

STUDY SESSION

Location:	City Hall	Date:	March 3, 2011
	834 Main Street	Time:	5:30 pm
	Ferndale CA 95536	Posted: 2/28/11	

1. Brief update on where we are at and what we expect the next steps to be relative to:
 - a. Non-profit set up (Phil Aycock and/or Elizabeth Conner)
 - b. Conveyance of the property from the Navy (Jay Parrish)
 - c. The rehabilitation to do list and RFP (Elizabeth Conner)
 - d. The overall time line (Jay Parrish and/or Elizabeth Conner)
2. Review the Market Study (Mary Ellen Shay)
 - a. Comments and Questions
3. Review the financing options (Elizabeth Conner)
 - a. Comments and questions
4. Take (final) comments from the public.

AGENDA

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

Location:	City Hall	Date:	March 3, 2011
	834 Main Street	Time:	7 pm
	Ferndale CA 95536	Posted: 2/28/11	

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 None
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 2/3rds 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 5

 b. Approval of previous minutes..... Page 18

 c. Resolution 2011-05; Appoint Council as the Board of Directors for the Non-Profit Organization Called Ferndale Housing..... Page 20

9. CALL ITEMS..... Page 21

10. PRESENTATION / Community Forum None

11. BUSINESS

 a. Accept Draft Market Study as Final Page 22

 b. Request for Proposal For Lead and Asbestos Study Page 23

 c. Resolution 2011-11 for 7th Progress Pay Request for Management and Construction Related Costs for the WWTP Page 24

 d. Annual Financial Report for 2009/2010..... Page 28

 e. Ordinance 2011-03: Medical Marijuana Dispensary Moratorium..... Page 29

 f. Second Reading and possible adoption of Ordinance 2011-02, State Video Service Franchises Ordinance Page 38

 g. Resolution 2011-12 Authorizing Disposal of Obsolete and Redundant Records Page 46

 h. Appoint Planning Commission and Library Board Members Page 49

 i. Ferndale Housing equity use Page 50

12. CORRESPONDENCE Page 53

13. REPORTS

 a. City Manager Staff Report and Community Events Page 53

 b. Commissions / Committees and others

 i. Design Review Committee..... Page 62

 ii. Planning Commission..... Page 63

 c. Council Reports and Comments

 i. HWMA..... Page 66

14. ---

15. ---

16. ADJOURN Page 67

**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, April 7, 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

Ceremonial

Section 5

Modifications to the Agenda

Section 6

Study Sessions

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 2/3rd 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 01/22/11 To 02/21/11
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	
43321	01/24/11	AFLAC	AFLAC - REMIT. PROCESSING SERV.		184.34
	10012260		Health insurance payable	Employee Paid	184.34
43423	02/18/11	AFLAC	AFLAC - REMIT. PROCESSING SERV.		184.34
	10012260		Health insurance payable		184.34
Total for AFLAC - REMIT. PROCESSING SERV.					368.68
43424	02/18/11	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
Total for ANTHEM BLUE CROSS OF CALIFORNIA					11,016.00
43347	01/26/11	ARNKE	ARNOLD C. KEMP	WWTF	150.00
	48515095		Construction		150.00
43360	02/01/11	ARNKE	ARNOLD C. KEMP		58.08
	10435052		Building regulation/inspectio	Monthly	58.08
Total for ARNOLD C. KEMP					208.08
43361	02/01/11	ATTMB	AT&T MOBILITY		37.64
	10155034		Telephone		6.94
	10215034		Telephone	Monthly	12.60
	30515034		Telephone		18.10
Total for AT&T MOBILITY					37.64
43342	01/25/11	PHIAY	AYCOCK & EDGMON		706.00
	10165054		Audit and accounting	Monthly	706.00
Total for AYCOCK & EDGMON					706.00
43322	01/24/11	BAKTA	BAKER & TAYLOR		244.99
	10615024		Books		244.99
43390	02/07/11	BAKTA	BAKER & TAYLOR	Library	124.66
	10615024		Books		124.66
43425	02/18/11	BAKTA	BAKER & TAYLOR		301.06
	10615024		Books		301.06
Total for BAKER & TAYLOR					670.71
43343	01/25/11	BAYWE	BAY WEST SUPPLY, INC.		52.98
	10625020		Building and ground maint.	Restrooms	52.98
43391	02/07/11	BAYWE	BAY WEST SUPPLY, INC.		48.98
	10635020		Buildings and grounds maintenance	Community Center	48.98
Total for BAY WEST SUPPLY, INC.					101.96

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Acct No.		Type		Override Description	Amount	Amount
43362	02/01/11		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	1.21	
	22315007			Medical insurance	1.57	
	25315007			Medical insurance	3.65	
	26315007.1			Medical Insurance	2.17	
	30515007			Medical insurance	48.69	
Total for BENEFICIAL ADMIN COMPANY INC.						187.04
43426	02/18/11		BRSMT	BRET SMITH	Reimbursement	19.87
	10215012			Office expense	19.87	
Total for BRET SMITH						19.87
43348	01/26/11		BRIMC	BRIAN MC NEILL		90.00
	10155020			Building and ground maint.	Backflow Test 90.00	
Total for BRIAN MC NEILL						90.00
43323	01/24/11		CRWA	CALIFORNIA RURAL WATER ASSOCIATION		450.00
	30515044			Meetings and dues	CRWA Expo 450.00	
Total for CALIFORNIA RURAL WATER ASSOCIATI						450.00
43324	01/24/11		CALST	CALIFORNIA STATE DISBURSEMENT UNIT	Employee Paid	208.61
	10012250			Garnishments payable	208.61	
43392	02/07/11		CALST	CALIFORNIA STATE DISBURSEMENT UNIT		393.22
	10012250			Garnishments payable	393.22	
43427	02/18/11		CALST	CALIFORNIA STATE DISBURSEMENT UNIT		393.22
	10012250			Garnishments payable	393.22	
Total for CALIFORNIA STATE DISBURSEMENT UNI						995.05
43363	02/01/11		CITFO	CITY OF FORTUNA		1,016.66
	10215035			Dispatch service	Monthly 1,016.66	
Total for CITY OF FORTUNA						1,016.66
43364	02/01/11		COMAS	COMPUTER ASSISTANCE		64.36
	10125012			Office expense	Computer Tech 64.36	
Total for COMPUTER ASSISTANCE						64.36
43428	02/18/11		COUMA	COUNTY OF MARIN - FUND 80705		300.00
	25315600			Recycling grant expenditures	Annual Membership 300.00	
Total for COUNTY OF MARIN - FUND 80705						300.00
43349	01/26/11		CWEA2	CWEA		132.00
	30515044			Meetings and dues	Annual Membership 132.00	
Total for CWEA						132.00

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Acct No.	Type			Override Description	Amount	Amount
43325	01/24/11		DELOR	DEL ORO WATER CO., FDLE. DIST.		306.59
	10155031			Water	24.68	
	10175031			Water - public restroom	52.06	
	10215029			Water	25.28	
	10615033			Water Monthly	21.43	
	10625033			Water	109.88	
	10635031			Water	49.74	
	24315033			Water	23.52	
43350	01/26/11		DELOR	DEL ORO WATER CO., FDLE. DIST.		94.00
	48515095			Construction WWTF	94.00	
Total for DEL ORO WATER CO., FDLE. DIST.						400.59

43429	02/18/11		DEPJU	DEPARTMENT OF JUSTICE		35.00
	10215052			Professional services Police Department	35.00	
Total for DEPARTMENT OF JUSTICE						35.00

43393	02/07/11		DOCST	DOCUSTATION		132.63
	10165078			Copy machine expense Monthly	132.63	
Total for DOCUSTATION						132.63

43326	01/24/11		DUNMA	DUN & MARTNEK LLP		665.60
	10145052			Professional services Dec statement	665.60	
43365	02/01/11		DUNMA	DUN & MARTNEK LLP		983.40
	10145052			Professional services Jan statement	983.40	
Total for DUN & MARTNEK LLP						1,649.00

43394	02/07/11		EDBGD	ED BOGDANYI		2,840.00
	10165099			Miscellaneous Remodel Lounge Donation	2,840.00	
Total for ED BOGDANYI						2,840.00

43327	01/24/11		EELRI	EEL RIVER DISPOSAL		29.25
	10155030			Trash service Monthly	29.25	
Total for EEL RIVER DISPOSAL						29.25

100	01/24/11	EFT	EMPDE	EMPLOYMENT DEVELOPMENT DEPARTMENT	Payroll Taxes	739.50
	10012302			State P/R Tax Deposits	739.50	
100	02/01/11	EFT	EMPDE	EMPLOYMENT DEVELOPMENT DEPARTMENT		3.74
	10012302			State P/R Tax Deposits	3.74	
100	02/07/11	EFT	EMPDE	EMPLOYMENT DEVELOPMENT DEPARTMENT		731.24
	10012302			State P/R Tax Deposits	731.24	
100	02/18/11	EFT	EMPDE	EMPLOYMENT DEVELOPMENT DEPARTMENT		747.95
	10012302			State P/R Tax Deposits	747.95	
43351	01/26/11		EMPDE	EMPLOYMENT DEVELOPMENT DEPARTMENT		96.46
	10012302			State P/R Tax Deposits	96.46	
Total for EMPLOYMENT DEVELOPMENT DEPART						2,318.89

43430	02/18/11		ETTVI	ETTER'S VICTORIAN GLASS		46.09
	10165099			Miscellaneous Repair Picture Frame	46.09	
Total for ETTER'S VICTORIAN GLASS						46.09

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43344	01/25/11	EUROX		EUREKA OXYGEN COMPANY Community Center		138.26
	10635020			Buildings and grounds maintenance	138.26	
Total for EUREKA OXYGEN COMPANY						138.26
43395	02/07/11	FARPL		FARM PLAN		318.51
	30515014			Vehicle expense Sewer Department	318.51	
Total for FARM PLAN						318.51
43366	02/01/11	FEREM		FERNDALE EMPORIUM		393.60
	10165099			Miscellaneous Park Benches Donation	393.60	
Total for FERNDALE EMPORIUM						393.60
43367	02/01/11	FORMO		FORTUNA MOTORS		394.29
	10215014			Vehicle expense Police Department	394.29	
Total for FORTUNA MOTORS						394.29
43431	02/18/11	FORPD		FORTUNA POLICE DEPT		139.00
	10215098			Background expense Police Department	139.00	
Total for FORTUNA POLICE DEPT						139.00
43352	01/26/11	FRONT		FRONTIER		743.85
	10155034			Telephone	193.24	
	10215034			Telephone	190.99	
	10615034			Telephone Monthly	121.51	
	24315034			Telephone	55.16	
	30515034			Telephone	182.95	
Total for FRONTIER						743.85
43396	02/07/11	GECAP		GE CAPITAL		171.19
	10165078			Copy machine expense Monthly	171.19	
Total for GE CAPITAL						171.19
43353	01/26/11	HARPR		HARPER FORD		160.85
	30515014			Vehicle expense Sewer Department	160.85	
Total for HARPER FORD						160.85
43368	02/01/11	HORBU		HORIZON BUSINESS SERVICES		95.78
	10215012			Office expense Police Department	95.78	
Total for HORIZON BUSINESS SERVICES						95.78
43369	02/01/11	HUMCV		HUM CO CONVENTION & VISITORS BUREAU		1,500.00
	10175072.1			Donation - Visitors & Conv. Annual Membership	1,500.00	
Total for HUM CO CONVENTION & VISITORS BURE						1,500.00
43328	01/24/11	HUMSH		HUMBOLDT CO SHERIFF DEPT		35.70
	10215086			Booking fees Police Department	35.70	
Total for HUMBOLDT CO SHERIFF DEPT						35.70
43329	01/24/11	HUMAS		HUMBOLDT COUNTY ASSESSOR		6.56
	10125012			Office expense Map Billing	6.56	

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Total for HUMBOLDT COUNTY ASSESSOR						6.56
43432	02/18/11		HUM1	HUMBOLDT COUNTY LIBRARY		300.00
	10615024			Books Library	300.00	
Total for HUMBOLDT COUNTY LIBRARY						300.00
43433	02/18/11		HUMOT	HUMBOLDT OUTFITTERS		263.60
	24315024			Special department	Public Works 141.59	
	30515094			Safety equipment	Sewer Department 122.01	
Total for HUMBOLDT OUTFITTERS						263.60
43434	02/18/11		HUMTE	HUMBOLDT TERMITE & PEST		114.00
	10215020			Building and grounds maint.	Police Department 49.00	
	10635020			Buildings and grounds maintenance	Community Center 65.00	
Total for HUMBOLDT TERMITE & PEST						114.00
43370	02/01/11		JAYPA	JAY PARRISH		400.00
	10165096			Car Allowance	Monthly 400.00	
Total for JAY PARRISH						400.00
43435	02/18/11		JOHNY	JOHNNY'S		5,886.87
	10165099			Miscellaneous	Lounge Repair Donation 5,886.87	
Total for JOHNNY'S						5,886.87
43330	01/24/11		KARBR	KARL BRUNGS		423.85
	10155020			Building and ground maint.	City Hall 83.35	
	10215024			Special department supply	Police Department 340.50	
Total for KARL BRUNGS						423.85
43345	01/25/11		LMREN	L & M RENNER, INC.		2,400.78
	10215016			Fuel	1,272.41	
	24315016			Vehicle Fuel	840.27	
	30515016			Vehicle gas	288.10	
43436	02/18/11		LMREN	L & M RENNER, INC.		1,502.98
	10155033			Utilities gas	123.47	
	10215016			Fuel	731.14	
	24315016			Vehicle Fuel	482.83	
	30515016			Vehicle gas	165.54	
Total for L & M RENNER, INC.						3,903.76
43331	01/24/11		LEACA	LEAGUE OF CALIFORNIA CITIES		879.00
	10125044			Meetings and dues	Annual Membership 879.00	
Total for LEAGUE OF CALIFORNIA CITIES						879.00
43397	02/07/11		LIVEL	LIVING EARTH LANDSCAPES		7,388.55
	10165099			Miscellaneous	Trees at City Hall Donation 7,388.55	
Total for LIVING EARTH LANDSCAPES						7,388.55

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43332	01/24/11		MANHD	MANHARD CONSULTING LTD	Dec Statement		4,584.95
	10425052			General engineering		937.90	
	10425053			Developer engineering		70.80	
	40315052			Plans, specs & estimates		3,576.25	
43437	02/18/11		MANHD	MANHARD CONSULTING LTD	Jan Statement		183.45
	10425052			General engineering		172.20	
	10425053			Developer engineering		11.25	
Total for MANHARD CONSULTING LTD							4,768.40
43333	01/24/11		MERFR	MERCER FRASER COMPANY	TDA		95.86
	10155020			Building and ground maint.		95.86	
43398	02/07/11		MERFR	MERCER FRASER COMPANY			476.11
	10155020			Building and ground maint.		476.11	
Total for MERCER FRASER COMPANY							571.97
43371	02/01/11		MIRRE	MIRANDA'S RESCUE	Monthly		450.00
	10225096			Animal control		450.00	
Total for MIRANDA'S RESCUE							450.00
43334	01/24/11		MISSN	MISSION UNIFORM & LINEN	Community Center		22.73
	10635020			Buildings & grounds maintenance - Commu		22.73	
43399	02/07/11		MISSN	MISSION UNIFORM & LINEN			22.73
	10635020			Buildings & grounds maintenance - Commu		22.73	
Total for MISSION UNIFORM & LINEN							45.46
43400	02/07/11		NANKA	NANCY KAYTIS-SLOCUM	Petty Cash		30.87
	10125012			Office expense		4.46	
	30515158			UPS/Fedex		26.41	
Total for NANCY KAYTIS-SLOCUM							30.87
43401	02/07/11		NEWTR	NEWMAN TRAFFIC SIGNS	TDA		531.08
	24315021			Street maintenance		531.08	
Total for NEWMAN TRAFFIC SIGNS							531.08
43335	01/24/11		NILCO	NILSEN COMPANY	Dec Statement		760.53
	10155020			Building and ground maint.		172.27	
	10165099			Miscellaneous		390.09	
	10635020			Buildings and grounds maintenance		16.05	
	24315088			Equipment repair		118.19	
	30515121			Sewer plant maintenance		63.93	
43438	02/18/11		NILCO	NILSEN COMPANY	Jan Statement		210.35
	10155020			Building and ground maint.		8.54	
	10175024			Supplies - public restroom		5.14	
	10215020			Building and grounds maint.		29.22	
	10625020			Building and ground maint.		88.55	
	10635020			Buildings and grounds maintenance		4.85	
	24315014			Vehicle expense		47.31	
	24315021			Street maintenance		20.06	
	30515121			Sewer plant maintenance		6.68	

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Acct No.	Type			Override Description	Amount	Amount
Total for NILSEN COMPANY						970.88
43354	01/26/11		NORCO	NORTH COAST LABORATORIES LTD. Sewer Department		1,834.00
	30515157			Effluent testing	1,834.00	
43402	02/07/11		NORCO	NORTH COAST LABORATORIES LTD.		650.00
	30515157			Effluent testing	650.00	
Total for NORTH COAST LABORATORIES LTD.						2,484.00
43439	02/18/11		NCUAQ	NORTH COAST UNIFIED AIR QMD		1,180.14
	48515092			Permits WWTf	1,180.14	
Total for NORTH COAST UNIFIED AIR QMD						1,180.14
100	02/01/11	EFT	NORVA	NORTH VALLEY BANK Payroll Taxes		26.76
	10012301			Federal P/R Tax Deposits	26.76	
100	02/07/11	EFT	NORVA	NORTH VALLEY BANK		4,414.04
	10012301			Federal P/R Tax Deposits	4,414.04	
100	02/18/11	EFT	NORVA	NORTH VALLEY BANK		4,533.90
	10012301			Federal P/R Tax Deposits	4,533.90	
43346	01/25/11		NORVA	NORTH VALLEY BANK		4,597.92
	10012301			Federal P/R Tax Deposits	4,597.92	
43372	02/01/11		NORVL	NORTH VALLEY BANK (1) \ NORTH VALLEY BANK		1,948.36
	26315194			Interest-Six Rivers loan Loan Payment	1,948.36	
Total for NORTH VALLEY BANK						15,520.98
43355	01/26/11		NRTHC	NORTHCOAST PUMPHOUSE		50.00
	30515121			Sewer plant maintenance Sewer Department	50.00	
Total for NORTHCOAST PUMPHOUSE						50.00
43336	01/24/11		ORGEX	ORGANIZED EXECUTIVE		97.00
	10115012			Office expense - Council Yearly Membership	97.00	
Total for ORGANIZED EXECUTIVE						97.00
43337	01/24/11		PACGA	PACIFIC GAS & ELECTRIC		1,148.12
	22315058			Street lighting	1,148.12	
43440	02/18/11		PACGA	PACIFIC GAS & ELECTRIC		2,386.81
	10155032			Utilities electric	144.68	
	10175032			Electric - public restroom	15.73	
	10215032			Utilities electric	90.50	
	10615032			Utilities Monthly	134.31	
	10625032			Utilities - electric	50.05	
	10635032			Utilities	219.30	
	22315058			Street lighting	24.93	
	24315032			Utilities	258.88	
	30515032			Utilities - electric - plant	1,448.43	
Total for PACIFIC GAS & ELECTRIC						3,534.93
43441	02/18/11		PLANW	PLANWEST PARTNERS, INC. Dec & Jan Statement		4,864.75
	10415052			General planning services	4,214.75	
	10415053			Reimbursable fees	650.00	

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

Printed Regular Checks

General Checking - Distribution Detail - From 01/22/11 To 02/21/11
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
Total for PLANWEST PARTNERS, INC.						4,864.75
43338	01/24/11		RCMEL	RCM ELECTRIC	Community Center	119.82
	10635020			Buildings and grounds maintenance		119.82
Total for RCM ELECTRIC						119.82
43373	02/01/11		ROBSM	ROBIN SMITH	Monthly	153.47
	10245052			Professional services		153.47
Total for ROBIN SMITH						153.47
43403	02/07/11		ROTR0	ROTO-ROOTER	Sewer Department	269.00
	30515122			Sewer line maintenance		269.00
Total for ROTO-ROOTER						269.00
43404	02/07/11		SEQGA	SEQUOIA GAS COMPANY		1,521.14
	10155033			Utilities gas		866.01
	10615031			Gas	Monthly	394.22
	10635033			Gas		260.91
Total for SEQUOIA GAS COMPANY						1,521.14
43339	01/24/11		SOUND	SOUND ADVICE	Replace Mic	75.90
	10155020			Building and ground maint.		75.90
Total for SOUND ADVICE						75.90
43356	01/26/11		STAPE	STAPLES CREDIT PLAN		337.64
	10125012			Office expense		59.04
	10215012			Office expense	Monthly	62.74
	30515012			Office expense		215.86
Total for STAPLES CREDIT PLAN						337.64
43340	01/24/11		STABO	STATE WATER RESOURCES CONTROL BO (3) \ STATE WATE		195.00
	30515024			Special department supply	Grade 3 Exam Fee	195.00
43357	01/26/11		STWRC	STATE WATER RESOURCES CONTROL BRD \ STATE WATE		462.00
	48515092			Permits	WWTF	462.00
Total for STATE WATER RESOURCES CONTROL BO						657.00
43442	02/18/11		FEREN	THE FERNDALE ENTERPRISE		57.85
	10415013			Advertising		57.85
Total for THE FERNDALE ENTERPRISE						57.85
43443	02/18/11		THOGZ	THOMAS W. GONZALEZ, SR	Community Center	300.00
	10635020			Buildings and grounds maintenance		300.00
Total for THOMAS W. GONZALEZ, SR						300.00
43444	02/18/11		TOWCO	TOWN & COUNTRY REFRIGERATION	Community Center	96.00
	10635020			Buildings and grounds maintenance		96.00
Total for TOWN & COUNTRY REFRIGERATION						96.00

City of Ferndale
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Printed Regular Checks

General Checking - Distribution Detail - From 01/22/11 To 02/21/11
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
43374	02/01/11		USBNK	U.S. BANK CORPORATE PAYMENT SYSTEM		958.28
	10155034			Telephone	82.11	
	10215034			Telephone Monthly	524.32	
	30515034			Telephone	262.58	
	30515044			Meetings and dues	89.27	
Total for U.S. BANK CORPORATE PAYMENT SYSTE						958.28
43358	01/26/11		VALGR	VALLEY GROCERY sewer Department		11.23
	30515157			Effluent testing	11.23	
43405	02/07/11		VALGR	VALLEY GROCERY		2.58
	30515157			Effluent testing	2.58	
Total for VALLEY GROCERY						13.81
43445	02/18/11		VALLU	VALLEY LUMBER		417.21
	10155020			Building and ground maint. Monthly	45.00	
	20625020			Blding/Grd Mnt.	348.77	
	24315021			Street maintenance	23.44	
Total for VALLEY LUMBER						417.21
43341	01/24/11		WESPU	WEST PAYMENT CENTER Police Department		57.37
	10215052			Professional services	57.37	
43446	02/18/11		WESPU	WEST PAYMENT CENTER		93.10
	10215052			Professional services	93.10	
Total for WEST PAYMENT CENTER						150.47
43406	02/07/11		WQI	WQI		600.00
	30515048			Training Wastewater Review Class	600.00	
Total for WQI						600.00
Total for the 101 checks					88,300.77	88,300.77

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

Printed Regular Checks

General Checking - Distribution Detail - From 01/22/11 To 02/21/11
Check #: All - Vendor: All - Payee Name: All - By Payee Name - AP Pmt Distribution

Account Distributions

Account No.	Account Description	Amount
10012250	Garnishments payable	995.05
10012260	Health insurance payable	1,889.25
10012301	Federal P/R Tax Deposits	13,572.62
10012302	State P/R Tax Deposits	2,318.89
10105007	Medical insurance	656.47
10115012	Office expense - Council	97.00
10125007	Medical insurance	1,593.85
10125012	Office expense	134.42
10125044	Meetings and dues	879.00
10145052	Professional services	1,649.00
10155020	Building and ground maint.	1,047.03
10155030	Trash service	29.25
10155031	Water	24.68
10155032	Utilities electric	144.68
10155033	Utilities gas	989.48
10155034	Telephone	282.29
10165054	Audit and accounting	706.00
10165078	Copy machine expense	303.82
10165096	Car Allowance	400.00
10165099	Miscellaneous	16,945.20
10175024	Supplies - public restroom	5.14
10175031	Water - public restroom	52.06
10175032	Electric - public restroom	15.73
10175072.1	Donation - Visitors & Conv.	1,500.00
10215007	Medical insurance	2,609.00
10215012	Office expense	178.39
10215014	Vehicle expense	394.29
10215016	Fuel	2,003.55
10215020	Building and grounds maint.	78.22
10215024	Special department supply	340.50
10215029	Water	25.28
10215032	Utilities electric	90.50
10215034	Telephone	727.91

City of Ferndale
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Printed Regular Checks

General Checking - Distribution Detail - From 01/22/11 To 02/21/11
Check #: All - Vendor: All - Payee Name: All - By Payee Name - AP Pmt Distribution

10215035	Dispatch service	1,016.66
10215052	Professional services	185.47
10215086	Booking fees	35.70
10215098	Background expense	139.00
10225096	Animal control	450.00
10245052	Professional services	153.47
10315007	Medical insurance	322.57
10415013	Advertising	57.85
10415052	General planning services	4,214.75
10415053	Reimbursable fees	650.00
10425052	General engineering	1,110.10
10425053	Developer engineering	82.05
10435052	Building regulation/inspectio	58.08
10615024	Books	970.71
10615031	Gas	394.22
10615032	Utilities	134.31
10615033	Water	21.43
10615034	Telephone	121.51
10625020	Building and ground maint.	141.53
10625032	Utilities - electric	50.05
10625033	Water	109.88
10635007	Medical insurance	124.35
10635020	Buildings and grounds maintenance	834.42
10635031	Water	49.74
10635032	Utilities	219.30
10635033	Gas	260.91
20625020	Blding/Grd Mnt.	348.77
22315007	Medical insurance	79.83
22315058	Street lighting	1,173.05
24315014	Vehicle expense	47.31
24315016	Vehicle Fuel	1,323.10
24315021	Street maintenance	574.58
24315024	Special department	141.59
24315032	Utilities	258.88
24315033	Water	23.52
24315034	Telephone	55.16

City of Ferndale
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Printed Regular Checks

General Checking - Distribution Detail - From 01/22/11 To 02/21/11
Check #: All - Vendor: All - Payee Name: All - By Payee Name - AP Pmt Distribution

24315088	Equipment repair	118.19
25315007	Medical insurance	186.15
25315600	Recycling grant expenditures	300.00
26315007.1	Medical Insurance	405.45
26315194	Interest-Six Rivers loan	1,948.36
30515007	Medical insurance	3,704.80
30515012	Office expense	215.86
30515014	Vehicle expense	479.36
30515016	Vehicle gas	453.64
30515024	Special department supply	195.00
30515032	Utilities - electric - plant	1,448.43
30515034	Telephone	463.63
30515044	Meetings and dues	671.27
30515048	Training	600.00
30515094	Safety equipment	122.01
30515121	Sewer plant maintenance	120.61
30515122	Sewer line maintenance	269.00
30515157	Effluent testing	2,497.81
30515158	UPS/Fedex	26.41
40315052	Plans, specs & estimates	3,576.25
48515092	Permits	1,642.14
48515095	Construction	244.00
		<hr/> 88,300.77 <hr/>

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

Printed PayCheck Checks

General Checking - Date Range: From 01/22/11 To 02/21/11 - Check #: All - Dept: All
Sort Code: All - EmpID: All - Emp Name: All - By Check Number

Check #	Date	Emp. #	Employee Name	Amount
43305	01/25/11	1,215	DEBERA H. AUSTRUS	1,541.94
43306	01/25/11	2,190	HEATH A. BOHACIK	935.24
43307	01/25/11	6,115	MARY ELLEN BOYNTON	84.84
43308	01/25/11	5,220	STEVE L. COPPINI	1,243.62
43309	01/25/11	5,221	DOUGLAS E. CULBERT	1,862.72
43310	01/25/11	2,178	PAUL A. DIAZ JR.	812.74
43311	01/25/11	2,185	LINDSEY D. FRANK	979.66
43312	01/25/11	2,179	JASON R. HYNES	1,046.88
43313	01/25/11	1,214	NANCY S. KAYTIS-SLOCUM	1,328.43
43314	01/25/11	5,235	TIMOTHY W. MIRANDA	1,062.00
43315	01/25/11	1,012	JAY D. PARRISH	2,194.37
43316	01/25/11	6,142	DIANNA L. RICHARDSON	84.84
43317	01/25/11	2,200	BRET A. SMITH	1,379.74
43318	01/25/11	1,216	BRIANNA A. SMITH	244.81
43319	01/25/11	5,280	DANIEL V. SUTTON	943.03
43320	01/25/11	6,221	BONNIE K. VON BRAUN	67.63
43359	02/01/11	1,510	MARIA A. ROSA	217.25
43375	02/08/11	1,215	DEBERA H. AUSTRUS	1,541.95
43376	02/08/11	2,190	HEATH A. BOHACIK	666.37
43377	02/08/11	6,115	MARY ELLEN BOYNTON	65.99
43378	02/08/11	5,220	STEVE L. COPPINI	1,110.24
43379	02/08/11	5,221	DOUGLAS E. CULBERT	1,862.71
43380	02/08/11	2,178	PAUL A. DIAZ JR.	710.96
43381	02/08/11	2,185	LINDSEY D. FRANK	898.55
43382	02/08/11	2,179	JASON R. HYNES	941.57
43383	02/08/11	1,214	NANCY S. KAYTIS-SLOCUM	1,328.42
43384	02/08/11	5,235	TIMOTHY W. MIRANDA	1,139.43
43385	02/08/11	1,012	JAY D. PARRISH	2,194.37
43386	02/08/11	6,142	DIANNA L. RICHARDSON	103.69
43387	02/08/11	2,200	BRET A. SMITH	1,349.75
43388	02/08/11	1,216	BRIANNA A. SMITH	248.34
43389	02/08/11	5,280	DANIEL V. SUTTON	893.69
Total				31,085.77

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

Checkbook Register
USDA

Date Clr	Clr	Date		EFT	Deposits	Balance
1/31/2011	x	1/31/2011	Deposit		528,694.56	530,541.10
1/31/2011	x	1/31/2011	Manhard	43,127.67		487,413.43
1/31/2011	x	1/31/2011	Del Oro	94.00		487,319.43
1/31/2011	x	1/31/2011	SWRCB	462.00		486,857.43
1/31/2011	x	1/31/2011	Arnold Kemp	150.00		486,707.43
1/31/2011	x	1/31/2011	Wahlund Construction	484,860.89		1,846.54
1/31/2011	x	1/31/2011	Service Charge	10.54		1,836.00

City of Ferndale, Humboldt County, California USA

City Council Minutes for the February 3, 2011 Meeting 5:30 p.m.

Page 18

Study Session: Present at the study session were City Councilmembers Ken Mierzwa, John Maxwell, Niels Lorenzen and Stuart Titus; Manhard representatives David Reuter, Kent Hanford and Praj White; Staff City Manager Jay Parrish, Financial Manager Deb Austrus and Chief Plant Operator Doug Culbert. The study session proceeded with Manhard discussing the need for and the cost of Change Order #3. Hanford presented the USDA Contract Change Order information. The study session ended about 6:40pm.

Mayor Jeffrey Farley called the regular City Council meeting to order at 7 p.m. Also present were Councilmen Mierzwa, Maxwell, Lorenzen and Titus as well as City Manager Parrish, City Clerk Kaytis-Slocum, Chief Smith and Manhard representatives Praj White, David Reuter and Kent Hanford, as well as Consultant Elizabeth Conner. Those present pledged allegiance to the flag.

The City Clerk read a Proclamation for Engineer's Week – February 20 – 26, 2011. Mayor Farley presented the Proclamation to Mr. Praj White, who thanked the council for their support. Councilman Lorenzen asked for a copy of the Proclamation.

Modifications to the Agenda: City Manager Parrish asked that 11e be moved to the front of the Business section.

Consent Calendar: MOTION: (Titus/Mierzwa) Accept Accounts Payable and Approve the minutes for January 6, 2011. Unanimous vote 4-0 (Councilman Lorenzen abstained which is not counted as a vote, according to the Rosenberg's Rules of Order).

Presentation: Tony Smithers, Director of the Humboldt Convention and Visitors Bureau spoke on tourism in Humboldt County as well as the proposed organization of the Humboldt Tourism Business Improvement District.

State Video Service Franchises Ordinance: Mr. Sean McLaughlin spoke to the council on the Cable Franchise, which we passed just before the state passed a Video Services Franchise law. Although our original ordinance is grandfathered in, this Ordinance will protect us, as much as possible, for the remainder of our franchise agreement. MOTION: (Maxwell/Titus) 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. Motion passed unanimously 5-0.

Pay Request for Management and Construction Related Costs for the WWTP. Kent Hanford spoke about the progress of the Wastewater Treatment Plant, which is about 35% complete. MOTION: (Mierzwa/Maxwell) Approve Resolution 2011-07 Approval of 6th Progress Pay Request for Management and Construction Related Costs for the WWTP. Motion passed unanimously 5-0.

Wastewater Treatment Plant (WWTP) Change Order #3. Councilmen Maxwell and Mierzwa thanked Manhard for the study session which helped them to understand the construction process. MOTION: (Maxwell/Titus) Approve WWTP Change Order 3. Motion passed unanimously 5-0.

Extend contract with Elizabeth Conner, Ferndale/Navy Housing Consultant: The first year of the contract was covered by a Lytel Grant for \$25,000. At the beginning of the second year, the council approved \$35,000, which lasted about a year. This project has taken longer than anticipated, through no fault of the City. The Navy has cited an environmental holdup. Staff is asking the Council to extend Ms. Conner's contract to help us through the conveyance and rehabilitation of the property. The Council asked that a

monetary amount along with a time limit be part of the resolution. MOTION: (Titus/Maxwell) Approve Resolution 2011-09 Extending contract with Ferndale/Navy Housing Consultant Elizabeth Conner for \$15,000 or one year, whichever comes first. Motion carried 4-1, with Lorenzen voting no.

Building Inspector – codes and standards Ordinance: MOTION: (Maxwell/Titus) Approve the 2nd 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. Motion carried 4-1, with Lorenzen voting no.

Rosenberg’s Rules of Order: MOTION: (Mierzwa/Maxwell) Approve Resolution 2011-08 Accepting and Adopting the use of the amended Rosenberg’s Rules of Order. Motion passed unanimously.

Staff Report and Community Events: City Manager Parrish noted that the interior City Hall upgrade by the Village Club through a grant from the Lytel Foundation had been completed including painting, floor refinishing, new carpet and Lounge furniture refurbishing. Also, the city has an anonymous benefactor who is donating trees and landscaping for the city hall green, including a total of 14 new trees and six new benches. This same benefactor will also lease for \$1 a year a new police car, which at the end of 25,000 miles will be returned and replaced with another new police car.

The City Clerk pointed out that the Design Review Committee meets as needed during the month to deal with design review applications that come in.

Councilman Lorenzen asked about the Fresnel Lens – Councilman Titus reported that plans are moving forward to reach an agreement to relocate the lens to the Ferndale Museum. We do not yet have the approval of the Coast Guard.

Special Meeting: The Council decided to meet on February 17 at 5:30 pm at Ferndale City Hall to go over the Market Study for the Navy / Ferndale Housing. John Maxwell may not be able to attend. At this point in the meeting, Councilman Lorenzen left.

Closed Session: Pursuant to Government Code 54954.5, Public Employee Performance Evaluation Continuation, City Manager, the council went into closed session at 8:30 pm. The Council evaluated the City Manager.

The Council came out of closed session at 9:00 pm with nothing to report. The meeting was adjourned at 9:01 pm. The next regular council meeting will be March 3, 2011.

Respectfully Submitted:

Nancy Kaytis-Slocum

City Clerk

RESOLUTION NO. 2011-05

RESOLUTION OF THE FERNDALE CITY COUNCIL TO APPOINT THE COUNCIL AS THE INITIAL BOARD OF DIRECTORS FOR THE NON-PROFIT ORGANIZATION CALLED FERNDALE HOUSING

WHEREAS, The City Council of the City of Ferndale feels it is in the Municipality’s best interest to establish a Board of Directors for the Non-Profit Organization called Ferndale Housing; and

WHEREAS, The Board of Directors will be governed by the bylaws of the organization which have yet to be written; and

WHEREAS, the bylaws will be reviewed and adopted by the newly appointed Board of Directors.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ferndale that the five members of the City Council are hereby appointed as the initial Board of Directors for the Non-Profit Organization called Ferndale Housing.

PASSED AND ADOPTED by the City Council of the City of Ferndale on January 6, 2011 by the following vote: (Titus/Maxwell)

Ayes: Farley, Titus, Lorenzen, Maxwell, Mierzwa
Noes: 0
Absent: 0

Jeffrey Farley, Mayor

Attest:

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

Section 11

BUSINESS

Meeting Date:	March 3, 2011	Agenda Item Number	11a
Agenda Item Title:	Accept Draft Market Study as Final		
Presented By:	Mary Ellen Shay, Market Study Consultant		
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:

Accept Draft Market Study as Final.

BACKGROUND:

The City Council approved having a market study done on the Ferndale / Navy Housing Complex. The Draft will be presented at this meeting by the consultant during the study session. If the council approves, it would be appropriate to make a motion to accept the Market Study as Final.

Meeting Date:	March 3, 2011	Agenda Item Number	11b
Agenda Item Title:	Request for Proposal For Lead and Asbestos Study		
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 the issuance of a Request for Proposal (RFP) for a Lead and Asbestos Study.

BACKGROUND:

In the Navy's process for due diligence for conveyance of the Navy Housing Complex, they are required to do an Environmental Assessment Report. This report includes a lead and asbestos study. There have been studies done in the past by the Navy and Coast Guard, but these reports are out of date and must be redone. The Navy's representative has indicated that the Navy will be happy to pay for that assessment but that they foresee that process taking five to six months as it has to be included in its lists of priorities. They did mention that if the city completed this study that it would fold the completed study into its Environmental Assessment Report and that would complete their process and conveyance could proceed. We foresee that that process will probably take the City six to seven weeks to complete; however, the Navy would not reimburse us for costs incurred. If the Council approves the issuance of an RFP, awarding the contract will come back before the council.

FISCAL IMPACT:

The cost has been estimated between \$20,000 and \$30,000, but we won't know this until the RFPs come back.

Meeting Date:	March 3, 2011	Agenda Item Number	11c
Agenda Item Title:	Resolution 2011-11 Approval of 7 th 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 2011-11, Approval of 7th Progress Pay Request for Management and Construction Related Costs for the WWTP.

BACKGROUND:

Work on our WWTP began on August 2, 2010 and this is the 7th draw down from the USDA loan. The costs associated with this draw down include costs from Wahlund Construction for \$\$615,640.83, as well as Construction Management costs from Manhard Consulting for \$59,263.16 and a “soft cost” of \$1180.14 for the North Coast Unified Air Quality Management District for permit to construct, initial permit evaluation, initial toxic evaluation fee, emergency standby diesel engine at the WWTP. This all falls within the parameters of our WWTP budget

FISCAL IMPACT:

\$676,084.13 from the USDA loan account.

RESOLUTION 2011-07

THE CITY COUNCIL OF THE CITY OF FERNDALE

APPROVES THE SEVENTH PARTIAL PAYMENT REQUEST TO WAHLUND CONSTRUCTION, MANHARD CONSULTING and NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT 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 seventh partial payment request of \$615,640.83 for Wahlund, \$59,263.16 for Manhard Consulting and \$1180.14 for the North Coast Unified Air Quality Management District for initial permit evaluation and initial toxic evaluation fee for the emergency standby diesel engine. 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 Seventh partial payment request in the amount of \$615,640.83 for Wahlund, \$59,263.16 for Manhard Consulting and \$1180.14 for the North Coast Unified Air Quality Management District for a total of \$676,084.13.

PASSED AND ADOPTED on this 3rd day of March, 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

February 22, 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 eighth month of construction. The project continues to progress with little impact due to weather. All underground utilities serving the filter building have been installed and the building foundation footings and stemwall have been poured. The third of nine concrete pours for the biological treatment tank has been completed and the fourth will be complete in the coming days. Electrical and communication ducts between the plant and effluent pumpstation are now complete and the major equipment has begun to arrive including the steel buildings, belt filter press and master liftstation pumps.

The contractor has submitted the seventh 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
- Filter Building Utility Installation
- Site Grading
- Filter Building Foundation Installation
- Site Piping
- Biological Treatment Tank Concrete and Rebar Placement
- Treatment and Control System Equipment Acquisition

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

The contractor is in the process of preparing an estimate for the contract change order proposal to construct the design modifications to the treatment plant site and buildings. The

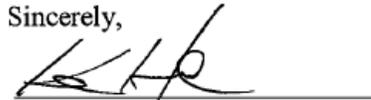
proposal is expected to be complete the first week of March. Once the cost of the modifications is agreed upon, a change order will be prepared. The change order will be ready for presentation to City Council prior to regularly scheduled City Council meeting in April.

A summary of the current construction contract is included below

Original Contract Amount	\$	8,265,088.00
Net Total Change Orders	\$	99,830.81
Total Contract + Change Orders	\$	8,364,918.81
Contract Work + Change Order Work Completed To Date	\$	3,575,151.79
Work To Date Minus 10% Retention	\$	3,217,636.61
Previous Billed	\$	2,601,995.78
Work To Date Minus Previous Billed	\$	615,640.83
TOTAL AMOUNT DUE		\$ 615,640.83

In the coming month, work on the biological treatment tank will continue. The foundation and finish floor slab in the filter building will be completed. Construction of the steel structure for the filter building will start and placement of facility equipment may begin. Site utility installation will continue and excavation of the master lift station vaults will begin. If you have any questions, please feel free to contact me.

Sincerely,



Kent Hanford
Resident Project Representative

Meeting Date:	March 3, 2011			Agenda Item No:	11d	
Agenda Item Title:	Annual Budget Audit for 2009/2010					
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 the City of Ferndale Annual Budget Audit for 2009/2010

DISCUSSION:

The Certified Public Accountant firm of Aycock and Edgmon did an independent audit report on the City’s Financial Statements for the fiscal year ending June 30, 2010. This audit is performed each year. After the adoption of the audited Financial Statements, the statements are sent to agencies as required. The current agencies that require the statements are the State of California, PARSAC, and the loan agencies from which the City currently has outstanding loans.

Draft Copies of the Annual Budget Audit for 2009/2010 are available at City Hall and in the Council’s mailboxes. Please review the draft copy of the Annual Budget Audit for Fiscal Year ending June 30, 2010. If you have any questions, please feel free to call the City Manager, or the City Financial Manager.

FINANCIAL IMPACT:

None

Meeting Date:	March 3, 2011	Agenda Item Number	11e
Agenda Item Title:	Ordinance 2011-03: Medical Marijuana Dispensary Moratorium		
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:

The City Council:

1. Hold a public hearing;
2. Approve the City Council Report dated March 3, 2011 of measures taken to alleviate the condition which led to the initial adoption of the interim urgency ordinance; and
3. Read the title, introduce and adopt (by title only) an ordinance entitled: Ordinance 2011-03 “AN ORDINANCE OF THE CITY FERNDALE, CALIFORNIA AUTHORIZING THE EXTENSION OF INTERIM URGENCY ORDINANCE NO. 2010-03 WHICH IMPOSES A MORATORIUM ON THE LEGAL ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES WITHIN THE CITY OF FERNDALE PURSUANT TO GOVERNMENT CODE SECTION 65858.”

BACKGROUND:

At the May 6, 2010 City Council meeting, the Council adopted an extension of an Interim Urgency Ordinance No. 2010-02, which extended a temporary moratorium on the establishment and operation of medical marijuana dispensaries within the City for a period of ten (10) months and 15 days. The ordinance prohibited the establishment of medical marijuana dispensaries during this interim period and required the City Council to issue a written report describing the measures taken to alleviate the condition/s/, which led to the adoption of the ordinance. Unless extended by ordinance of the City Council, as authorized by state law, the temporary moratorium period will automatically expire on March 30, 2011.

To date staff has taken the following measures:

- Reviewed the City’s General Plan, including the Land Use Element Goals and Policies;
- Researched and reviewed the City’s ordinances relative to pharmacies, drug stores and other similar service/retail businesses;
- Consulted with the City’s Building Inspector regarding regulations which may affect health and safety;
- Consulted with other cities to understand how they have or will be responding to requests for establishment and operation of medical marijuana dispensaries;
- Consulted with other cities concerning permitted uses or prohibitions on the establishment of medical marijuana dispensaries;
- Obtained medical marijuana dispensary ordinances from other agencies that may include information useful to the City’s ongoing study of this issue.
- Analyzed legislation both proposing and opposing legalization of marijuana in California.
- Noted the results of the November 2010 marijuana ballot issue in California.

Over the past months, staff obtained pertinent data that will better assist the City to determine how best to address important policy questions and issues relative to appropriately regulating medical marijuana dispensaries. However, we still face some notable concerns with the continued introduction of opposing legislation and ballot measures regarding the legalization of marijuana. The June 2011 elections promise more of the same. Accordingly, if some level of legalization occurs, what will be the impact and/or consequences for local government engaging in activities inconsistent with federal law?

Therefore, staff recommends the City Council hold a public hearing and approve an extension of the Medical Marijuana Dispensary Interim Urgency Ordinance as authorized by state law for an additional one (1) year.

Adoption of the Interim Urgency Ordinance extending the temporary moratorium on the establishment of medical marijuana dispensaries within the City will allow staff to analyze and evaluate the impact and results of legislation and ballot measures after the June 2011 election. Should staff conclude its analysis and review of the issues surrounding the establishment of medical marijuana dispensaries in the City prior to March 30, 2012, the matter will be brought back before the City Council prior to that date.

The proposed Interim Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the written report described above.

FISCAL IMPACT:

None

**Compliance with State Government Code Section 65858 (d):
Measures Taken to Alleviate the Condition Which Led to the Adoption of the Interim Urgency
Ordinance**

(Medical Marijuana Dispensaries)

March 3, 2011

On May 6, 2010, the City of Ferndale City Council adopted Ordinance No 2010-03, an Interim Urgency Ordinance, declaring a moratorium on the legal establishment and operation of medical marijuana dispensaries and related uses in the City of Ferndale. In that the City of Ferndale does not currently regulate the location and operation of medical marijuana dispensaries, this would allow the City to add, review and amend ordinances in order to protect the public health, welfare and safety from impacts associated with or implicated by use of property for medical marijuana dispensaries.

Since the adoption of the Interim Urgency Ordinance 2010-03, staff has taken the following measures to address the conditions that led to the adoption of the urgency ordinance:

- Reviewed the City's General Plan, including the Land Use Element Goals and Policies;
- Researched and reviewed the City's ordinances relative to pharmacies, drug stores and other similar service/retail businesses;
- Consulted with the City's Building Inspector regarding regulations which may affect health and safety;
- Consulted with other cities to understand how they have or will be responding to requests for establishment and operation of medical marijuana dispensaries;
- Consulted with other cities concerning permitted uses or prohibitions on the establishment of medial marijuana dispensaries;
- Obtained medical marijuana dispensary ordinances from other agencies that may include information useful to the City's ongoing study of this issues;
- Analyzed legislation both proposing and opposing legalization of marijuana in California
- Noted the results of the November 2010 marijuana ballot issue in California.

Over the past months, staff has been in an information-gathering mode to better understand the City's existing ordinances, provisions, and relevant General Plan goals. We have obtained pertinent data that will better assist the City in developing regulations that will help the City determine how best to address important policy questions relative to appropriately regulating medical marijuana dispensaries.

Examples of key policy issues include but are not limited to:

- Analysis of the regulatory options to address medical marijuana dispensaries, i.e., (1) adopting a regulatory ordinance, but no zoning; or (2) adopting a zoning and regulatory amendment.
- The impact of federal law on California medical marijuana statutes.
- Whether actions by state and local officials implementing state law can be construed as aiding and abetting a federal offense.
- Analysis of the issuance of land use entitlements for a use that is unlawful under federal law.
- The results of the November 2010 marijuana ballot issue in California.

Staff is near completion regarding the information gathering process. We are digesting and analyzing the data. The following is an identified list of issues and standards we have been reviewing:

1. Planning requirements, including parking standards.
2. Building Code issues:
 - Structural conditions;
 - Minimum sanitation requirements;
 - Safety standards;
 - Plumbing standards, including materials, connections and metering;
 - Heating and venting standards
 - Stairs and handrail compliance;
 - Smoke detectors and related fire suppression measures, including roofing materials;
 - Occupancy standards;
 - ADA accessibility; and
 - Installation and maintenance of landscaping;
3. Primary Impacts – Identify the problems occurring or anticipated to occur from a dispensary. Research and document the experience of other municipalities that have medical marijuana dispensaries.
4. Secondary Impacts – Identify any additional impacts occurring or anticipated to occur from the dispensary. Document the experience of others.
5. General Plan consistency.

The most notable issues we face concern the continuing introduction of opposing legislation and ballot measures regarding the legalization of marijuana in California. The June 2011 election promises more of the same. Accordingly, if some level of legalization occurs, how will this bode with federal law and what consequences for local governments may arise? With this as a backdrop, staff's recommendation is to pursue an extension, up to one year, of the interim urgency ordinance imposing a moratorium on Medical Marijuana Dispensaries in the City of Ferndale as allowed by Government Code Section 65858.

ORDINANCE NO. 2011-03

AN INTERIM URGENCY ORDINANCE OF THE CITY OF FERNDALE AUTHORIZING THE EXTENTION OF INTERIM URGENCY ORDINANCE NO 2010-03 WHICH IMPOSES A MORATORIUM ON THE LEGAL ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES WITHIN THE CITY OF FERNDALE PURSUANT TO GOVERNMENT CODE SECTION 65858.

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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 “Medical Marijuana Dispensary” Ordinance.

§1.02: Purpose: It is declared that this article is enacted for the purpose of extending the urgency ordinance imposing a moratorium on the legal establishment and operation of medical marijuana dispensaries and related uses. This would allow the City to continue to review, add and/or amend ordinances in order to protect the public health, welfare, and safety from impacts associated with or implicated by use of property for Medical Marijuana Dispensaries.

§1.03: Scope: This ordinance shall apply to any and all locations within the city limits of Ferndale.

§1.04: 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 or power of the City.

ARTICLE 2: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

§2.01: Statutory and Enforcement Authority is granted in the following from the Health and Safety Code Section 11362.5 et seq. and Government Code Section 65858.

ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

§3.01 Administration and Enforcement

- 3.01.1 The Chief of Police of the City is the chief law enforcement officer for the City. The Chief of Police shall carry out the additional powers and duties imposed by this ordinance.

ARTICLE 4: DEFINITIONS§4.01 Definitions.

- 4.01.1 For the purpose of this ordinance, “medical marijuana dispensary” (MMD) means any profit or not-for-profit facility or location, whether permanent or temporary, where the owner(s) or operator(s) intends to or does possess and distribute marijuana for any purpose. A MMD includes a marijuana club as describe in People v. Peron, (1997) 59 Cal. App. 4th 1383, and further includes medical marijuana cooperatives. A MMD shall not include the following uses, as long as the location of such uses are otherwise regulated by the City’s Municipal Code: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice; or a home health agency licensed pursuant to Chapter 8 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code section 11362.5 et seq.

ARTICLE 5: NECESSITY

§5.01 In 1996 the voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 112362.5 et seq. and entitled it “The Compassionate Use Act of 1996”).

- 5.01.1 The intent of Proposition 215 was to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under state law.
- 5.01.2 As a result of Proposition 215, individuals have established MMDs in various cities.
- 5.01.3 The experiences of California cities in the regulation and policing of MMDs have varied from city to city. Several California cities have experienced an increase in crime, such as burglary, robbery, loitering around the dispensaries, an increase in pedestrian and vehicular traffic and noise in the vicinity of the dispensaries, and the sale of illegal drugs, including the illegal resale of marijuana from dispensaries in the areas immediately surrounding such MMDs.
- 5.01.4 In October 2005, the State Board of Equalization instituted a policy that allows MMDs to obtain a seller’s permit thus enabling the State to collect sales tax on medical marijuana sales.
- 5.01.5 Recent surveys with several California cities regarding the secondary effects of MMDs indicated the following mutual issues: street dealers attempting to sell to patrons entering/exiting dispensaries; smoking marijuana in public areas; driving while under the influence of marijuana; attempted burglaries of marijuana establishments; robberies of clients patronizing establishments; adverse impacts on neighboring businesses; physicians writing prescriptions for any patrol regardless of medical infirmity; nuisance behavior of patrons; and illegal drug sales from dispensaries.
- 5.01.6 The City has not adopted rules and regulations specifically applicable to the establishment and operation of MMDs. The lack of such controls may lead to a proliferation of dispensaries and the inability of the City to regulate these establishments in a manner that will protect the general public, homes and businesses adjacent to and near such businesses, and the patient or clients of such establishments.
- 5.01.7 Based on the adverse secondary impacts experience by other cities and the lack of any regulatory program in the City regarding the establishment and operation of MMDs, it is reasonable to conclude that negative effects on the public health, safety and welfare may occur in Ferndale as a result of the proliferation of MMDs and the lack of appropriate regulations governing the establishment and operation of such facilities.
- 5.01.8 A MMD currently is not an expressly permitted use or a use permitted subject to a conditional use permit in any zoning district in the City of Ferndale.

However, such establishments may seek to locate in any zoning district disguised as a permitted use or may seek to legalize this use.

- 5.01.10 The establishment of, or the issuance or approval of any permit, certificate of use and occupancy, or other entitlement for the legal establishment of a MMD in the City may result in a threat to public health, safety and welfare in that the Ferndale Municipal Code does not currently regulate the location and operation of MMDs and does not have a regulatory program in effect that will appropriately regulate the location, establishment, and operation of MMDs in the City.

§5.02 Enactment

- 5.02.1 For the period of this ordinance a MMD shall be considered a prohibited use in any zoning district of the City, even if located within an otherwise permitted use. No permits or authorizations for a MMD shall be issued while this ordinance is in effect.
- 5.02.2 The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060 (c) (2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060 (c) (3) (the activity is not a project as defined in Section 15378 Title 14, of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, directly or indirectly. Conversely, it prevents changes in the environment pending the completion of the contemplated municipal code review.
- 5.02.3 The City Manager or his/her designee/s/ may: (1) review and consider options for the regulation of MMDs in the City, including, but not limited to the development of appropriate rules and regulations governing the location and operation of such establishments in the City; (2) meet with medical patients, advocates, law enforcement representatives, and other interested parties; and (3) shall file a written report describing the measures which the City has taken to address the conditions which led to the adoption of this ordinance with the City Council ten (10) days prior to the expiration of this interim urgency ordinance, or any extension thereof, and such report shall be made available to the public.
- 5.02.4 Pursuant to Section 65858 of the Government Code, a written report has been issued by the City Council of the City of Ferndale describing the measures that have been taken thus far to alleviate the condition that led to the adoption of the interim urgency ordinance.
- 5.02.5 This interim urgency ordinance is adopted pursuant to Section 65858 of the California Government Code.
- 5.02.6 This interim urgency ordinance shall take effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council. This extension of the interim urgency ordinance will remain in effect for one (1) year from March 30, 2011, which is the expiration date of the 10-month, 15-day interim urgency ordinance

extension and shall thereafter be of no further force and/or effect. Unless otherwise extended as allowed by law, this ordinance shall expire on March 30, 2012.

ARTICLE 6: 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 7: EFFECTIVE DATE: This interim urgency ordinance becomes effective thirty (30) days after the date of its enactment.

ARTICLE 8: 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 9: 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

Meeting Date:	February 3, 2011	Agenda Item Number	11f
Agenda Item Title:	Second Reading and possible adoption 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 second reading of Ordinance 2011-02, State Video Service Franchises Ordinance by title only and direct staff to notice and file it properly.

BACKGROUND:

The City Council approved the first reading of Ordinance 2011-02 during its February meeting and directed staff to bring it back to the March meeting for a second reading and possible adoption.

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

(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.

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:	March 3, 2011	Agenda Item Number	11g
Agenda Item Title:	Resolution 2011-12 Authorizing Disposal of Obsolete and Redundant Records		
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 2011-12 Authorizing Disposal of Obsolete and Redundant Records

BACKGROUND:

In the year 2000, the Ferndale City Clerk’s Office began using the Records Management Guidelines as administered by the California State Archives Department, and as a result, today has identified numerous records that can be destroyed, freeing up valuable file and storage space.

Those records are listed as an attachment to Resolution 2011-12.

The power plant in Scotia has agreed to burn all the records for no cost to the city.

RESOLUTION NO. 2011-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE AUTHORIZING DISPOSAL OF REDUNDANT AND OBSOLETE FILES

WHEREAS, Government Code Section 12236(a) states: “The Secretary of State shall establish the Local Government Records Program to be administered by the State Archives to establish guidelines for local government retention and to provide archival support to local agencies in this state;” and

WHEREAS, the City Clerk’s Office has adopted the “Local Government Records Retention Guidelines” recommended by the Secretary of State’s Archives Division; and

WHEREAS, the City of Ferndale has redundant and obsolete files that need to be destroyed, and

WHEREAS, the redundant and obsolete files take up needed file space.

NOW, THEREFORE BE IT RESOLVED, That the City Council of the City of Ferndale directs the City Clerk’s Office to properly dispose of the redundant and obsolete files as listed on the attached inventory.

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

- Ayes:
- Noes:
- Abstain:
- Absent:

Jeffrey Farley, Mayor

Attest:

Nancy Kaytis-Slocum, City Clerk

Names of Records	destroy
97/98 Paving	2000
Accident Report-Jensen 11/21/03	2010
Agreement for installation of electric facilities at the City Of Ferndale parking lot on Main St. -2001	2006
Agreement-Jones&Mayer-2005	2010
Arlington Ave Bridge	2003
City Prop-Fireman's Park Playground	2002
Community Development Block Grant Program	2010
Correspondence(Outgoing)From City Hall(2006)	1/1/09
Cost Estimate/Scope of Work to Review and Amend Safety and Noise Element of the General Plan-2003	2006
Election Notes-2006	2008
Financial Records 1990/1991	07/01/1996
Financial Records 1991/1992	07/01/1997
Financial Records 1993/1994	07/01/1999
Financial Records 1994/1995	2000
Financial Records- 2002/2003	2010
Financial Records 2002/2003-2003/2004	2009
Financial Records- Box 1/ 2 – (Expenditures) 2001/2002	2007
Financial Records- Box 1/ 2- 2000/2001	07/01/2006
Financial Records- Box 2/ 2- (Rev & Bank Statements) 2001/2002	2007
Financial Records- Box 2/ 2- 2000/2001	07/01/2006
Financial Records- Part 1/ 2- 1999/2000	07/01/2005
Financial Records- Part 2/ 2 Partial- 1999/2000	07/01/2005
Financial Records- Revenues & Exp for 2004/05	2010
Frances Creek Main.	2000
Garbage Collection	1999
Gas Tax & T.D.A	1998
Matthews Electric Invoice-2001	2003
Memos Cm/Pw-1996	1998
Ordinance No. 97-02	1999
PARSAC-Safety Inspection Reports-2005	2008
Paving- Lincoln/Jennesson/Madison	1995
Paving-Berding-1995	1997
Paving-Fern Street-1996	1998
Paving-Street Parking-1992	1994
Recycling	2002
Solid Waste	1980
Solid Waste Contact-1989	1995
Solid Waste Contract	1995
Solid Waste Contract-Nicholson Contact	1995
Storm Water Permit	1994
Timber Harvest Plan 1999	2001
Voters Registered 2002/04	2007/2009

Meeting Date:	March 3, 2011	Agenda Item Number	11h
Agenda Item Title:	Appoint Planning Commission and Library Board Members		
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:

Consider any applications that may have come in by February 28, 2011, after this agenda packet was distributed; the Mayor will appoint Planning Commissioners and Library Board Members, with the approval of the City Council.

BACKGROUND:

As required by law, in January the City Clerk posted openings that are coming up in 2011, asking for applications by February 28, 2011.

The Planning Commission four year terms are up for two members. The Planning Commission Ordinance states: “§5.05 Vacancies - Vacancies shall be filled by appointment for the remaining portion of the term, or for four (4) years, starting March 1st, for expired terms.” The Planning Commission has two terms ending on March 1, 2011:

- Jorgen von Frausing-Borch has asked to be reappointed for another four year term
- Lino Mogni has asked to be reappointed for another four year term

The Mayor makes appointments to boards and commissions, with the approval of the City Council. The Library Board has one term ending on March 1, 2011:

- Robert Burroughs term will expire on March 1, 2011, and he has asked to be reappointed for another four year term.

Meeting Date:	March 3, 2011	Agenda Item Number	11i
Agenda Item Title:	Ferndale Housing Equity use		
Presented By:	City Manager Jay Parrish		
Type of Item:	<input type="checkbox"/>	Action	<input checked="" type="checkbox"/> Information
Action Required:	<input checked="" type="checkbox"/>	No Action	<input type="checkbox"/> Voice Vote <input type="checkbox"/> Roll Call Vote

RECOMMENDATION:

Receive and file.

BACKGROUND:

In January, the Council directed staff to put this item on the agenda to address Duane Martin’s questions in his letter. Duane asked that we put this on the March agendas, since he was not able to attend the February meeting.

FISCAL IMPACT:

None

November 30, 2010

City of Ferndale
834 Main Street
P.O. Box 1095
Ferndale, CA 95536

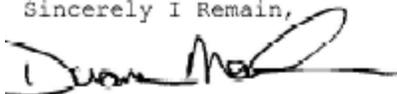
Re: Ferndale Housing Property

Dear Mayor, City Council, and City Staff:

After reviewing my notes and recording of the Special Council meeting of November 18, 2010, I have some concerns and comments that need further clarification from the City. First, is the acquired property going to be transferred to the Non-Profit organization after it is conveyed to the City? The citizens were led to believe in the information meetings before the election that this would be the sequence. If this is true, wouldn't the Non-Profit organization then be negotiating the necessary bank loan agreements using the property as collateral? AND, SHOULDN'T there be some restrictions on what the property should be collateralized on? These restrictions should be tied directly to the needs of the Ferndale Housing and not other needs of the City! We shouldn't be "robbing Peter to pay Paul". The equity we received from the Navy in the conveyance of the property should be reserved for rehabilitation of the Housing. With this being said, I believe it is necessary for the City to protect this equity by putting it in writing. One final comment: in order to have transparency, the City and the Non-Profit (Ferndale Housing) should keep separate records and not co-mingle their revenues and expenses.

I would like to thank you for your time and consideration, and I look forward to a quick and clear response to my concerns and questions.

Sincerely I Remain,



Duane Martin
Ferndale Resident and Property Owner

12/1/10

Nancy -
Sisheed

December 2, 2010

Nancy:

I have had a chance to review the copy of Duane Martin's November 30 letter regarding Ferndale Housing Property that you sent.

In answer to his first question: no, the City does not plan to transfer or convey ownership of the property to the non-profit. The plan is for the City to retain ownership of the property and enter into a long-term lease contract with the non-profit. With the long-term lease, the non-profit will manage the property under terms provided by the City, but the City will retain ownership. This has *always* been the proposed plan as it is the best way to insure that the City has ultimate control over the property and to achieve what the voters have asked for when they voted for Measure S: "If approved, the housing will be well-maintained and managed by a local property management company." Because of this, the rehabilitation loan needs to be taken by the City and cannot be taken by the non-profit.

As to the use of any cash flow generated by the property, the City Council and community have not yet made the decision as to whether these monies will be restricted for use only on the specific property or whether they can be used for more general city purposes. This is something the City Council will look at and decide in the coming months. In either case, a large part of any cash flow will be put back into the property in the form of required annual deposits to the Replacement/Capital Reserve and Operating Reserve accounts.

Lastly, Mr. Martin is correct -- the City and the non-profit, Ferndale Housing Agency, should and will keep separate records and will not co-mingle their revenues and expenses.

I hope this will be helpful for the City Council and staff in responding to Mr. Martin's questions. Please let me know if I can be of further assistance.

Sincerely,

Elizabeth Conner

Elizabeth Conner
Office: 707-822-1143
Cell: 707-845-3493
econner@humboldt1.co

Section 12

CORRESPONDENCE

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

Section 13

REPORTS

Section 13a: City Manager Staff Report

CITY MANAGER:

Meetings and Projects:

- Kiwanis meeting 1st and 3rd Tuesday of the month at 4:30 pm
- City Council Meeting – Feb. 3rd Closed session, Council conducted a CM evaluation
- Met with citizen interested in donating trees to replace trees around city hall. Numerous discussions with him and committee, and have met with Mary Gearheart a landscape architect and she has submitted final plans to replace trees. We reached agreement with committee and 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. We may need to augment the sidewalk areas for the benches and will contact local contractor for opinion.
- Met with construction manager and Manhard District manager to go over monthly pay request. Also went over construction progress, and change order. We continue to look for ways to reduce costs and save time.
- Numerous discussions with Fresnel Lens committee members to go over cost estimates and possible housing alternatives being developed by local contractor, ,engineer and draftsman. We are waiting for final plans that will be presented before the Museum Board for consideration. If that is successful we plan to bring project proposal to Lytel Foundation for grant to accomplish construction portion of proposal. Meanwhile we continue to wait on assistant attorney general

to respond to our request for their position on whether the City's loan with Coast Guard is valid. We have heard recently that there is a response working its way through the chain of command that should reach us within a couple of weeks.

- Meeting of Housing Committee; Numerous meetings with consultant and ad hoc committee members 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 sent a letter to RWQCB to ask for an extension of a couple years that should allow us to complete our portion as the (Salt River Restoration Project) dredging goes by our facility. We have been granted our extension to the SEP and received a letter from executive director of RWQCB memorializing that.
- Watershed Council meeting. Feb 8th 2-4 pm.
- Numerous meetings with individual councilmen and the mayor regarding City issues.
- Daily interaction with Police Chief regarding City and citizen issues.
- City Managers Meeting- Feb 17th 3-5pm
- Daily meetings with Public Works in morning to go over daily activities. In particular, drainage problems, pedestrian and bicycle project and the city green removal and replacing of Hawthorne trees, and other beautification projects around city hall.
- Daily discussions and updates on City Council agenda items and city issues with City Clerk and Treasurer.
- Discussions with City Planner regarding design review and planning issues.
- Planning Commission meeting Feb 17th 7 pm.
- Almost daily communications including phone conversations with Karen Ringel of Navy about conveyance issues. Market study is complete and will be brought to Council on the 24th for special meeting regarding a myriad of issues relating to the conveyance of naval complex. We received keys to the Housing Complex and are developing a plan to inspect the interior on a routine basis. As you know the navy's contract with the property management company did not include the interior of the buildings. This omission resulted in damage to one of the dwellings that could have been diminished if we would have had regular inspections. Although we do not own the property, we understand that it is prudent of us to insure that we do not have any problems inside.
- Daily interaction with City Finance Supervisor on budget and department interaction to explain use of funds. Have received our annual audit and will bring that to Council at the regular meeting in March.
- 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. We will try to set up a couple study sessions to accomplish this task.
- Ongoing 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. They have agreed to help use as we go through this process.
- Completed construction at City Hall and we are very pleased with the results of renovation. Once again we would like to thank the Village Club members and the Lytel Foundation for the improvements. If you have not seen the finished results of the renovation, please take the time to do so.
- We have ordered the new police car and have put together an agreement that will allow the City to get a new car that we will use until we get close to 25,000 miles and then return to cab company. At that point we will be given a new car as a replacement.
- Discussions with BlueStar gas for proposal on housing complex.
- Numerous conversations with Market Study consultant.
- Hand delivered non-compliance letters to three businesses.

CITY CLERK:

Meetings

- City Council Meeting – 2/3/11
- Staff Meeting
- Drainage Committee Meeting – No meeting in February
- Design Review Committee Meeting – 1/13/11; 1/26/11
- Planning Commission Meeting – 1/26/11; 2/16/11
- Meetings with City Manager regarding daily work schedule.

Council Meeting Follow Up

- Filed Council minutes for January 6, 2011
- Transcribed Council minutes for the February 3, 2011 meeting.
- Scanned and sent copy to Kent Hanford, then filed Resolution 2011-07 Approval of 6th Progress Pay Request for Management and Construction Related Costs for the WWTP.
- Created Minute Order format to record actions of the City Council that do not require Resolutions or Ordinances.
- Filed Resolution 2011-08 regarding Amended Rosenberg's Rules of Order
- Amended Resolution 2011-09 "A resolution of the City Council of the City of Ferndale Authorizing a contract extension with Ferndale/Navy Housing Consultant, Elizabeth Conner," had the Mayor sign it, then filed a copy with Ms. Conner's Contract, and the original in the Resolution Book.
- Ordinance 2011-01: Made copy for "working" ordinance book, filed the original Ordinance 2011-01 "Creating the office of Building Inspector and Adopting Construction codes and standards, providing penalties for violation, establishing fees for permits and inspections" in the Ordinance Book; wrote on original ordinances 226, 255, 257, 99-03 and 05-03 the ordinance number that repealed them, and the date; recorded the ordinance on the Ordinance List; emailed Ordinance to Webmaster for posting Online; placed public notice in the newspaper and on bulletin boards.
- Distributed agenda packets for February 24, 2011 Ferndale/Navy Housing special meeting; posted online, posted agenda.

- Checked with Ferndale/Navy Housing consultant on wording for the appointment of the City Council as the Non-Profit board for the Ferndale/Navy Housing Complex. This will be in the form of a resolution on the March agenda.

Design Review Committee Follow Up

- Assembled and disbursed design review committee meeting packets for special design review meetings.
- Wrote letters or called those applicants with Design Review approval
- Researched and assembled regular meeting packet for February 24, 2011 meeting.

Planning Commission Committee Follow Up

- Filed Resolution Number PC2011-06 “Making the required findings for conditionally approving the exception to development standards permit to construct an eight foot tall fence along a portion of Assessor Parcel Number 031-051-015.”
- Researched and assembled regular meeting packet for February 16, 2011 meeting.
- Filed Resolution Number PC2011-10 “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 six to nine foot tall fence at 550 Eugene Street (APN 031-103-003).”

Projects

- Prepare and distribute FPPC information to Council members and Commissioners, as well as staff. Prepared check sheet and envelopes to mail forms when they come in.
- 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
 - Assistant organized all of the legal documents stored in Clerk’s office.
- Filed Monthly Report of Building or Zoning Permits issued for New Privately-Owned Housing Units
- Continue reviewing files on which assistant has determined dates for retention.
- Email application failed. Chief Plant Operator set my computer to work with Outlook. Also switched internal calendar to Outlook. Learning how to use the new programs.
- Assembled checks for deposits that were prepared by the Financial Manager, passed the deposit on to the Office Assistant for deposit completion.

Building and Encroachment Permits Issued

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
	Port Kenyon Rd	Wastewater Treatment Plant

FINANCIAL MANAGER/DEPUTY CITY CLERK:***Meetings***

- Study Session City Council Meeting
- PG&E to go over Franchise Figures
- Staff Meeting
- Various Meetings with City Manager regarding financial matters
- Phone Conference with City Manager & City Accountant, Phil Aycock, regarding FEMA administrative funding received.
- Discussion with City Manager on Researching other options for Health Insurance programs

Projects

- Payroll
- Accounts Payable
- Accounts Receivable
- Answer Phones/Greet Visitors
- Purchase Various Supplies
- Receive and File January Financial Reports
- Research mid-year Budget
- Receive and Send out Quarterly Reports
- Receive and Send out W-2s
- Preparing Dress Code Document
- Prepare Management Discussion and Analysis for Audit Financial Statement
- Sent out requests for Optional Health Insurance program (CSAC & TCSIG)

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

- Coordinated with City Manager and City Clerk on planning and development projects including Home Occupation Permit regulation and design review process questions.
- Responded to inquiry regarding a past non-conforming use in the R1D zone and provided verification that the existing secondary dwelling unit at 571 Cleveland is in compliance with Zoning Ordinance standards.
- Responded to property owner question about the potential for LLA/ subdivision of AE designated lands.
- Responded to questions about renovating a portion of an existing house that does not meet setback requirements.
- Attended 1/26 and 2/16 Planning Commission meetings.

Projects

- South end of Francis Street (Hadley) - Exception to Development Standards Permit for an eight foot tall fence. Presented Staff Report at 1/26 Planning Commission hearing. Prepared and sent PC action letter to applicant.
- 550 Eugene Street - Exception to Development Standards Permit for a six to nine foot tall fence. Coordinated with City staff and applicant. Prepared and presented Staff Report at 2/16 Planning Commission hearing.

- General Plan Update - Historic & Cultural Resources Element - Continued preparation of new element including introduction, historic & cultural setting and goals. Coordinated and facilitated 1/26 PC & DRC meeting to gather input on community historic preservation goals. Presented element overview, outline and next steps at 1/26 meeting.

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 BB Field.
 - Worked on the playground surface.
 - Removed brush and tree limbs.
- 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 weedeating
 - Pull out trash daily
 - Received new benches for city hall. They are in the PW building waiting to be installed. Will be installed after all the trees and stumps are removed and new trees are planted.
 - PW will be working with the Village Club for the planting of the new trees.
 - PW will be working directly with a contractor when planting the trees around City Hall greens.
 - Worked on vacuum cleaner.
 - Picked up branches and dirt.
 - Preparing to remove more trees and hauling spoils.
 - Removed some trees and their stumps.
- Library
 - Routine mowing and weedeating
- City Parking Lot
 - Picked up garbage – Routinely as least once a week unless otherwise warranted.
 - Unplugged the drains.
 - Fixed the lights, again.
- 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.
 - Build new service gate.
 - Primed new service gate.
 - Painted the new gate red.
- Police Department
- Routine mowing and weed eating

- Scout Hall - Routine mowing and weedeating
- Roadsides - Routine mowing and weed eating
 - Cleaned the ditch on Shaw Ave across from the grammar school
- Public Works –
 - Cleaned the shop

Streets, Sidewalks and Stormdrains

- Removed debris from all the drains around town several times this month
- 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.
- Received new street signs (bright fluorescent yellow) for the Elementary school. Installed all of them.
- Cleaning Main St. gutters and cleaning the side streets as well.
- Fixed a broken post on Shaw.
- Cleaned the streets from Howard to Vanston.
- Cleaned the streets from Vanston to Shaw.
- Cleaned streets from Shaw to Main to Fern.
- Cleaned out the ditch on Washington of dirt and brush.
- Cleaned the street from Fern to Arlington.
- Swept up glass on Main at Fern.

Vehicle / Equipment Maintenance

- Routine monthly maintenance and weekly maintenance on frequently used equipment.
- Serviced the JD lawn mower.

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.

WASTEWATER OPERATIONS:

- Prepared monthly sample containers
- CPO Completed the Annual Monitoring Report required in our permit. Copies are available for viewing at City Hall.
- Operator Coppini continued preparing for the Grade 3 certification exam that he is planning to take in April.
- CPO assisted City Staff with computer tech issues.
- Completed final toxicity sampling for the 2010-11 discharge season. All the results came back with 90% and above survival rates. 70% is the minimum allowed.

- Ordered chemicals for the WWTP.
- Ordered new hats, shirts and lightweight jackets for field staff with City of Ferndale identifiers on them.
- Telephone conversation with Orrin Plocher from Freshwater Environmental Services regarding source control for our NPDES permit.
- Periodic dye tests throughout the collection system looking for connections with drainage. Staff dumps dye in drainage ditches and then checks downstream collection system for possible breaches in the collection system. If dye is found in collection pipes then drainage is connected. Nothing has been found to date but more tests are pending.
- Filled out POs for monthly invoices
- Correspondence with reps from Humboldt State and Rural Community Assistance Corporation (RCAC) regarding partnering with the engineering program at HSU to provide the city with GIS maps of the collection system. By partnering with HSU we can get the product for less cost than contracting with an engineering firm.
- Updated power point slide show showing on-going progress of WWTP construction.
- Ongoing inspection and site visits to WWTP construction site.
 - Discharge pipe was punched through at the chlorine contact chamber.
 - Third pour of aeration basin was completed
 - Perimeter foundation poured for the filter and control building.
 - Forms are going up for the stem wall of the filter and control building.
- Telephone conversation with Lisa Bernard regarding our low influent TSS and BOD numbers.
 - Low influent numbers most likely are a result of high inflow and diluted influent. When our permit requires a 65% removal of BOD and TSS and our influent numbers come in lower than the monthly limit for Effluent and sometimes even lower than the effluent sample themselves, it's difficult to achieve our removal %.
 - Lisa suggested using a different sample point than the temporary bypass. We are now taking Influent samples from the end of the temporary discharge pipe into the lagoon until the master lift station comes online.
- CPO brought City Manager up to speed on forthcoming meetings with Orrin Plocher and HSU.
- Chemical delivered to WWTP.
- Cleaned up file system on laptop.
- Consult with Manhard on louver colors for control building.
- Monthly meeting with 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.
- CPO assisted in office answering phones and helping customers while office staff gone.
- Downloaded video files from February City Council and Planning Commission meetings. Edited files and burned to DVD for archiving.
- 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.

January 2011 Flows	Average	Minimum	Maximum
Influent MGD	.415	.289	.734
Effluent MGD	.608	.090	1.215

POLICE DEPARTMENT:

- Chief Smith met with Chief Kitna (FoPD) and Chief Hill (RDPD) regarding areas of mutual interest and concern for Eel River Valley law enforcement.
- 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.
- The Department received five new portable radios for patrol use through a Homeland Security Grant.
- Chief Smith attended the monthly LECAH meeting.
- Officer Diaz attended the monthly LETMA meeting.
- Officer Hynes attended the monthly Gang Task Force meeting.
- Chief Smith has been dialoguing with an anonymous citizen who wishes to donate a new car to the police department for patrol purposes.
- Chief Smith met with Six River Communication and RWS regarding radio narrow banding requirements.

Police Statistics – January 2010

SERIOUS CRIMES	Number	Cleared
Homicide	0	
Rape	0	
Robbery	0	
Larceny	0	
Assault	0	
Burglary	0	
Vehicle Theft	0	
TOTAL	0	
SECONDARY CRIMES	2	
Calls for Service	43	
Reports Written	4	
Traffic Citations	5	
Other Citations	0	
Parking Citations	1	
Warnings	38	
ARRESTS	1	
AGENCY ASSISTS	19	
TRAFFIC COLLISIONS	1	

Section 13b: Commissions, Committees and Others

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
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

City of Ferndale, Humboldt County, California USA
Minutes for Planning Commission Meeting of January 26, 2011

Call to Order: Chair Jorgen Von Frausing-Borch called the Planning Commission/Design Review Joint Special meeting to order at 7:00 p.m. Commissioners Trevor Harper, Dan Brown, Lino Moggi, Nancy Trujillo and Design Review Committee members Dane Cowan, Michael Bailey, Michael Sweeney as well as City Manager Jay Parrish, City Clerk Nancy Kaytis-Slocum and City Planner Vanessa Blodgett were present. Those in attendance pledged allegiance to the flag.

Under Changes the City Clerk asked that the Historic & Cultural Resources Element be heard first, then the Public Hearing for the exception to development application for Willis Hadley. The Chair approved.

The Chairman turned the meeting over to City Planner Vanessa Blodgett who explained the purpose of this portion of the meeting: Gather input for the Historic & Cultural Resources General Plan Element. She gave an introduction of the relationship of the Historic & Cultural Resources Element to the General Plan; the Historic Cultural Setting and context; the historic resources and design review; cultural resources and their relationship to the Eel River Valley; and goals, policies and implementation strategies.

She then called on Tony Smithers, the Executive Director of the Humboldt County Convention and Visitors Bureau who spoke on the importance of Ferndale's Historic and Cultural resources. Heritage Tourism brings people to Ferndale because we have an authentic streetscape. He gave a comparison of what an average person spends on a trip (about \$600), while a Heritage Tourist spends approximately \$994; an average person takes about four trips a year, while a Heritage Tourist takes about five. California is the biggest destination state.

Dane Cowan, Design Review Committee member and Qualified Historical Restoration Expert, spoke on maintaining materials and features of historic buildings. Historic buildings are a physical record of time and place. Changes are made to buildings and they should be included in the historic fabric of the town. When working on a structure, one should repair before replace, and a replacement should match the old in scale, mass and proportion. Chemical treatments should be avoided – use the gentlest means possible for cleaning. Additions and extensive alterations should not destroy the historic features of the building. It is important that additions be differentiated from the old part of the building. New additions should be removable without damage being done to the existing building. Changes that can affect the historic value of your building include windows, roofing, decks and porches. Planning is important so one can have an overall view of the project – how does your project affect the streetscape? Modern materials are acceptable if they are compatible with the rest of the building. A basic concept in maintaining historical structures is to keep a record, integrate with buildings around it and maintain cultural streetscape. Cowan spoke of promoting what we already have here and suggested a city-wide inventory of historic structures. Commissioner Trujillo had concerns about forcing people who have houses over 50 years old into new regulations. Cowan spoke of encouragement rather than coercion. An inventory would help simple promotion of our town.

The participants gave the City Planner ideas for goals. Blodgett relayed the next step would be to take ideas and come up with goals. A complete draft would be brought before the Planning Commission, where there would be at least two public hearings. Changes would be made based on comments, and then the draft would be brought back before the Planning Commission asking for a recommendation for acceptance from the City Council. There was a short break at 8:30 pm.

MOTION: (Trujillo/Harper): The November 17, 2010 minutes were unanimously approved.

Under correspondence, Commissioner Trujillo commented on a form letter sent to a Home Occupation Applicant and asked that the letter contain only restrictions that are in the ordinance, rather than including when the business will be open. The Clerk said she would change the form letter, and also inform the applicant.

PUBLIC HEARING: The Chair opened the Public Hearing for a Request for an Exception to Development Permit to allow an eight foot tall fence between the subject property, located near the south end of Francis Street (APN 031-051-015), and the City Public Works Yard. The project site is zoned Residential Single Family (R1) and Agriculture Exclusive (AE). There were no public comments. MOTION: (Brown/Mogni) Adopt Resolution No. PC 2011-01 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 eight foot tall fence between the subject property, located near the south end of Francis Street (APN 031-051-015), and the City Public Works Yard. All in favor.

Historical Record of Architectural Changes. Design Review Chair Dan Brown explained that this was brought up by Dane Cowan during a Design Review meeting. It would be helpful to have before and after pictures to document changes. The photographs could be required as part of the building permit process. The Chair asked that Design Review come up with a process or method and bring it back as an action item to the Planning Commission for recommendation to send it to the City Council for approval.

Public Education: Commissioner and Design Review Chair Dan Brown talked about the excellent memo and research that committee member Michael Sweeney did on public education. Sweeney spoke on the subject to the Commission. The Commission would like to see this worked into something: how can we best use this information and expand, then finalize something.

Code Enforcement: Commissioner Brown explained that he and the City Manager were going to walk the Historic District and talk to the business owners about violations. The Planning Commission suggested that we have already warned people in the Design Review district about violations, and asked that staff send letters giving a certain amount of time to come into compliance instead of walking door to door.

Home Occupation Permits: Commissioner Trujillo asked questions of the City Planner and City Clerk regarding Home Occupation Permits. She will forward her 9/6/10 email to the City Manager to the Planner and Clerk.

The meeting was adjourned at 10:00 p.m.

Respectfully submitted:

Nancy Kaytis-Slocum, City Clerk

Section 13c: Council Reports and Comments

ABSTRACT

HWMA Meeting of the Board of Directors
February 10, 2011, 6:30 PM
Eureka City Council Chambers

The full Board was in attendance to discuss a very full schedule. Boardmember Bass introduced herself, and Boardmembers Maxwell and Winkler thanked staff for putting on the Boardmember orientation in late January. The Board briefly discussed an application for a state tire grant before approving the consent calendar.

The Request for Proposals for a recycling processor returned for final discussion, with staff making their final recommendation. Having decided not to pursue the purchase of the Samoa Facility or the creation of a new processing facility, staff believes the best way to move forward is to contract with Renewable Waste Systems and Solid Waste of Willits for the transportation and processing of recyclable materials. Public comment involved a wide range of views: Mark Loughmiller from ACRC reminded the Board that local employees would suffer if the RWS proposal was accepted, and cautioned that a double-dip recession could severely impact revenue streams. Gerry Ward, of Solid Waste of Willits, again spoke to the strengths and benefits of his proposal. John McClure of Fire and Light presented his worry that their material stream may dry up if recyclable materials are hauled out of the county. Shane Brinton, Councilmember of the City of Arcata, spoke about his concerns about working with ACRC. He lamented the loss of local jobs, but understood the choices being made by the Board. Chuck Schager from ERD expressed some concern about the collection of Eureka recyclables, and Emmitt Jones, CPA for SWoW, lauded the company for its accomplishments, its financial stability, and the professionalism of its staff. Boardmember Winkler noted reservations he has had in the past about regionalization. However, in light of the large difference between the two proposals and his duty to ratepayers, he agrees with staff in recommending RWS. The rest of the Board concurred. Staff was directed to begin negotiations with RWS.

The results of an RFP for Construction Quality Assurance during the landfill closure were presented to the Board. Executive Director Test briefly touched on the three proposals received, noting that the review panel unanimously selected Ausenco Vector as the most qualified for the project, citing recent experience and various accolades as the key factors in their selection. Questions for staff focused on the required activities of the selected CQA consultant, and the extent to which the reviewers agreed on which proposer to select. The Board affirmed the recommendation by staff to partner with Ausenco Vector.

The mid-year budget review presented a continuing trend of declining waste tonnages, the tip fee for which sets much of the Authority's yearly budget. Executive Director Test noted that through the end of the year, Authority reserves are more than adequate to balance any losses that may eventually be realized, and that the budget for the coming fiscal year will again be balanced around more accurate tonnages. Staffing expenditures were discussed; notably, the costs for maintaining the operation of the Transfer Station as garbage declines.

Staff reports focused on the upcoming waste characterization study, which will occur for a week in February, and again in the summer; the Water Board estimates that it might not be able to approve the closure plan in time to begin construction work this season. Potential problems with the burn dump owned by Recology may be compounding the problem; staff is working with Humboldt Sanitation to better improve the flow of garbage from the North County to Anderson Landfill, to the benefit of all parties; the EPA is completing final review of grant proposals, and should announce soon the awarding of additional grant funds for the food waste digester project. The most recent HHW event was extremely successful; staff presented results from the event and expressed their satisfaction at the outcome.

Section 16

ADJOURNMENT