state franchise holders with respect to the state and federal customer service and consumer protection standards set forth in this Chapter 5. The City will provide a state franchise holder with a written notice of any alleged material breaches, as defined in California Public Utilities Code section 5900, of applicable customer service or consumer protection standards, and will allow the state franchise holder 30 days from the receipt of the notice to remedy the specified material breach. Material breaches not remedied by a state franchise holder within the 30-day time period, irrespective of the number of customers affected, will be subject to the following penalties to be imposed by the City:

(1.). For the first occurrence of a material breach, a fine of \$500 may be imposed for each day the violation remains in effect, not to exceed \$1,500 for each violation.

(2.) For a second material breach of the same nature within 12 months, a fine of \$1,000 may be imposed for each day the violation remains in effect, not to exceed \$3,000 for each violation.

(3.) For a third material breach of the same nature within 12 months, a fine of \$2,500 may be imposed for each day the violation remains in effect, not to exceed \$7,500 for each violation.

(C.) Any penalties imposed by the City shall be imposed in a manner consistent with California Public Utilities Code section 5900.

#### **§5.05 PERMITS AND CONSTRUCTION**

(A.) Except as expressly provided in this Chapter 5, all provisions of existing ordinances of the City of Ferndale (Streets and Sidewalks), and all City administrative rules and regulations developed to any of these provisions, as now existing or as hereafter amended, shall apply to all work performed by or on behalf of a state franchise holder on any City public rights-of-way, public property, or City easement.

(B.) Permits. Prior to commencing any work for which a permit is required by Title IX Chapter 98, a state franchise holder shall apply for and obtain a permit in accordance with the provisions of Chapter 20 and shall comply with all other applicable laws and regulations, including but not limited to all applicable requirements of Division 13 of the California Public Resources Code, section 21000, et seq. (the California Environmental Quality Act).

(C.) The City Council of the City of Ferndale shall either approve or deny state franchise holder's application for any permit required under Title IX Chapter 98 within sixty (60) days of receiving a completed permit application from the state franchise holder.

(D.) If the City Council of the City of Ferndale denies a state franchise holder's application for a permit, the City Council of the City of Ferndale shall, at the time of notifying the applicant of denial, furnish to the applicant a detailed explanation of the reason or reasons for the denial.

(E.) A state franchise holder that has been denied a permit by final decision of the City Council of the City of Ferndale may appeal the denial to the City Council. Upon receiving a notice of appeal, the City Council shall take one of the following actions:

(1.) Affirm the action of the City Council of the City of Ferndale without any further hearing; or

4. (2.) Refer the matter back to the City Council of the City of Ferndale for further review with or without instructions

(F.) In rendering its decision on the appeal, the City Council shall not hear or consider any argument or evidence of any kind other than the record of the matter received from the City Council of the City of Ferndale unless the City Council is itself conducting a public hearing on the matter.

(G.) The issuance of a permit is not a franchise, and does not grant any vested rights in any location in the public rights-of-way, or in any particular manner of placement within the rights-of-way.

*Without limitation, a permit to place cabinets and similar appurtenances aboveground may be revoked and the permittee required to place facilities underground, in accordance with applicable law.*

#### **§5.06 EMERGENCY ALERT SYSTEM**

*Each state franchise holder shall comply with the emergency alert system requirements of the Federal Communications Commission in order that emergency messages may be distributed over the state franchise holder's network. As such capability was required under local franchises in effect in the City on January 1 to December 30, 2006 and as consistent with Public Utilities Code Section 5880, each state franchise holder shall install and maintain equipment to allow the Humboldt County Emergency Management Office to air audio and video messages on the video system to alert Subscribers to emergency situations. This capability shall be remotely activated without the assistance of the state franchise holder and shall allow a representative of the City to override the audio and video on all channels, except those where Grantee has, consistent with FCC regulations, agreed with the broadcaster, not to override the channel for EAS messages.*

#### **§5.07 PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS CHANNEL CAPACITY, SUPPORT, INTERCONNECTION, AND SIGNAL CARRIAGE**

(A.) PEG Channel Capacity.

(1.) *A state franchise holder shall designate a sufficient amount of capacity on its network to allow the provision of four (4) PEG channels to satisfy the requirement of section 5870 of the California Public Utilities Code, within the time limits specified therein.*

(2.) *A state franchise holder shall provide an additional PEG channel when the City satisfies the standards set forth in Section 5870(d) of the California Public Utilities Code or any entity designated by the City to manage one or more of the PEG channels.*

(B.) PEG Support.

(1.) Amount of PEG Support Fee. *Any state franchise holder shall pay to the City -- or if directed by the City, to the City's designated PEG provider -- a PEG fee equal to three (3%) percent of gross revenues, an amount equivalent to the level of PEG funding remitted by the incumbent cable operator to the City's designated PEG provider during the period of January 1, 2006 to December 30, 2006.*

(2.) *The PEG support fee shall be used for PEG activities, in a manner that is consistent with the terms of the incumbent cable operator's franchise during the period of January 1, 2006 to December 30, 2006 and settlements.*

(3.) *A state franchise holder shall remit the PEG support fee quarterly, within forty-five days after the end of each calendar quarter. Each payment made shall be accompanied by a summary, detailing how the PEG support fee was calculated.*

(4). *In the event that a state franchise holder fails to pay the PEG support fee when due, or underpays the proper amount due, the state franchise holder shall pay interest at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%), or the maximum rate specified by state law.*

(C). PEG Carriage and Interconnection.

(1). *As set forth in Sections 5870(b) and 5870(g)(3) of the California Public Utilities Code, state franchise holders shall ensure that all PEG channels are receivable by all subscribers, whether they receive digital or analog service, or a combination thereof, without the need for any equipment other than that needed to receive the lowest cost tier of service. PEG access capacity provided by a state franchise holder shall be of similar quality and functionality to that offered by commercial channels (unless the PEG signal is provided to the state franchise holder at a lower quality or with less functionality), shall be capable of carrying a National Television System Committee (NTSC) television signal, and shall be carried on the state franchise holder's lowest cost tier of service. To the extent feasible, the PEG channels shall not be separated numerically from other channels carried on the lowest cost tier of service and the channel numbers for the PEG channels shall be the same channel numbers used by any incumbent cable operator, unless prohibited by federal law. After the initial designation of the PEG channel numbers, the channel numbers shall not be changed without the agreement of the City unless federal law requires the change.*

(2). *Where technically feasible, each state franchise holder and each incumbent cable operator shall negotiate in good faith to interconnect their networks for the purpose of providing PEG programming. Interconnection may be accomplished by any means authorized under Public Utilities Code section 5870(h). Each state franchise holder and incumbent cable operator shall provide interconnection of PEG channels on reasonable terms and conditions and may not withhold the interconnection. If a state franchise holder and an incumbent cable operator cannot reach a mutually acceptable interconnection agreement for PEG carriage, the City may require the incumbent cable operator to allow each state franchise holder to interconnect its network with the incumbent cable operator's network at a technically feasible point on the state franchise holder's network as identified by the state franchise holder. If no technically feasible point of interconnection is available, each state franchise holder shall make interconnection available to each PEG channel originator programming a channel in the City and shall provide the facilities necessary for the interconnection. The cost of any interconnection shall be borne by each state franchise holder requesting the interconnection unless otherwise agreed to by the parties.*

#### **§5.08 NOTICES**

(A). *Each state franchise holder or applicant for a state franchise shall file with the City a copy of all applications or notices that the state franchise holder or applicant are required to file with the California Public Utilities Commission.*

(B). *Unless otherwise specified in this Section, all notices or other documentation that a state franchise holder is required to provide to the City under this Section or the California Public Utilities Code shall be provided to both the City Manager and the City staff person in charge of cable and telecommunications, or their successors or designees.*

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ARTICLE 2: INCONSISTENCY OR CONFLICT:

To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior city ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

ARTICLE 3: SEVERABILITY:

If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

ARTICLE 4: EFFECTIVE DATE:

This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption.

ARTICLE 5: POSTING REQUIREMENTS:

The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

ARTICLE 6: ENACTING DATE AND SIGNATURES

Passed, approved and adopted by the City Council of the City of Ferndale at a regular meeting on March 3, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Jeffrey Farley, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Kaytis-Slocum, City Clerk

First Reading:           February 3, 2011  
Second Reading:       March 3, 2011  
Enacted:                 April 4, 2011

Meeting Date:	February 3, 2011	Agenda Item Number	11f
Agenda Item Title:	Resolution 2011-08 Approving the use of the amended Rosenberg's Rules of Order		
Presented By:	City Manager Jay Parrish		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input checked="" type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

**RECOMMENDATION:**

Approve Resolution 2011-08 Accepting and Adopting the use of the amended Rosenberg's Rules of Order.

**BACKGROUND:**

As staff assembled the City Council Reference Book, it was noted that the Rosenberg's Rules of Order, as shown on David Rosenberg's webpage, had been amended to include information about Counting Votes, Establishing a Quorum and Counting Abstention Votes. The original rules, not amended, were accepted by Resolution 2010-49. This resolution accepts and adopts the use of the amended Rosenberg's Rules of Order.

**RESOLUTION NO. 2011-08**

**A RESOLUTION OF THE CITY OF FERNDALE  
TO ADOPT THE AMENDED ROSENBERG’S RULES OF ORDER**

**WHEREAS**, California Government Code §36813 authorizes the council to establish rules; and

**WHEREAS**, Said rules may be enacted by Resolution; and

**WHEREAS**, the presiding officer has a duty to enforce the law or rules applicable to the City Council, keep order and follow the course of the proceedings; and

**WHEREAS**, The Rosenberg Rules of Order have been recommended by the League of California Cities and are being used by many cities in California as acceptable, easy to understand Rules, and

**WHEREAS**, The City Council , by Resolution 2010-49 has adopted and agreed with the use of Rosenberg’s Rules of Order; and

**WHEREAS**, The Rosenberg’s Rules of Order were amended by David Rosenberg to include information about Counting Votes, Establishing a Quorum and Counting Abstention Votes.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Ferndale that Rosenberg’s Rules of Order, as amended, are hereby accepted and adopted.

**PASSED AND ADOPTED** by the City Council of the City of Ferndale on the 3<sup>rd</sup> day of February, 2011 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

\_\_\_\_\_  
Jeffrey Farley, Mayor

**Attest:**

\_\_\_\_\_  
Nancy Kaytis-Slocum, City Clerk

## Section 12

### CORRESPONDENCE

**Correspondence Files are available for review at City Hall during regular business hours, Monday through Thursday, 9am to 4pm.**

December 31, 2010,

Dear Nancy Kaytis-Stowm,

On behalf of the Ferndale Community Pride 4-H Project Group I would like to thank you for your help in making the 2010 Ferndale Christmas Tree Lighting Program a success.

It is truly a community project.

Sincerely,

Danielle Hansen

## **Section 13**

### **REPORTS**

#### ***Section 13a: City Manager Staff Report***

#### **CITY MANAGER:**

##### ***Meetings and Projects:***

- Kiwanis meeting 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of the month at 4:30 pm
- RCEA meeting- 3-5 pm 1/10th Smart meters and EECDBG grants. Last meeting show of appreciation for retiring ED David Boyd.
- HMRA meeting- 4:30-6:00 pm.
- City Council Meeting – Jan 6th- 6-9:30 pm. Closed session CM evaluation
- Met with citizen interested in donating trees to replace trees around city hall. Numerous discussions with him and committee, and have decided to talk with Mary Gearheart a landscape architect to complete final decision on tree replacement. We reached agreement and we continue replacing hawthorns with Maytens. Public Works will remove trees and stumps and dig holes and we will have the trees planted by a professional. We will also have new benches placed in the City Green soon after the trees are planted.
- Met with construction manager and Manhard District manager to go over monthly pay request. Also went over construction progress, and change order. Should be pouring tank walls before council meeting.
- Meeting of Fresnel Lens committee to go over cost estimates developed by DCI and drawings by Doug Brown of an addition to Museum building to house lens. We are thinking of putting that addition in the front of the museum so that it would be one of the main attractions.
- Meeting of Housing Committee; Numerous meetings with consultant and ad hoc committee regarding the next steps in the housing process. Many conversations with Don Hindley, Phil Aycock, Elizabeth Conner, and Russ Harris from NVB regarding the proper process for the City to go through for the renovation loan.
- Went over the SEP project the City is responsible for and put together a letter to RWQCB to ask for an extension of a couple years that should allow us to complete our portion as the dredging goes by our facility. We are waiting for regional staff to get back to us with their suggestions and comments. Regional representative is still looking at our proposal and has said that we are not under any time restraints.
- Meeting with SRRP designers regarding some possible changes to the project around our WWTF. Also discussed having Doug and I help with some outreach efforts with Francis Creek property owners. I met with Rick Sousa and spent several hours going over the SRRP. Also met with NRC and Rick a few days later to go over the same as it relates to his father's property.

- Meeting with Praj and Annje going over an overall capital improvement plan for our entire infrastructure. Also went over PED project.
- Numerous meetings with individual councilmen and the mayor regarding City issues. We had a joint session of the CC and the PC to go over protocol and the Rosenberg Rules of Order.
- Daily interaction with Police Chief regarding City and citizen issues.
- City Managers Meeting- 1/20th 3-5pm
- Daily meetings with Public Works in morning to go over daily activities.
- Daily discussions and updates on City Council agenda items and city issues with City Clerk and Treasurer.
- Continuing the general plan process in the PC meetings. Attended PC meeting and we went over the Historic and Cultural element and had Tony Smithers and Dane Cowan give presentations on historical integrity, authenticity, tourism and appropriate maintenance.
- Number of conversations with Karen Ringel of Navy about conveyance issues. Market study is underway and is supposed to be done by Feb. 11<sup>th</sup>. As of a conversation with Karen Ringel on Jan 25<sup>th</sup>, she indicated she was having some delays on environmental side of things. We have been keeping a list of applicants for rentals and we have somewhere around 70.
- Daily interaction with City Finance Supervisor on budget and department interaction to explain use of funds. Should be receiving our annual audit anytime.
- Numerous discussions with Curtis Ihle from RCD regarding the Salt River Project and the Watershed Council and working with property owners.
- Met with CPO regarding the annual inspection of collection system to reduce I&I. We annually do a flow test in February to identify problem areas.
- Review of the last four years in preparation for a study session with council that will look at past goals and accomplishments, as well as establish future goals.
- Daily interaction with members of the Housing committee, utility companies, and construction companies regarding renovation estimates and development of specs. We have received one proposal to help us do the renovation specs, however we are still developing the exact scope of work we should do for occupation and compliance. We desire to keep our loan request as low as possible while at the same time addressing as many needs as we can before occupation.
- A number of conversations with executive director of PARSAC, regarding the Housing project.
- We endured a lot of construction this month at City Hall with many improvements in our lounge, council chambers and kitchen. We would like to thank the Village club and the Lytle foundation for all they do.
- Conversations with Karen Ringel regarding Housing and ability to have access to housing for inspections. We did receive a set of keys on the 20<sup>th</sup> of January.
- Meeting with Marketing consultant and go over the process.
- Meeting with citizen who is interested in making deal with City regarding our police cars.
- Met with Dick Hooley, George Nichols and Elizabeth Conner regarding renovation costs.
- Number of conversations with Mary Ann Bansen regarding Community Center and Ferndale Housing.
- Number of conversations with Children's Center representatives regarding building and contract.
- Met with Amerigas to go over possible proposal to serve gas in complex.

**CITY CLERK:*****Meetings***

- City Council Meeting – 12/2/10 and 1/6/11
- Drainage Committee Meeting – No meeting in December or January
- Design Review Committee Meeting – 12/9/10 – transcribed minutes from acting recording secretary. 1/13/11 – attended meeting with Administrative Assistant to teach her how to take minutes.
- Planning Commission Meeting – No meeting in December; January meeting will be a joint meeting of the Planning Commission and the Design Review Committee on 1/26/11
- Meetings with City Manager regarding daily work schedule.

***Council Meeting Follow Up***

- Filed Council minutes for November 4, November 18 and December 2, 2010
- Filed Resolution 2010-53 Approval of 4<sup>th</sup> Progress Pay Request for Management and Construction Related Costs for the WWTP
- Filed Resolution 2011-01 Certifying the November 2, 2010 Election
- Filed Resolution 2011-02 Approval of 5<sup>th</sup> Progress Pay Request for Management and Construction Related Costs for the WWTP
- Filed Resolution 2011-03 Establishing Meeting Schedule for 2011
- Filed Resolution 2011-04: Annual Parades and events street closures
- Made corrections to Ordinance 2011-01 Building Inspector – Construction Code Ordinance and set it for a 2<sup>nd</sup> reading and possible adoption during the February meeting.
- At the City Council's January 6<sup>th</sup> direction, prepared Resolution 2011-05: Appointment of the City Council as the Board of Directors for the Non-Profit Organization called Ferndale Housing.

***Projects***

- Continue to handle front-desk questions and customers; answering questions for and to assistant.
- Training Assistant
  - Building Permits
  - Daily and weekly duties
  - City Clerk duties
  - Design Review Committee: follow-up to minutes for Design Review, including adding new items to the Planning Commission agenda, as well as the next Design Review agenda; writing letters to applicants whose projects were before the Committee
  - City's Retention Schedule
- Collecting information from Building Permit holders who have not called for a final inspection.
- Wrote letter to home owner on Eugene Street regarding fencing over the 6' maximum allowed.
- Filed Monthly Report of Building or Zoning Permits issued for New Privately-Owned Housing Units
- Filed yearly California Department of Finance Housing Unit Change Form
- Filed Quarterly Construction Project Report to the Department of Commerce
- Reviewing files on which assistant has determined dates for retention.
- Completed and filed seismic hazard mapping fee report.
- Assemble the City Council Reference Book – review with City Manager
- Conferring with FPPC on Form 700's for city officials and staff
- Assembled Planning Commission packet for January 26, 2010 meeting

- Scanned and assembled Design Review Committee packet for January 26, 2010 meeting

***Building and Encroachment Permits Issued***

747	Van Ness	Cut sidewalk to install drainage pipes for roof drains
989	Milton	Standby Generator
1362	Main	Change Roofline, Add Bathroom
1238	Main	Residential rear, demo and rebuild
1060	Fifth Street	Second Dwelling Unit
950	Grant	Single Family Residence 3brm, 3car gar
404	Schley	Replace water heater with tankless propane heater
435	Brown	Sprinkler System
565	McKinley	Remodel kitchen, change bathroom fixtures
989	Milton	New equipment cabinet, 3 new antenna, replace 6 antenna
703	Main	Install new window

**FINANCIAL MANAGER/DEPUTY CITY CLERK:**

***Meetings***

- City Council Meeting
- Meet with Jay regularly on Office Matters

***Projects***

- Payroll
- Accounts Payable
- Accounts Receivable
- Answer Phones/Greet Visitors
- Purchase Various Supplies
- Issue Building Permit
- Process incoming Mail Daily
- Prepare and Send out Dept. Investment Letter
- Prepare and Send out Cal Trans Street Sweeping Letter
- Prepare and Send out Coast Guard Housing billing for Patrol
- 1099 Reporting
- Update Payroll Tax Table
- Receive and File LAIF Report
- Receive and File December Financial Reports
- Calculate 98 Fema total received
- Run Statements and Balance Statements

**CITY PLANNER:*****Meetings & Planning Materials***

- Coordinated with City Manager and City Clerk on planning and development projects.
- Responded to subdivision questions from property owners.

***Projects***

- South end of Francis Street (Hadley) - Exception to Development Standards Permit for an eight foot tall fence. Prepared public notice and Staff Report for 1/26 Planning Commission hearing.
- Housing Element Update - Completed responses to Dept. of Housing and Community Development (HCD) comments, completed tracking sheet of proposed Element revisions and submitted to HCD (12/29).
- General Plan Update - Historic & Cultural Resources Element - Continued preparation of new element. Prepared and distributed public notice materials for 1/26 PC & DRC meeting including newspaper advertisement and radio announcement. Coordinated with City Staff to confirm presenters and develop an agenda.

**CITY ENGINEER:**

- Sewer Projects: New Sewer Manholes Main Street, Cleanouts other locations –
  - Caltrans Encroachment Permits
- Pedestrian Improvement Project –
  - Coordination with Tim Miranda and Jay
  - Construction Documentation
- Applications –
  - Finalize Keyes LLA, correspondence with applicants surveyor, Notice of LLA delivered to Recorder's Office
  - Review Pidgeon Soils Report (Building in Hamper's Subdivision)
  - Review Soils Report for Betsy Anderson
- General Engineering –
  - ARRA reporting for Pedestrian Improvement Project
- Meetings and Committees –
  - No meetings during December
- Reporting and Correspondence –
  - Prepared monthly staff report
  - General correspondence and meetings with City Staff
- HCOAG – TAC
  - Bicycle Plan Update

**PUBLIC WORKS:*****CITY PROPERTY***

- Firemen's Park
  - Routine Maintenance, i.e. Mowing Park and Baseball Field.
  - Routine daily walk through to pick-up garbage.
  - Mowed the Bocce area and Baseball Field.
  - Installed new flags
- Park Restrooms
  - Routinely cleaned every day of the week including weekends.
- Russ Park
  - Routine maintenance: Pulling out trash from trash & recycle bins daily.
  - Picked-up loose garbage from Russ Park.
- Town Hall
  - Routine mowing and weed eating
  - Pull out trash daily
  - Installed new flags.
- Library
  - Routine mowing and weed eating
- City Parking Lot
  - Picked up garbage – Routinely as least once a week unless otherwise warranted.
  - Patched holes in the parking lot.
  - Replaced street light photo cell in the parking lot.
  - Changed out dead lights in the street lights in the parking lot.
  - Installed new flags.
  - Unplugged the drains.
- Main Street Restrooms
  - Routine maintenance: Daily cleaning and stocking of Main Street Restrooms – 7 days a week.
  - Installed new dead bolt lock.
- Community Center
  - Routine checking of CC when the facility is rented before and after.
  - Put on new carpet sliders on Lattice partition.
  - Eureka Oxygen did a range hood service in the kitchen.
  - Inventoried all kitchenware, tables and chairs.
- Police Department
  - Routine mowing and weed eating
  - Put in a new flag pole
  - Installed new flags
- Scout Hall - Routine mowing and weed eating

***STREETS AND SIDEWALKS***

- Roadsides - Routine mowing and weed eating
  - Cleaned the ditch at the Catholic Cemetery
- Routine maintenance: Regular maintenance of roadside mowing.
- Routine picking up trash at the edge of town.

- Routine maintenance: Continuing to pick-up piles around town as resident call and request removal.
- Routine maintenance: Sweep Main St., Monday, Wednesday and Friday mornings.
- Marked out USA locates throughout town – when needed.
- Met with City Engineer regarding the sidewalk and road rehab on Herbert St.
- Ordered new school street signs for Shaw Ave. (Fluorescent Yellow – regulation)
- Graded and filled the PD driveway.
- Filled all holes on Eugene St.
- Recommended that few trees be taken out on Eugene St. and the road properly cleaned and graded – weather permitting (spring time).
- Patched the alley behind Valley Grocery
- Overlaid some asphalt on the Wildcat.– The road is cracking pretty badly.
- Continue to patch roads as needed.
- Picked up some Christmas trees around town. – The first two weeks of January.
- Sprayed the road and street gutters throughout town.
- Cleaned out the ditch behind Ferndale Meat
- Loaded and hauled away old stumps from East Arlington Ave.
- Replace 15 mph signs at Ocean by the school.
- Dug a trench on west Fern for water flow.
- Storm Drains
  - Removed debris from all the drains around town. – four times a week the first two weeks of January.

#### ***VEHICLE / EQUIPMENT MAINTENANCE***

- Routine monthly maintenance and weekly maintenance on frequently used equipment.
- Picked up new chains for pole saws.
- Wildwood fixed the hedge trimmer
- Fixed a broken high pressure oil hose on back hoe.

#### ***MISCELLANEOUS***

- Routine paperwork
- Dealing with daily work orders as residents call.
- Viewed Safety videos.
- Went to Bay West to pickup supplies
- City has one community service worker
- Removed a dead deer from Shaw House Inn
- Removed a dead deer from Ferndale Housing
- Repaired the old barricades the city owns

**WASTEWATER OPERATIONS:**

- Prepared monthly sample containers
- Completed ARRA quarterly report with Angela Whitten from Cal Rural Water. This report pertains to the funding from USDA for the WWTP project
- Operator Coppini spent time preparing for the Grade 3 certification exam that he is planning to take in April.
- Sent in Operator Coppini's registration for Grade 3 Exam
- Registered Operator Coppini for a Grade 3 exam preparation class in Vacaville
- CPO spoke with realtor regarding a sewer lateral inspection at 557 Shaw Ave. Inspection was completed more than three years and will need to be tested again.
- CPO and City Manager met with Ken Wahlund and Kent regarding WWTF and working together and being fair related to time delay.
- Filled out POs for monthly invoices
- Trouble call at 557 Shaw Ave. Staff tried to clear the line with the jetter to no avail. Our equipment got stuck twice so we called Roto Rooter. RR came and cleared the line. Staff performed a video inspection of the line and found that there was a severe offset approximately 6" from the cleanout which belongs to 557 Shaw. On further inspection it was found that the clay lateral connects to SDR and makes a 75° turn toward the main, with a 1" offset on the bottom of the connection. The top of the pipe is broken and allowing debris to accumulate in the bottom of the pipe next to the offset which keeps the debris from exiting the pipe. We pushed the camera from an upper lateral cleanout at 551 Shaw and confirmed that the two houses have separate lines but there is no lower cleanout for 551. The two laterals are about 2 feet apart at the main and 551 has a similar problem as 557. We also found a couple root balls in the upper lateral of 551 and notified the owner. This is a priority to get fixed this spring or summer.
- CPO truck serviced at Harper Motors
- CPO meeting with Praj White of Manhard to talk about paving and general plan changes of parking and walkways at WWTF.
- Ongoing inspection and site visits to WWTP construction site.
  - UV channel outside wall was poured
  - Equipment pads were poured
  - Installation of forms for aeration tank began
- Monthly meeting with City Manager, Debbie Coggins (USDA) and Kent Hanford(Manhard) to discuss the current payment request for the USDA loan.
- CPO attended CWEA monthly board meeting in Eureka.
- City Manager & CPO spoke with Cecile Morris from Regional Board regarding our Supplementary Environmental Project(SEP) from 2006. Regional is reviewing an updated SEP for the dredging of Francis Creek.
- CPO assisted in office answering phones and helping customers while office staff gone.
- Downloaded video files from January City Council meeting. Edited files and burned to DVD for archiving.
- CPO cleaned office and archived old files.
- CPO reviewed and signed daily operation sheets for WWTF
- CPO performed the daily operation of WWTP during operator Coppini's scheduled day off.
- Completed and mailed monthly Self Monitoring Report to the Regional Board
- Operator Coppini performed general maintenance around the facility

- Operator Coppini filed online SSO report.
- Operator Coppini performed the normal in-house weekly and monthly testing and scheduled lab work to be done.

December 2010 Flows	Average	Minimum	Maximum
Influent MGD	.884	.504	1.735
Effluent MGD	1.146	.615	2.445

### **POLICE DEPARTMENT:**

- Officer Franks continues to work with Fortuna PD and Rio Dell PD regarding an Alcohol Beverage and Control grant. The grant provides for training, education and enforcement of ABC violations.
- Chief Smith attended Kiwanis meetings/functions.
- Officer Hynes was awarded his California Peace Officers Standards and Training Intermediate Certificate by the State.
- Officer Frank was awarded her California Peace Officers Standards and Training Basic Certificate by the State.
- The Department is beginning to receive equipment from a Homeland Security Grant. We received a digital projector and electric screen that will allow Power Point presentations. This equipment will be housed a City Hall.
- Chief Smith continues to research Medical Marijuana Dispensary issues.
- Chief Smith provided a public safety presentation to several local fire departments in Eureka.
- Chief Smith attended the monthly LECAH meeting.
- Chief Smith was elected the president of LECAH for 2011.
- Officer Diaz attended the monthly LETMA meeting.

### ***Police Statistics – December 2010***

SERIOUS CRIMES	Number	Cleared
Homicide	0	
Rape	0	
Robbery	0	
Larceny	3	
Assault	0	
Burglary	0	
Vehicle Theft	0	
TOTAL	3	
SECONDARY CRIMES	3	
Calls for Service	57	
Reports Written	10	
Traffic Citations	17	
Other Citations	0	
Parking Citations	4	
Warnings	40	
ARRESTS	2	
AGENCY ASSISTS	17	
TRAFFIC COLLISIONS	0	

## Section 13b: Commissions, Committees and Others

**City of Ferndale, Humboldt County, California USA**  
Design Review Minutes for the 11/18/10 8:30am meeting

Chair Dan Brown opened the meeting at 8:35 a.m. Committee Members Michael Bailey, Michael Sweeney, Dane Cowan and Lino Mogni were present. There were no modifications to the agenda.

The minutes from the October 28, 2010 meeting were approved by MOTION: (Sweeney/Bailey). All in favor. There was no public comment.

984 Tennyson Avenue: MOTION: (Bailey/Sweeney) Approve the exterior paint colors for 984 Tennyson. All in favor.

Michael Sweeney spoke on Public Awareness and Education on Historic Preservation and Design Review. The committee asked that the idea for an inventory of Historic Structures be presented to the Planning Commission.

The next regular meeting is scheduled for January 27, 2011, unless a special meeting is warranted. The meeting was adjourned at 9:40 a.m.

Respectfully submitted:

Transcribed by Nancy Kaytis-Slocum, City Clerk  
from  
Dane Cowan, Recording Secretary

**City of Ferndale, Humboldt County, California USA**  
Design Review Minutes for the 12/09/10 8:30am meeting

Vice Chair Dane Cowan opened the meeting at 8:40 a.m. Committee Members Lino Mogni and Michael Sweeney were present. Michael Bailey and Dan Brown were absent. There were no modifications to the agenda.

1362 Main Street – new roof line: MOTION: (Mogni/Sweeney) Approve removing old hip roof and adding gable roof at 1362 Main Street. All in favor.

335 Ocean Avenue – new exterior paint: MOTION: (Sweeney/Mogni) Approve exterior paint colors. All in favor.

Meeting adjourned 8:55 am.

Respectfully submitted:

Transcribed by Nancy Kaytis-Slocum, City Clerk from Dane Cowan, Recording Secretary

**City of Ferndale, Humboldt County, California USA**  
Design Review Minutes for the 01/13/11 8:30am meeting

Chair Dan Brown opened the meeting at 8:33 a.m. Committee Members Dane Cowan, Lino Moggi, Michael Sweeney and Michael Bailey, along with staff City Clerk Nancy Kaytis-Slocum and Administrative Assistant Brianna Smith were present. There were no modifications to the agenda.

There was no public comment.

703 Main Street: Picture Window. MOTION: (Cowan/Bailey) Multi-light windows with a minimum of six lights (panes) and casing and treatment should be consistent with multi-light windows on east facing wall. All in favor.

492 Main Street: Sign. MOTION: (Brown/Bailey) Approve sign at 492 Main Street; remove existing hanging real estate sign. Any additional signs need to be approved by Design Review Committee. All in favor.

Other items discussed were adding the following to the planning commission agenda: does the city want a historical record of architecture (records of demolitions, additions, remodels, etc); public education; code enforcement issue. Add Theater Marquee Demolition to The Design Review Committee agenda.

The next meeting will be a joint meeting with the Planning Commission on January 26, 2011 at 7:00 p.m. The meeting was adjourned at 9:15 a.m.

Respectfully submitted:

Brianna Smith  
Administrative Assistant

**City of Ferndale, Humboldt County, California USA**  
Minutes for Planning Commission Meeting of November 17, 2010

Call to Order: Chair Jorgen Von Frausing-Borch called the Regular Planning Commission meeting at 7:05 p.m. Commissioners Trevor Harper, Dan Brown, and Nancy Trujillo as well as City Manager Jay Parrish, City Clerk Nancy Kaytis-Slocum and City Planner Vanessa Blodgett were present. Lino Mogni was absent. Those in attendance pledged allegiance to the flag.

Under Commissioner Comments the Chairman welcomed Trevor Harper as the new commissioner.

MOTION: (Brown/Trujillo): The September 15, 2010 minutes were unanimously approved.

PUBLIC HEARING: The Chair opened the Public Hearing for an Exception to Development Permit at 305 Lincoln Ave. (RSB5) City Planner Blodgett presented the item. A neighbor questioned exactly where the barn would be situated. The Public Hearing was closed. MOTION (Brown/Trujillo) Adopt Resolution No. PC 2010-51 making the required findings of fact listed in Attachment A, and approve the Exception to Development Standards Permit, subject to the conditions of approval listed in Attachment B to allow for a 22 foot tall horse shelter/storage barn, at 305 Lincoln Avenue. All in favor.

General Plan Public Outreach Strategy: City Planner Blodgett explained the Historic and Cultural Resources Element Community Outreach strategy. The Chair asked that the staff try to put the public hearing on the December Planning Commission agenda, but no later than January.

Sub Committee to look at specific Ordinance and Procedure Changes: Commissioner Trujillo reported that this is still in the works.

Home Occupation Permits: Staff Kaytis-Slocum reported that this is still in the works.

Political Signs: There was some discussion between the commissioners regarding political signs. Commissioner Harper pointed out the commercial signage is cumulative and suggested that staff research city ordinances rather than county ordinances. Commissioner Brown asked that the research be for signage in Historic Towns. Staff was requested to bring back additional information on this issue.

The Mills Act: City Manager Parrish explained that staff had asked direction from the City Council regarding the Mills Act, and whether to expend staff time on it. He read some information from the City of Eureka regarding the Mills Act. Discussion followed with some interesting points: schools may not be affected by the loss of property tax. Would the city create an annual inspection fee? The contract would be between the City and the property owner. The Mills Act would encumber the property owner, but what do other property owners get out of it? The Commissioners felt that staff should continue looking at this.

Commissioner Comments: The Chair wondered if all committees and commissions would be subject to the Rosenberg Rules of Order, as they were adopted at the last City Council Meeting. Staff was requested to create copies of the Rules of Order for the Commissioners. Staff was requested not to use initials or abbreviations in the minutes. The Commissioners requested copies of the Education material Michael Sweeney put together for the Design Review Committee. Planner Blodgett also requested a copy. The meeting was adjourned at 8:05pm.

Respectfully submitted:

Nancy Kaytis-Slocum, City Clerk

## Section 13c: Council Reports and Comments

### HUMBOLDT WASTE MANAGEMENT AUTHORITY

Councilman Maxwell, our representative on the JPA Humboldt Waste Management Authority (HWMA) Board of Directors, has requested that staff place this item on our agenda. The HWMA Board of Directors will be meeting on February 10 at 6:30 PM to consider two recycling processing proposals among other agenda items. This agenda item is for information purposes only, consistent with other HWMA board members bringing this item to the attention of their respective city councils. Councilman Maxwell requests that no one representing either Arcata Community Recycling Center or Solid Waste of Willits speak at this meeting. Such contact with board members is prohibited as part of request for proposals process. All the information presented below and any statements made by Councilman Maxwell will be publically available knowledge. He encourages all interested parties to attend the HWMA board meeting on February 10.

The information below was copied from pp. 47-50 and p. 64 of the January 13, 2011 HWMA board packet. HWMA Board members will have considered additional information in this board packet, plus hundreds of pages of other materials provide to HWMA Board members.

#### 1. Background (pp. 47-50 of Jan. 13 board packet)

Both curbside collection and processing of recyclables have changed dramatically in the Humboldt Bay area over the past 3 years:

- Arcata Community Recycling Center (ACRC) opened its Samoa Materials Recovery Facility (MRF) in September 2007, which utilizes a dual-stream system to process commingled fiber (i.e. mixed paper and cardboard) and commingled containers (i.e., mixed glass, plastic, and metal containers).
- The City of Eureka implemented mandatory curbside garbage and recycling collection service, starting with universal collection at single family residences in August 2009. All collected recyclables are transported by Recology, the City's franchise waste hauler, to the new ACRC Samoa MRF for processing.
- The City of Arcata began its new universal curbside collection of garbage and recyclables at single family residences in December of 2009, with all collected recyclables being delivered to the Samoa MRF, via Arcata Garbage Company, Arcata's franchise waste hauler.
- In 2009, some curbside recyclables from the unincorporated county franchise areas in greater Eureka began to be delivered to the ACRC Samoa facility by Recology.
- Blue Lake Garbage Company started delivering recyclables from its new curbside recycling service within the City of Blue Lake to the Samoa facility in early 2010.

Both the residential curbside waste collection programs in Recology's unincorporated county franchise areas and in Blue Lake Garbage's franchise area are voluntary programs where residents are not

required to sign up for curbside waste and recycling services. At present, the voluntary systems do not utilize the 96-gallon split-bin rolling cart but rather utilize milk-crate style containers or a bin of residents choosing. The milk-crate containers were formerly used in the cities of Arcata and Eureka prior to implementation of mandatory curbside collection via automated trucks.

Since its opening in 2007, ACRC's Samoa MRF has operated as a "merchant facility," meaning that it operates on a free market basis, where entities are free to come and go with their deliveries of recyclables, and the tip fee fluctuates by the processor's determination. These fluctuations can make it difficult for member agencies to plan for the financial impacts of curbside recycling from year to year. No contracts exist between any of the local jurisdictions (or their franchise waste haulers) and ACRC for deliveries of recyclables to the Samoa facility. ACRC has adjusted its tip fee for recyclables delivered to the Samoa MRF over the past 3 ½ years. Initially the tip fee was a credit back to local jurisdictions of \$10 per ton beginning in fall of 2007. The tip fee changed to \$0/ton in 2008, and later converted to a charge to local jurisdictions of \$60/ton in 2009. The tip fee was reduced to the current charge of \$50/ton during Fiscal Year (FY) 2010/11.

Member agencies and HWMA staff became aware of more favorable financial terms for processing of recyclables in other areas of Northern California and began to question the need to pay for recyclables processing at ACRC's Samoa MRF.

The first step in that discussion was HWMA's commission of an "Operational and Financial Analysis of ACRC's Samoa Recycling Center" in 2009 by IntelliWaste, Inc., an independent, third-party consultant. The reason for reviewing the Samoa facility was to examine the feasibility of HWMA contracting with ACRC to process recyclables from member agencies and to review a potential purchase of the Samoa Recycling Center.

At the March 11, 2010 HWMA Board meeting, IntelliWaste presented its findings and Recycling Center and the Authority's role in managing recycling processing for member agencies. One of the report's recommendations was to release a Request for Proposals (RFP) to investigate competitive bids for recycling processing services with other vendors.

The Board decided at the March 11, 2010 meeting to have each member agency go back to their respective governing board to review the RFP option and to report back to the Board at the next monthly meeting. The member agencies currently utilizing the Samoa MRF included the County of Humboldt, and the incorporated cities of Arcata, Blue Lake, and Eureka. These municipalities agreed (through their own governing bodies) to combine their local curbside recyclables volumes for the purpose of soliciting an HWMA administered competitive RFP for processing of recyclables. Any proposal selected through the HWMA's RFP process would also need to be approved by each affected member agency.

On April 8, 2010, the Board approved the preparation of a Request for Proposals (RFP) for the

transportation and processing of above mentioned member agency curbside recyclables. IntelliWaste was also retained to help the HWMA manage the RFP process and develop a proposal and contractual Agreement that represents the collective efforts and ideas of the member jurisdictions involved.

The goals of these efforts were to provide Member Agencies with comprehensive, stable and cost effective recycling processing services. Incorporating recycling processing responsibilities into the Authority's waste management system allows greater flexibility to properly manage recycling processing programs; and the contribution of revenue from recycling processing could help offset the cost of collection.

The HWMA Board received an offer to purchase the Samoa MRF from Arcata Community Recycling Center on July 7, 2010, the day before HWMA's regularly scheduled July Board meeting.

On July 8, 2010, the Board received the draft RFP and Agreement from IntelliWaste which emphasized the following points:

- Term: Five (5) years with two one-year (1) year renewal options;
- Estimated recyclable tonnage comes from Arcata, Blue Lake, Eureka and surrounding unincorporated County;
- Contractor is responsible for receiving, processing and marketing recyclables;
- Contractor should be able to process dual stream (fibers and containers received separately), single stream (recyclables commingled together) and source separated materials (recyclables received according to material type, e.g. cardboard, plastic, glass and metals);
- Contractor to provide separate cost components for transportation, processing and a revenue sharing;
- Proposal review team (Ad Hoc committee) drawn from member agencies staff;
- Assign proposal evaluation criteria and scoring
- Implement program within 60 days of Board approval with the new Contractor.

At a Special Meeting on July 19, 2010 the Board formed a subcommittee of staff and two Board members to study ACRC's offer to sell the Samoa MRF. The Board also instructed staff to prepare an appraisal and an estimate for constructing a similar facility from scratch.

On August 4, 2010, HMWA released the transportation and recyclable processing RFP for public procurement, with responses to the RFP due no later than October 12, 2010. Subsequently, the HWMA received proposals from two companies: 1) ACRC and 2) Renewable Waste Systems of Willits (RWS). Following the process established in the RFP document, an Ad Hoc proposal evaluation committee was formed with individual members receiving a written copy of the proposals. Each Ad Hoc member was provided with a detailed proposal ranking form which required them to assign a numerical score to specific issues and proposed services.

In addition to reviewing the written proposals in detail, the Ad Hoc evaluation committee members

toured the proposers’ facilities. Clarification of proposer responses took place during the evaluation period as separate question and answer periods. The proposer with the highest numerical scoring represents the best option for consideration by the Board.

The following section presents details regarding the RFP process. Later sections address the appraisal of the ACRC Samoa MRF and the engineer’s estimated cost to build a new recyclables processing facility from scratch.

**2. RFP**

**a. Summary of Proposals**

<b>Arcata Community Recycling Center</b>		<b>Renewable Waste Systems</b>	
<b>tons:</b>	7,000	<b>tons:</b>	7,000
<b>tip fee/ton/1<sup>st</sup> year</b>	\$65 ACRC proposes cost plus formula	<b>tip fee/ton/1<sup>st</sup> year</b>	(\$8) \$8 minimum every year for 5 years
<b>tip fee/year</b>	\$455,000	<b>tip fee/year</b>	(\$56,000)
<b>tip fee/5 years</b>	\$2,275,000	<b>tip fee/5 years</b>	(\$280,000)
<b>contract:</b>	5 years 2 year extension only by mutual agreements	<b>contract:</b>	5 years 2 year extension at sole discretion of Authority
<b>local jobs:</b>	21	<b>local jobs:</b>	5
<b>co-mingled sort:</b>	fibers & containers split (dual)	<b>co-mingled sort:</b>	all materials together (single)
<b>processing ability:</b>	dual stream only, proposal suggests additional costs for single stream processing	<b>processing ability:</b>	single and dual stream can both be processed for the same price
<b>residual rate:</b>	4%	<b>residual rate:</b>	between 4-5%

**5. Summary (p. 64 of Jan. 13 HWMA board packet)**

Four basic options are available to the HWMA Board and its member agencies for consideration, with respect to processing of locally collected recyclables:

- Continue with business as usual, sending materials collected by HWMA (at its Hawthorne Street Transfer Station) and its member agencies (through their respective franchise waste haulers) to Arcata Community Recycling Center’s Samoa MRF, and pay the tip fee set by ACRC (currently running at \$50/ton). No contracts are in place for this activity, and under this arrangement, ACRC continues to operate as a “merchant facility.”
- Choose to negotiate with one of the two proposers that responded to HWMA’s August 4, 2010 “Request for Proposals for Transportation and Processing of Recyclables”, ACRC or Renewable

Waste Systems (RWS) of Willits, CA. As stated in Section 2 of this report, the Ad Hoc review committee recommends that the HWMA Board negotiate with RWS.

- Begin a feasibility study on the construction of a new local Materials Recovery Facility, to be owned by HWMA. Staff anticipates that the process from feasibility study commission through facility design and permitting, along with land acquisition and facility construction, would require two to three years to complete.
- Reject both proposals received through the RFP process, and continue negotiations with ACRC to purchase its Samoa Materials Processing Facility

**ABSTRACT**

HWMA Meeting of the Board of Directors  
January 13, 2011, 6:30 PM  
Eureka City Council Chambers

Boardmember Schapiro was not in attendance; Boardmember Lovelace was in attendance as alternate to the newly appoint Boardmember Bass from the County Board of Supervisors. In the wake of a large shift in Board composition, the Board elected Boardmember Schapiro to the position of Chair, and Boardmember Marks to the position of Vice Chair. The new Board briefly introduced themselves to the public and discussed communications regarding reviews of various Authority programs. The consent calendar passed with the minutes pulled for review at a later date.

Discussion turned to the RFP for a recycling processor for the Authority's recyclable materials. To avoid potential problems with the remainder of the decision process, each Boardmember affirmed for Legal Counsel that they had not made contact with either of the two proposers regarding the decision process for the RFP. After a brief review of recent recycling history, spokesmen from both proposers made one final pitch for their respective bids; Mark Loughmiller, from ACRC, spoke to the hurdles faced recently due to the crash of the economy and the differences between the expenditures for recycling and trash disposal; Gerry Ward, from Solid Waste of Willits, noted the strengths of his proposal, highlighting the revenues that will be recognized by the Authority should they accept his bid.

Public comment from members of the Board of Directors for ACRC focused on the strength of the history ACRC has had to the communities it serves. It was also noted that, with so many variables in play in such an important decision, that various stakeholders should be brought together for strategic planning prior to making a decision on this RFP. Comment from Pacific Recycling, a partner of SWoW, again pointed to the efforts made by their companies to greatly reduce the amount of waste going to landfills by use of constantly evolving markets for recyclable materials.

The Board questioned both proposers and staff regarding the particulars of the proposals, focusing primarily on the backhaul agreements that give SWoW the ability to realize the savings it can. Although the Board worried that such agreements tend to work only as long as they are profitable, Mr. Ward assured the Board that his proposal would remain firm; should it become a losing proposition for his company, they would eat the loss. The Board also questioned why the current cost for processing being charged by ACRC would increase with the acceptance of their proposal. Mr. Loughmiller attributed the increase in cost to the expenses that would be incurred to meet the requirements of the RFP. Staff was instructed to show the effects of the costs for both proposals as they would relate to each member agency's franchise contracts. Ultimately the Board decided to wait until February before making any decision on the subject, especially in light of closed session proceedings that had yet to take place during this meeting.

The Board approved the release of an RFP for Construction Quality Assurance during the closure of the Landfill, which Executive Director Test believes has a good chance of starting this summer. Staff was also instructed to begin work on a potential plastic bag ordinance that would allow member agencies to more tightly control – or ban – the use of plastic bags within their jurisdictions. Staff will provide a scope of work with costs and examples of the outcomes of this type of project at the February meeting.

The Board will discuss potential meeting dates for Board orientation electronically with Executive Director Test, to which member agency staff interested in learning about the Authority is also invited. In addition, the review of the Executive Director will begin in March. Following a very brief staff report on other recent activities, the Board adjourned to closed session.

## **Section 14**

### **CLOSED SESSION**

Pursuant to Government Code 54954.5, Public Employee Performance Evaluation  
Continuation, City Manager

## **Section 15**

### **REPORT OUT OF CLOSED SESSION**

## **Section 16**

### **ADJOURNMENT**