

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

Location:	City Hall	Date:	December 6, 2012
	834 Main Street	Time:	7 pm
	Ferndale CA 95536	Posted: 11/29/12	

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
 - a. Councilmember and Mayor Oaths of Office
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 2/3^{rds} 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: November 1, 2012; Nov. 23, 2012 Page 16
9. CALL ITEM
10. PRESENTATION / Community Forum - *East-West Railroad* Page 18
11. BUSINESS
 - a. A letter Supporting an East-West Railroad study Page 22
 - b. Suddenlink Cable Transfer Agreement Page 25
 - c. Appoint Planning Commission replacement for Dan Brown Page 38

- d. Appoint Design Review Committee member Page 40
- e. Set up meeting for Orientation, City Goals, and set priorities Page 41
- f. Set up meeting for Implications and Ramifications of Lytel’s letter regarding the Drainage Assessment District Page 42
- 12. CORRESPONDENCE Page 44
- 13. REPORTS
 - a. City Manager Staff Report and Community Events Page 49
 - b. Commissions / Committees and others
 - i. Design Review Page 61
 - ii. Health Department Report Page 65
 - iii. Library Board Meeting Page 66
 - iv. Planning Commission Page 67
 - v. Sign Committee Page 68
 - c. Council Reports and Comment
 - i. HMRA Minutes Page 75
 - ii. HCAOG Minutes Page 77
 - iii. HWMA Minutes Page 80
 - iv. RCEA Minutes Page 85
 - v. RREDC Minutes Page 88
 - vi. Salt River Watershed Council Page 90
- 14. ADJOURN Page 92

**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, January 3, 2013 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

Councilmember and Mayor Oaths of Office

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 10/21/12 To 11/20/12
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	
45639	11/14/12		101AP	101 AUTO PARTS		90.00
24315088				Equipment repair	90.00	
Total for 101 AUTO PARTS				PUBLIC		90.00
45640	11/14/12		AESDE	AESTHETIC DESIGN & PHOTOGRAPHY		300.00
10125012				Office expense	300.00	
Total for AESTHETIC DESIGN & PHOTOGRAPHY				WEB		300.00
45596	11/01/12		ARNKE	ARNOLD C. KEMP		1,303.00
10435052				Building regulation/inspectio	1,303.00	
Total for ARNOLD C. KEMP						1,303.00
45641	11/14/12		PHIAY	AYCOCK & EDGMON		6,225.00
10165054				Audit and accounting	6,225.00	
Total for AYCOCK & EDGMON						6,225.00
45583	10/29/12		BAKTA	BAKER & TAYLOR		437.24
10615024				Books	437.24	
Total for BAKER & TAYLOR				LIBRA		437.24
45610	11/06/12		BAYWE	BAY WEST SUPPLY, INC.		316.35
10175024				Supplies - public restroom	238.16	
10635020				Buildings and grounds maintenance	78.19	
Total for BAY WEST SUPPLY, INC.						316.35
45597	11/01/12		BENAD	BENEFICIAL ADMIN COMPANY INC.		199.10
10012260				Health insurance payable	43.57	
10105007				Medical insurance	8.88	
10125007				Medical insurance	24.12	
10215007				Medical insurance	60.30	
10315007				Medical insurance	2.47	
10635007				Medical insurance	1.21	
22315007				Medical insurance	1.57	
24315007				Medical insurance	2.47	
25315007				Medical insurance	3.65	
26315007				Medical insurance	2.17	
30515007				Medical insurance	48.69	
Total for BENEFICIAL ADMIN COMPANY INC.						199.10
45584	10/29/12		BUCCO	BUCCOLA CONSTRUCTION		82.71
10215020				Building and gounds maint.	82.71	
Total for BUCCOLA CONSTRUCTION						82.71
45585	10/29/12		CALST	CALIFORNIA STATE DISBURSEMENT UNIT		139.38
10012250				Garnishments payable	139.38	
45642	11/14/12		CALST	CALIFORNIA STATE DISBURSEMENT UNIT		139.38
10012250				Garnishments payable	139.38	
Total for CALIFORNIA STATE DISBURSEMENT UN						278.76

City of Ferndale

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

Printed Regular Checks

General Checking - Distribution Detail - From 10/21/12 To 11/20/12
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		
45558	10/24/12		CIG	CIG		10,153.00
	10165063			Insurance (Fire Bldg.)		10,153.00
Total for CIG						10,153.00
45598	11/01/12		CITFO	CITY OF FORTUNA		1,016.66
	10215035			Dispatch service	POLICE	1,016.66
Total for CITY OF FORTUNA						1,016.66
45611	11/06/12		CNOA	CNOA REGION VIII		45.00
	10215048			Training	POLICE	45.00
Total for CNOA REGION VIII						45.00
45586	10/29/12		COLRD	COLLEGE OF THE REDWOODS		176.00
	10215048			Training	POLICE	176.00
Total for COLLEGE OF THE REDWOODS						176.00
45612	11/06/12		COMAS	COMPUTER ASSISTANCE		220.00
	10125012			Office expense	TOWN HALL	220.00
Total for COMPUTER ASSISTANCE						220.00
45563	10/24/12		CNCON	CORY NUNES CONSTRUCTION		7,920.00
	10635020			Buildings and grounds maintenance	COMMUNIT Y	7,920.00
Total for CORY NUNES CONSTRUCTION						7,920.00
45559	10/24/12		DELOR	DEL ORO WATER CO., FDLE. DIST.		393.72
	10155031			Water		27.67
	10175031			Water - public restroom		82.05
	10215029			Water		28.18
	10615033			Water		23.95
	10625033			Water		66.63
	10635031			Water		73.03
	24315033			Water		36.82
	30515032			Utilities - electric - plant		55.39
Total for DEL ORO WATER CO., FDLE. DIST.						393.72
45587	10/29/12		DEPJU	DEPARTMENT OF JUSTICE		105.00
	10215052			Professional services	POLICE	105.00
Total for DEPARTMENT OF JUSTICE						105.00
45643	11/14/12		DOCST	DOCUSTATION INC. \ DOCUSTATION		131.51
	10165078			Copy machine expense		131.51
Total for DOCUSTATION						131.51
45564	10/24/12		ELISO	ELIAS SOUSA		2,700.00
	30515055			Contractual services		2,700.00
Total for ELIAS SOUSA						2,700.00
100	10/29/12	EFT	EMPDE	EMPLOYMENT DEVELOPMENT DEPARTMENT		1,245.22
	10012302			State P/R Tax Deposits		1,245.22
100	11/14/12	EFT	EMPDE	EMPLOYMENT DEVELOPMENT DEPARTMENT		762.34
	10012302			State P/R Tax Deposits		762.34

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

Printed Regular Checks

General Checking - Distribution Detail - From 10/21/12 To 11/20/12
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
45560	10/24/12	EMPDE		EMPLOYMENT DEVELOPMENT DEPARTMENT		301.29
	10012302			State P/R Tax Deposits	301.29	
Total for EMPLOYMENT DEVELOPMENT DEPART						2,308.85
45599	11/01/12	FORAP		FORTUNA AUTO & TRUCK PARTS INC		184.78
	24315014			Vehicle expense	184.78	
				SEWER		
Total for FORTUNA AUTO & TRUCK PARTS INC						184.78
45565	10/24/12	FORIR		FORTUNA IRON \ FORTUNA IRON CORPORATION		1,899.40
	30515121			Sewer plant maintenance	1,899.40	
				SEWER		
Total for FORTUNA IRON CORPORATION						1,899.40
45588	10/29/12	FORMO		FORTUNA MOTORS		149.92
	10215014			Vehicle expense	149.92	
45600	11/01/12	FORMO		FORTUNA MOTORS	POLICE	1,084.34
	10215014			Vehicle expense	1,084.34	
Total for FORTUNA MOTORS						1,234.26
45561	10/24/12	FRONT		FRONTIER		903.47
	10155034			Telephone	172.16	
	10215034			Telephone	246.73	
	10615034			Telephone	110.43	
	24315034			Telephone	49.89	
	30515034			Telephone	324.26	
Total for FRONTIER						903.47
45644	11/14/12	GECAP		GE CAPITAL		220.83
	10165078			Copy machine expense	220.83	
Total for GE CAPITAL						220.83
45645	11/14/12	HWMA		HUM WASTE MANAGEMENT AUTHORITY		96.14
	10165099			Miscellaneous	96.14	
				AT&T RECYCLE SEWER		
Total for HUM WASTE MANAGEMENT AUTHORITY						96.14
45589	10/29/12	HUMSH		HUMBOLDT CO SHERIFF DEPT		214.20
	10215086			Booking fees	214.20	
				POLICE		
Total for HUMBOLDT CO SHERIFF DEPT						214.20
45646	11/14/12	TAXCO		HUMBOLDT COUNTY TAX COLLECTOR		142.02
	10155020			Building and ground maint.	142.02	
Total for HUMBOLDT COUNTY TAX COLLECTOR						142.02
45601	11/01/12	HUMLOD		HUMBOLDT LODGING ALLIANCE, INC.		1,009.98
	10011200.1			Transient occupancy tax	1,009.98	
				TO		
Total for HUMBOLDT LODGING ALLIANCE, INC.						1,009.98
45590	10/29/12	HUMOT		HUMBOLDT OUTFITTERS		164.04
	30515094			Safety equipment	164.04	
				SEWER		
Total for HUMBOLDT OUTFITTERS						164.04

City of Ferndale

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

Printed Regular Checks

General Checking - Distribution Detail - From 10/21/12 To 11/20/12
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
45591	10/29/12		HUMTE	HUMBOLDT TERMITE & PEST	POLICE		49.00
	10215020			Building and grounds maint.		49.00	
45647	11/14/12		HUMTE	HUMBOLDT TERMITE & PEST	CITY		65.00
	10635020			Buildings and grounds maintenance		65.00	
Total for HUMBOLDT TERMITE & PEST							114.00
45602	11/01/12		JAYPA	JAY PARRISH			400.00
	10165096			Car Allowance		400.00	
Total for JAY PARRISH							400.00
45648	11/14/12		LMREN	L & M RENNER, INC.			2,076.20
	10215016			Fuel		1,034.26	
	24315016			Vehicle Fuel		431.73	
	30515016			Vehicle gas		610.21	
Total for L & M RENNER, INC.							2,076.20
45649	11/14/12		MANHD	MANHARD CONSULTING LTD			10,232.50
	10425052			General engineering		3,358.75	
	10425053			Developer engineering		4,915.00	
	26315052			Engineering		1,748.75	
	30515095			Capital outlay		210.00	
Total for MANHARD CONSULTING LTD							10,232.50
45650	11/14/12		MEGMCC	MEGAN MCCULLAH			125.00
	10084287.1			Reimbursed building fees		125.00	
Total for MEGAN MCCULLAH							125.00
45613	11/06/12		MERFR	MERCER FRASER COMPANY			157.54
	24315021			Street maintenance		157.54	
45651	11/14/12		MERFR	MERCER FRASER COMPANY			58.95
	24315021			Street maintenance		58.95	
Total for MERCER FRASER COMPANY							216.49
45603	11/01/12		MIRRE	MIRANDA'S RESCUE			450.00
	10225096			Animal control		450.00	
Total for MIRANDA'S RESCUE							450.00
45614	11/06/12		MISSN	MISSION UNIFORM & LINEN			61.74
	10175024			Supplies - public restroom		9.58	
	10635020			Buildings & grounds maintenance - Comm		52.16	
Total for MISSION UNIFORM & LINEN							61.74
45615	11/06/12		MBDVZ	MITCHELL, BRISSO, DELANEY & VRIEZE			116.00
	10145052			Professional services		116.00	
Total for MITCHELL, BRISSO, DELANEY & VRIEZE							116.00
45616	11/06/12		NORCO	NORTH COAST LABORATORIES LTD.	SEWER		386.30
	30515157			Effluent testing		386.30	
Total for NORTH COAST LABORATORIES LTD.							386.30

City of Ferndale

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

Printed Regular Checks

General Checking - Distribution Detail - From 10/21/12 To 11/20/12
 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		
45592	10/29/12		NORSE	NORTH COAST SECTION CWEA, INC.		100.00
30515044				Meetings and dues	100.00	
Total for				NORTH COAST SECTION CWEA, INC.		100.00
100	10/29/12	EFT	NORVA	NORTH VALLEY BANK		6,710.92
10012301				Federal P/R Tax Deposits	6,710.92	
100	11/14/12	EFT	NORVA	NORTH VALLEY BANK		4,705.10
10012301				Federal P/R Tax Deposits	4,705.10	
45604	11/01/12		NORVL	NORTH VALLEY BANK (1) \ NORTH VALLEY BANK		1,948.36
26315194				Interest-Six Rivers loan	1,948.36	
Total for				NORTH VALLEY BANK		13,364.38
45566	10/24/12		ORGEX	ORGANIZED EXECUTIVE		119.00
10125012				Office expense JAY PARISH	119.00	
Total for				ORGANIZED EXECUTIVE		119.00
45562	10/24/12		PACGA	PACIFIC GAS & ELECTRIC		1,169.50
22315058				Street lighting	1,169.50	
45617	11/06/12		PACGA	PACIFIC GAS & ELECTRIC		6,565.00
10175032				Electric - public restroom	20.21	
10215032				Utilities electric	134.23	
10615032				Utilities	160.99	
10625032				Utilities - electric	56.43	
10635032				Utilities	285.11	
22315058				Street lighting	26.21	
24315032				Utilities	228.42	
30515032				Utilities - electric - plant	5,653.40	
45652	11/14/12		PACGA	PACIFIC GAS & ELECTRIC		147.87
10155032				Utilities electric	147.87	
Total for				PACIFIC GAS & ELECTRIC		7,882.37
45618	11/06/12		PLANW	PLANWEST PARTNERS, INC.		5,353.00
10415052				General planning services	3,841.75	
10415053				Reimbursable fees	1,511.25	
Total for				PLANWEST PARTNERS, INC.		5,353.00
45593	10/29/12		QUILL	QUILL		172.01
10615012				Office expense LIBRA	172.01	
Total for				QUILL		172.01
45653	11/14/12		RREDC	REDWOOD REGION ECON. DEVELOP. COMM.		1,000.00
10094307				Miscellaneous DONATION ARCATA	1,000.00	
Total for				REDWOOD REGION ECON. DEVELOP. CO		1,000.00
45605	11/01/12		ROBSM	ROBIN SMITH		153.47
10245052				Professional services	153.47	
Total for				ROBIN SMITH		153.47

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

Printed Regular Checks

General Checking - Distribution Detail - From 10/21/12 To 11/20/12
Check #: All - Vendor: All - Payee Name: All - By Payee Name - AP Pmt Distribution

Chk No.	Date Acct No.	Pay Type	Ven ID	Vendor Name \ Payee Name Override Description	Distribution Amount	Check Amount
45619	11/06/12		SEQGA	SEQUOIA GAS COMPANY		655.42
	10155033			Utilities gas	230.38	
	10615031			Gas	106.16	
	10635033			Gas	318.88	
Total for SEQUOIA GAS COMPANY						655.42
45594	10/29/12		SIXRC	SIX RIVERS COMMUNICATIONS		765.00
	10125012			Office expense POLICE	90.00	
	10215024			Special department supply	585.00	
	24315014			Vehicle expense	90.00	
Total for SIX RIVERS COMMUNICATIONS						765.00
45654	11/14/12		SDRMA	SPECIAL DISTRICT RISK MANAGEMENT AUT		10,593.15
	10012260			Health insurance payable	931.01	
	10105007			Medical insurance	530.14	
	10125007			Medical insurance	1,208.60	
	10215007			Medical insurance	3,080.04	
	10315007			Medical insurance	146.45	
	10635007			Medical insurance	143.18	
	22315007			Medical insurance	162.72	
	24315007			Medical insurance	196.82	
	25315007			Medical insurance	199.70	
	26315007			Medical insurance	187.69	
	30515007			Medical insurance	3,806.80	
Total for SPECIAL DISTRICT RISK MANAGEMENT A						10,593.15
45655	11/14/12		SPETR	SPECIALTY TRAFFIC SYSTEMS		45.36
	24315021			Street maintenance PUBLIC	45.36	
Total for SPECIALTY TRAFFIC SYSTEMS						45.36
45620	11/06/12		SPRSA	SPRINGVILLE SAFETY & SUPPLY		56.31
	10635020			Buildings and grounds maintenance PUBLIC	56.31	
Total for SPRINGVILLE SAFETY & SUPPLY						56.31
45606	11/01/12		STAPE	STAPLES CREDIT PLAN		142.96
	10125012			Office expense TOWN HALL	72.20	
	30515012			Office expense SEWER	70.76	
Total for STAPLES CREDIT PLAN						142.96
45621	11/06/12		STABO	STATE WATER RESOURCES CONTROL BO (3) \ STATE WATE		5,444.00
	30515092			Sewer plant permit SEWER	5,444.00	
Total for STATE WATER RESOURCES CONTROL BO						5,444.00
45607	11/01/12		SUPIN	SUPERIOR INSTALLS		560.00
	10215024			Special department supply POLICE	560.00	
Total for SUPERIOR INSTALLS						560.00
45622	11/06/12		FEREN	THE FERNDALE ENTERPRISE		119.00
	10115013			Advertising - Council	119.00	

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

Printed Regular Checks

General Checking - Distribution Detail - From 10/21/12 To 11/20/12
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 THE FERNDALE ENTERPRISE						119.00
45567	10/24/12		THOGZ	THOMAS W. GONZALEZ, SR		Void
	10635020			Buildings and grounds maintenance	Void	
45608	11/01/12		THOGZ	THOMAS W. GONZALEZ, SR		230.00
	10635020			Buildings and grounds maintenance	230.00	
Total for THOMAS W. GONZALEZ, SR						230.00
45656	11/14/12		TOWCO	TOWN & COUNTRY REFRIGERATION		132.98
	10635020			Buildings and grounds maintenance	132.98	
Total for TOWN & COUNTRY REFRIGERATION COMMUNITY						132.98
45657	11/14/12		USBNK	U.S. BANK CORPORATE PAYMENT SYSTEM		335.60
	10215024			Special department supply	CREDIT 335.60	
Total for U.S. BANK CORPORATE PAYMENT SYSTE						335.60
45658	11/14/12		USDAR	USDA RURAL DEVELOPMENT (1) \ USDA RURAL DEVELOPM		4,100.00
	30515192			Retirement of bonds	4,100.00	
Total for USDA RURAL DEVELOPMENT						4,100.00
45659	11/14/12		VALLU	VALLEY LUMBER		580.83
	20625020			Blding/Grd Mnt.	PUBLIC 303.72	
	24315021			Street maintenance	277.11	
Total for VALLEY LUMBER						580.83
45609	11/01/12		VERZN	VERIZON		252.40
	10155034			Telephone	30.08	
	10215034			Telephone	120.31	
	24315034			Telephone	11.78	
	30515034			Telephone	90.23	
Total for VERIZON						252.40
45595	10/29/12		WDMCN	WILLIAM DONNY MOBLEY CONSTRUCTION		1,128.50
	30515122			Sewer line maintenance	SEWER 1,128.50	
Total for WILLIAM DONNY MOBLEY CONSTRUCTI						1,128.50
Total for the 75 checks					107,934.99	107,934.99

City of Ferndale

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

Printed Regular Checks

General Checking - Distribution Detail - From 10/21/12 To 11/20/12

Check #: All - Vendor: All - Payee Name: All - By Payee Name - AP Pmt Distribution

Account Distributions

Account No.	Account Description	Amount
10011200.1	Transient occupancy tax	1,009.98
10012250	Garnishments payable	278.76
10012260	Health insurance payable	974.58
10012301	Federal P/R Tax Deposits	11,416.02
10012302	State P/R Tax Deposits	2,308.85
10084287.1	Reimbursed building fees	125.00
10094307	Miscellaneous	1,000.00
10105007	Medical insurance	539.02
10115013	Advertising - Council	119.00
10125007	Insurance Med/Den/Vis	1,232.72
10125012	Office expense	801.20
10145052	Professional services	116.00
10155020	Building and ground maint.	142.02
10155031	Water	27.67
10155032	Utilities electric	147.87
10155033	Utilities gas	230.38
10155034	Telephone	202.24
10165054	Audit and accounting	6,225.00
10165063	Insurance (Fire Bldg.)	10,153.00
10165078	Copy machine expense	352.34
10165096	Car Allowance	400.00
10165099	Miscellaneous	96.14
10175024	Supplies - public restroom	247.74
10175031	Water - public restroom	82.05
10175032	Electric - public restroom	20.21
10215007	Medical insurance	3,140.34
10215014	Vehicle expense	1,234.26
10215016	Fuel	1,034.26
10215020	Building and grounds maint.	131.71
10215024	Special department supply	1,480.60
10215029	Water	28.18
10215032	Utilities electric	134.23
10215034	Telephone	367.04

City of Ferndale

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

Printed Regular Checks

General Checking - Distribution Detail - From 10/21/12 To 11/20/12

Check #: All - Vendor: All - Payee Name: All - By Payee Name - AP Pmt Distribution

10215035	Dispatch service	1,016.66
10215048	Training	221.00
10215052	Professional services	105.00
10215086	Booking fees	214.20
10225096	Animal control	450.00
10245052	Professional services	153.47
10315007	Medical insurance	148.92
10415052	General planning services	3,841.75
10415053	Reimbursable fees	1,511.25
10425052	General engineering	3,358.75
10425053	Developer engineering	4,915.00
10435052	Building regulation/inspectio	1,303.00
10615012	Office expense	172.01
10615024	Books	437.24
10615031	Gas	106.16
10615032	Utilities	160.99
10615033	Water	23.95
10615034	Telephone	110.43
10625032	Utilities - electric	56.43
10625033	Water	66.63
10635007	Medical insurance	144.39
10635020	Buildings and grounds maintenance	8,534.64
10635031	Water	73.03
10635032	Utilities	285.11
10635033	Gas	318.88
20625020	Blding/Grd Mnt.	303.72
22315007	Medical insurance	164.29
22315058	Street lighting	1,195.71
24315007	Medical insurance	199.29
24315014	Vehicle expense	274.78
24315016	Fuel	431.73
24315021	Street maintenance	538.96
24315032	Utilities	228.42
24315033	Water	36.82
24315034	Telephone	61.67
24315088	Equipment repair	90.00

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

Printed Regular Checks

General Checking - Distribution Detail - From 10/21/12 To 11/20/12
Check #: All - Vendor: All - Payee Name: All - By Payee Name - AP Pmt Distribution

25315007	Medical insurance	203.35
26315007	Medical insurance	189.86
26315052	Engineering	1,748.75
26315194	Interest-Six Rivers loan	1,948.36
30515007	Medical insurance	3,855.49
30515012	Office expense	70.76
30515016	Vehicle gas	610.21
30515032	Utilities - electric - plant	5,708.79
30515034	Telephone	414.49
30515044	Meetings and dues	100.00
30515055	Contractual services	2,700.00
30515092	Sewer plant permit	5,444.00
30515094	Safety equipment	164.04
30515095	Capital outlay	210.00
30515121	Sewer plant maintenance	1,899.40
30515122	Sewer line maintenance	1,128.50
30515157	Testing and monitoring	386.30
30515192	Retirement of bonds	4,100.00
		107,934.99

City of Ferndale

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

Printed PayCheck Checks

General Checking - Date Range: From 10/21/12 To 11/20/12 - Check #: All - Dept: All
 Sort Code: All - EmpID: All - Emp Name: All - By Check Number

Check #	Date	Emp. #	Employee Name	Amount
45568	10/30/12	2,190	HEATH A. BOHACIK	989.43
45569	10/30/12	6,115	MARY ELLEN BOYNTON	66.13
45570	10/30/12	5,220	STEVE L. COPPINI	1,336.37
45571	10/30/12	5,221	DOUGLAS E. CULBERT	1,994.36
45572	10/30/12	2,178	PAUL A. DIAZ JR.	987.37
45573	10/30/12	2,185	LINDSEY D. FRANK	1,164.02
45574	10/30/12	5,222	IAN E. IVEY	306.27
45575	10/30/12	1,214	NANCY S. KAYTIS-SLOCUM	1,614.89
45576	10/30/12	5,235	TIMOTHY W. MIRANDA	1,097.64
45577	10/30/12	1,012	JAY D. PARRISH	2,552.76
45578	10/30/12	1,217	LACY L. PEDROTTI	770.88
45579	10/30/12	6,142	DIANNA L. RICHARDSON	103.92
45580	10/30/12	2,200	BRET A. SMITH	1,417.83
45581	10/30/12	2,186	ADAM D. STRICKER	983.12
45582	10/30/12	5,280	DANIEL V. SUTTON	1,049.92
45623	11/01/12	1,510	MARIA A. ROSA	218.57
45624	11/13/12	2,190	HEATH A. BOHACIK	1,124.30
45625	11/13/12	6,115	MARY ELLEN BOYNTON	66.12
45626	11/13/12	5,220	STEVE L. COPPINI	1,463.03
45627	11/13/12	5,221	DOUGLAS E. CULBERT	2,004.76
45628	11/13/12	2,178	PAUL A. DIAZ JR.	953.74
45629	11/13/12	2,185	LINDSEY D. FRANK	1,008.86
45630	11/13/12	5,222	IAN E. IVEY	310.44
45631	11/13/12	1,214	NANCY S. KAYTIS-SLOCUM	1,586.45
45632	11/13/12	5,235	TIMOTHY W. MIRANDA	1,143.33
45633	11/13/12	1,012	JAY D. PARRISH	2,552.76
45634	11/13/12	1,217	LACY L. PEDROTTI	776.95
45635	11/13/12	6,142	DIANNA L. RICHARDSON	103.92
45636	11/13/12	2,200	BRET A. SMITH	1,417.82
45637	11/13/12	2,186	ADAM D. STRICKER	983.12
45638	11/13/12	5,280	DANIEL V. SUTTON	993.19
Total				33,142.27

City of Ferndale, Humboldt County, California USA
City Council Minutes for November 1, 2012

Mayor Jeffrey Farley called the Regular City Council Meeting to order at 7:00PM. Present were Councilmen John Maxwell, Michael Sweeney and Stuart Titus, along with staff City Manager Jay Parrish, City Clerk Nancy Kaytis-Slocum, Administrative Assistant Lacy Pedrotti, and City Engineer Praj White. Those present pledged allegiance to the flag. The City Clerk called roll call. Councilman Ken Mierzwa was absent.

Ceremonial: The City Clerk gave the Oath of Office to Lacy Pedrotti and welcomed her as Deputy City Clerk.

The City Clerk read the Proclamation for The Great American Smoke Out, and Mayor Jeffrey Farley presented the Proclamation to Michael Goldsby. Mr. Goldsby thanked the Council and presented a basket to The City of Ferndale to hand out in City Hall.

Under Public Comment: Bruce Keller brought to the attention of City Council that his neighboring property owned by Caroline Jones, was vandalized during the 1972 Class Reunion. He explained that the graffiti on the weathered old redwood barn has ruined the building authenticity. Keller offered to assist with the removal of the graffiti since his expertise is in restoration. Councilman Stuart Titus apologized on behalf of his graduating class of 1972. Mayor Farley stated that he will approach his classmates for a donation to restore the building.

Consent Calendar: MOTION: (Titus/Maxwell) Accept Accounts Payable and approve the minutes from the October 4, 2012 meeting. Unanimous.

City Green Sculpture: City Manager Jay Parrish has been working with the Humboldt State University (HSU) Art Department in an effort to replace the sculpture we had in the City Green last year. Those efforts have resulted in a prospectus and should result in a creation available to us on May 15, 2013. That sculpture will be available to us for one year, at which time our hopes are that it will be replaced with another sculpture through the HSU program. MOTION: (Titus/Sweeney) Approve Resolution 2012-34 authorizing \$600 expenditure for the materials. Sculpture will be on display for one year and sold. All in favor.

Airline Service: MOTION: (Sweeney/Titus) Approve Resolution 2012-33 approving \$1000 from General Fund to Support Expanded Airline Service in Humboldt County. All in favor.

Disposal of Files: MOTION: (Titus/Maxwell) Approve Resolution Number 2012-32 approving the disposal of redundant and obsolete files. All in favor.

Key to the City: MOTION: (Titus/Maxwell) The date is set for Mayor Jeffrey Farley to present Guy Fieri with the Key to the City on November 23rd, 6:30pm at City Hall. All in favor.

City Manager Jay Parish Report: The California Conservation Corp. is planting Willow Trees in the debris torrent 3.5 miles upstream. Resource Conservation District and the CCC will be working together on the

Salt River Restoration Project. The Riverside Ranch vegetation removal will be all done by hand. The 5th Street drainage project will go out for bid Monday, November 5th. The 4th & Shaw drainage project is placed on hold until spring of 2013. Phase II of Pedestrian Project: Plan is to pave all of Berding Street. City Engineer Praj White announced that due to the population increase on Native Lands to which HCOAG parcels out Transportation funding, the City of Ferndale will be receiving a 20% decrease in funds next year.

The meeting adjourned at 8:05PM. The next regular Council Meeting is scheduled for December 5, 2012 at 7PM.

Respectfully submitted,

Lacy Pedrotti

Deputy City Clerk

<p style="text-align: center;">City of Ferndale, Humboldt County, California USA City Council Minutes for November 23, 2012</p>
--

Mayor Jeffrey Farley opened the special City Council meeting at 6:30pm. Councilmen Stuart Titus, Ken Mierzwa and John Maxwell were present along with staff City Manager Jay Parrish, City Clerk Nancy Kaytis-Slocum and Deputy City Clerk Lacy Pedrotti. Councilman Michael Sweeney was absent. Those present pledged allegiance to the flag.

City Manager Jay Parrish talked of giving thanks for family, friends and community. City Clerk Nancy Kaytis-Slocum read the city's Proclamation honoring Guy Fieri, followed by Chamber President Karen Pingitore, Fair Manager Stuart Titus, School Superintendent Jack Lakin and Supervisor Rex Bohn. Laura Bradley thanked Guy Fieri for his generous donation to the music program. Mayor Farley presented several items to Guy Fieri. Mr. Fieri thanked the community and talked about what it meant to him to come from a small town like Ferndale.

The meeting was adjourned at 7:00pm.

Respectfully Submitted:

Nancy Kaytis-Slocum
City Clerk

Section 9

CALL ITEMS

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

Section 10

PRESENTATIONS

East – West Railroad – David Tyson

The Humboldt Bay Alternative Rail Route Feasibility Study

In January 2012, the Eureka City Council passed a Resolution supporting the *Humboldt Bay Alternative Rail Route Feasibility Study* after the issue was brought to the Council's attention by several local citizens. Based upon the large economic potential of a rail line connecting Humboldt Bay's harbor to the national rail network in the Sacramento Valley and since it appears that North Coast Railroad Authority's (NCRA) north-south line will not be reopened in the foreseeable future, the City of Eureka has taken this opportunity to lead an effort to explore the feasibility of an alternate rail route to the east. As conceptually proposed, the east-west rail route would be roughly half of the length (approximately 125 miles) of the existing Northwestern Pacific Railroad's north-south rail line. This new route potentially involves a fraction of the tunnels, bridges and signaled crossings of the existing north-south rail line.

What might be in a Alternative Rail Route Feasibility Study?

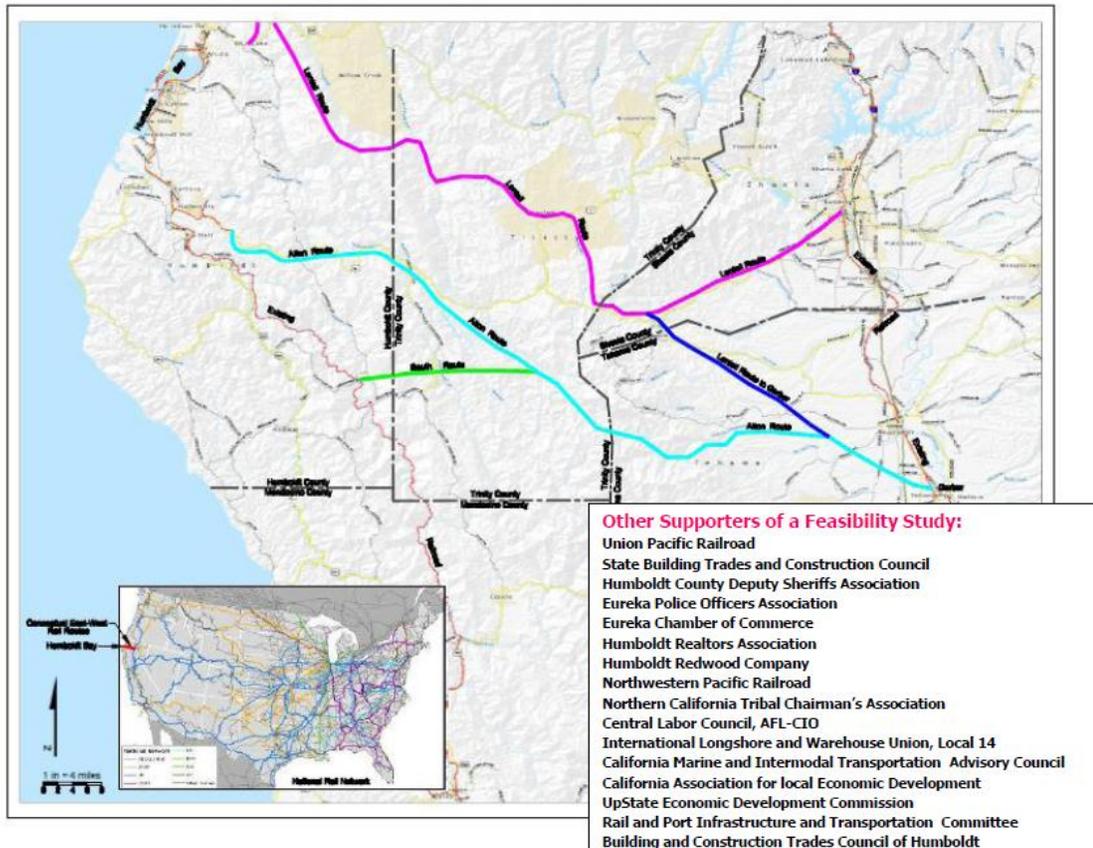
- Identification of a proposed route and alternatives
- Identification of land ownerships
- Identification of market potential
- A conceptual development plan that will include:
 - Ownership/governance
 - Estimated environmental issues and mitigations
 - Estimated development costs and timelines
 - Prelim engineering
 - Highway/port connectors
 - Additional uses of the corridor (fiber optic, trail, etc)
 - Estimated permitting needs

Agency Support

- City of Eureka
- County of Humboldt
- County of Tehama
- County of Trinity
- City of Fortuna
- City of Rio Dell
- Humboldt County Sheriff's Office
- Wiyot Tribe
- Six Rivers National Forest
- Shasta-Trinity National Forest
- Humboldt State University
- Humboldt County Office of Ed.

For more information contact:
 David Tyson, City Manager, City of Eureka
 707.441.4144 dtyson@ci.eureka.ca.gov

Conceptual East-West Rail Routes



Humboldt Bay Alternative Rail Route Feasibility Study

Support Letters as of October 25, 2012

Public Agencies

- **City of Eureka, CA**
- **City of Fortuna, CA**
- **City of Rio Dell, CA**
- **County of Humboldt, CA**
- **County of Trinity, CA**
- **County of Tehama, CA**
- **Wiyot Tribe**
- **Northern California Tribal Chairman's Association**
- **Humboldt State University**
- **Humboldt County Office of Education**
- **Humboldt County Sheriff's Office**
- **Shasta-Trinity National Forest**
- **Six Rivers National Forest**

Business, Labor, Law Enforcement and Citizen Organizations

- **Union Pacific Railroad**
 - **Northwestern Pacific Railroad Company**
 - **The Greater Eureka Chamber of Commerce**
 - **Humboldt Redwood Company**
 - **California Marine and Intermodal Transportation System Advisory Council**
 - **UpState California Economic Development Council**
 - **California Association for Local Economic Development**
 - **Building and Construction Trades Department of the American Federation of Labor – Congress of Industrial Organizations**
 - **State Building and Construction Trades Council of California**
 - **Building and Construction Trades Council of Humboldt and Del Norte Counties**
 - **International Longshore and Warehouse Union, Local 14**
 - **Operating Engineers Local 3**
 - **Bricklayers and Allied Craftworkers Local No. 3, California**
 - **Central Labor Council, AFL-CIO of Humboldt and Del Norte Counties**
 - **Eureka Police Officer's Association**
 - **Humboldt Deputy Sheriff's Organization**
 - **East-West Rail Advocates**
 - **Landbridge Alliance**
 - **Rail and Port Infrastructure and Transportation Committee**
 - **Humboldt Bay Harbor Working Group**
-

Section 11

BUSINESS

Meeting Date:	December 6, 2012	Agenda Item Number	11A
Agenda Item Title:	A letter of Support of the Humboldt Bay Alternative Rail Route Feasibility Study to evaluate an alternative (eastern) rail route to connect Humboldt Bay to the national rail network.		
Presented By:	Jay Parrish, City Manager		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	Approve Letter of Support		

RECOMMENDATION:

Approve attached letter supporting the Humboldt Bay Alternative Rail Route Feasibility Study to evaluate an alternative (eastern) rail route to connect Humboldt Bay to the national rail network and direct the City Manager to sign it.

BACKGROUND:

During this meeting the Council heard a presentation by Dave Tyson who spoke in favor of conducting a study to determine the feasibility of an alternative rail route connecting the port facilities in Humboldt Bay to the national rail system. The presenter explained that this so-called "east-west" route was not a new idea, but one that actually had its origins in the late 1800s. The "Humboldt and Eastern Railroad" was in the process of acquiring financing and obtaining easements to build a rail line from Humboldt Bay area to the Sacramento Valley when the 1906 San Francisco earthquake and fire made the competing north-south rail line necessary to supply materials to rebuild the City. Within a few years, the eastern route was shelved, but not before the route was scouted and mapped.

The presenter also noted the economic potential that rail service to Humboldt Bay may add to the local economy noting that there are 382 short line railroads in the US that service areas of high levels of economic activity. It was also noted that the average railroad job pays approximately \$104,000/year. Presenters pointed out that locally we haven't really looked at improving transportation infrastructure for a long time. The last real boom in rail, port and road building occurred 20-30 years ago. The presenter pointed out that the Humboldt County area is challenged by its aging infrastructure.

It has been noted that one of the factors keeping the Port of Humboldt Bay from regaining its status as an economic engine and sustainable job-creator is the lack of rail service. The North Coast Railroad Authority (NCRA) has allowed the north-south Northwestern Pacific rail line to deteriorate and remain out of service for more than 10 years. This lost decade is full of examples of marine-related commercial-industrial businesses that showed great interest in locating on Humboldt Bay and providing jobs, only to move to some other port city where rail service is available. Reportedly, two recent missed opportunities have shown that our community lost approximately \$25 million per year of economic

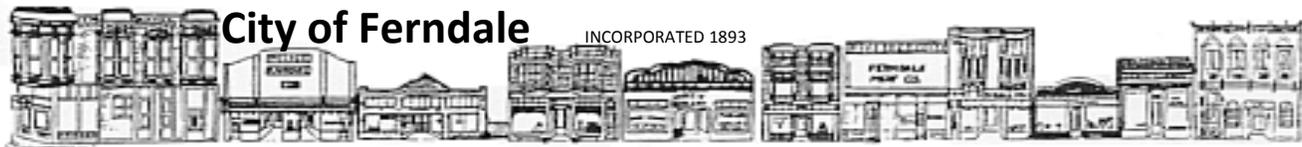
value because the shipping opportunities located elsewhere due to the lack of an active rail connection to Humboldt Bay.

With current examples of the economic potential of a rail line connecting Humboldt Bay to the national rail network and since it appears that NCRA will not be able to live up to their legislative mandate to maintain rail service along the entire Northwestern Pacific rail line in the foreseeable future, the City of Eureka is leading an effort to explore the feasibility of an alternate rail route to the east. Support for this study has also been voiced by several organizations including the Greater Eureka Chamber of Commerce; Building and Construction Trades Council of Humboldt and Del Norte Counties; Northwestern Pacific Railroad Company; Wiyot Tribe; Humboldt Redwood Company; International Longshore and Warehouse Union Local 14; Central Labor Council AFL-CIO of Humboldt and Del Norte Counties; Rail and Port Infrastructure Task Force; California Marine and Intermodal Transportation System Advisory Council; UpState California Economic Development Commission; and the City of Rio Dell.

As conceptually proposed, the purpose of the Humboldt Bay Alternative Rail Route Feasibility Study would be to analyze the concept of developing an east-west alternative rail route from the national rail system to Humboldt Bay that is roughly half of the distance (approximately 125 miles) as compared to the main line using the existing Northwestern Pacific Railroad's right-of-way. A new easterly route would likely connect Humboldt Bay to an existing Union Pacific main rail line just south of Red Bluff near Gerber, CA. This new route potentially involves a fraction of the tunnels, bridges and signaled crossings of the existing rail line.

Conceptually, the study would involve a literature review on the history of this route; identification of a proposed route from the analysis of no less than three possible routings; identification of land ownerships along the proposed route; a conceptual development plan that includes rail ownership/governance, preliminary engineering feasibility, highway connectors and any proposed modifications to improve highway/rail interface, estimated permitting needs, estimated environmental issues and potential mitigations and estimated development costs and timeline. An easterly route could also incorporate the Humboldt Bay Short Rail portion of the existing NCRA right-of-way from South Fork to Samoa.

The proponents of the Alternative Rail Route Feasibility Study believe that the economic potential of connecting Humboldt Bay to the national rail system is worthy of pursuing the Alternative Rail Route Feasibility Study to determine once and for all, what it would take to bring the historic Humboldt and Eastern rail concept back to life.



December 10, 2012

Mr. David Tyson, City Manager
City of Eureka
531 K Street
Eureka, CA 95501

Dear Mr. Tyson:

The City of Ferndale supports the future security and economic development of the Port of Humboldt Bay, Humboldt County and northern California, and recognizes that modern transportation infrastructure is an integral part of that future.

With that in mind, we support a study analyzing an east-west alternative rail route connecting Humboldt Bay to the national rail system. The *Humboldt Bay Alternative Rail Route Feasibility Study* has been conceptually proposed to analyze the concept of developing an east-west alternative rail route from the national rail system to Humboldt Bay. This would provide valuable information on the feasibility of restoring rail service to Humboldt Bay.

A new easterly route would likely connect Humboldt Bay to the existing Union Pacific main rail line just south of Red Bluff near Gerber, California. This potential new route, at approximately 125 miles long, is roughly half of the length of the existing Northwestern Pacific rail line and involves a fraction of the tunnels, bridges and signaled crossings of the existing rail line.

An easterly route could incorporate the Humboldt Bay Short Rail portion of the existing NCRA right-of-way from South Fork to Samoa when it became operational. Exploring an alternative rail route would provide valuable information on transportation options for economic development, as well as establishing a reliable connection to areas outside the local community when natural disasters or other events isolate the Humboldt Bay region.

The proposed study would provide data for both our decision makers and for those wanting to make investments in the Humboldt Bay region.

Due to the apparent economic potential of a rail line connecting Humboldt Bay to the national rail system and since it is unknown whether NCRA will be able to restore a rail connection to Humboldt Bay in the foreseeable future, the City of Ferndale supports an effort to explore the feasibility of an alternate rail route to the east.

Sincerely,

Jay Parrish
City Manager

Meeting Date:	December 6, 2012	Agenda Item Number	11B
Agenda Item Title:	Suddenlink Cable System Transfer Agreement		
Presented By:	Jay Parrish, City Manager		
Type of Item:	x	Action	Discussion Information
Action Required:	Adopt Resolution 2012-37 regarding Suddenlink Cable System Transfer. Authorize City Manager to sign Transfer Agreement		

RECOMMENDATION

That the City Council:

1. Adopt Resolution No. 2012-37 consenting to the transfer of control of the cable television franchise in connection with the acquisition by Nespresso Acquisition Corporation of the equity interests of Cequel Communications Holdings, LLC; and
2. Authorize the City Manager to sign the attached Transfer Agreement on behalf of the City.

SOURCE OF FUNDING: General Fund (Cable Franchise Fees)

DISCUSSION:

For many years, cable television services in the central part of Humboldt County have been provided by a single company which serves the cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna and Rio Dell and the adjacent unincorporated areas of the County. Each of the six cities and the County (for the unincorporated area) has provided this company with a franchise allowing the use of public rights-of-way. More than a decade ago, the incumbent provider (then known as CoxCom, Inc.) began the process of renewing these franchise agreements. In 2002, the City joined with the County and the other five cities to enter into an agreement with The Buske Group consultancy to review the language of the franchise agreements and align them for the benefit of the community and the service provider. This resulted in the adoption of a new cable television franchise ordinance by the City Council on December 6, 2004.

On March 23, 2006, the City Council approved a new franchise agreement with CoxCom, Inc. pursuant to this 2004 ordinance and also authorized the transfer of the agreement to Cebridge Acquisition, L.P. d/b/a Suddenlink ("Cebridge"), which has operated the cable system since that time. This franchise agreement runs through *[insert month and day]*, 2014. Cebridge is currently owned by Cequel Communications Holdings, LLC ("Cequel"). Today's action concerns the acquisition of Cequel by another firm, Nespresso Acquisition Corporation ("Nespresso").

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

California Public Utilities Commission. DIVCA did not abolish existing cable television franchises entered into prior to its adoption, and accordingly Cebridge still operates the Suddenlink system under the 2006 City franchise.

On July 28, 2012, the City was notified by Cebridge (Suddenlink) that the assets of its parent company, Cequel, were being acquired by Nespresso. Pursuant to Section 1.11.1 of the City's 2004 cable television franchise ordinance, the City must approve any transaction which will result in a transfer of control of the franchise operated by Cebridge. Under federal law, the City must act on a transfer application within 120 days.

On December 6, 2012, the Council approved a supplemental budget in the amount of \$5,000 that funded a contract with Access Humboldt. Access Humboldt in turn contracted with the Buske Group to review the transfer application. Buske Group has analyzed the financial, legal, and technical implications of the proposed change of control and negotiated and prepared the attached resolution, transfer agreement and guaranty, and Access Humboldt recommends that the City approve the resolution and authorize the City Manager to sign the transfer agreement on behalf of the City. The purpose of these documents is to protect the interests of the City (and ultimately the cable television ratepayers) in this transaction. Staff has reviewed the documents and concurs with Access Humboldt's recommendations.

FINANCIAL IMPACT:

The recommended action should result in no financial impact to the City. Cebridge will continue to operate the Suddenlink system under the terms of the existing franchise, including the payment of franchise fees to the City. Pursuant to City Code, Cebridge (Suddenlink) provided the City with a check for \$5,000 that was used to pay for the services of Access Humboldt and the Buske Group.

OTHER AGENCY INVOLVEMENT:

- Access Humboldt
- Humboldt County and the Cities of Arcata, Blue Lake, Eureka, Fortuna and Rio Dell

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Unfortunately, the Council has very limited discretion in this matter pursuant to federal law. The Council could choose not to approve the attached resolution, but this would not prevent the transfer from being consummated and would likely result in litigation. Staff does not recommend this alternative, as it is believed that the attached documents place the City in the best position possible with respect to the remaining term of the franchise.

ATTACHMENTS:

1. Resolution No 2012-37
 2. Transfer Agreement
 3. Guaranty
-

**CITY OF FERNDALE, CALIFORNIA (the "City")
RESOLUTION NO. 2012-37**

**A RESOLUTION CONSENTING TO THE TRANSFER OF CONTROL OF THE CABLE TELEVISION
FRANCHISE IN CONNECTION WITH THE ACQUISITION BY NESPRESSO ACQUISITION
CORPORATION OF THE EQUITY INTERESTS OF CEQUEL COMMUNICATIONS HOLDINGS, LLC,
THE PARENT OF CEBRIDGE ACQUISITION L.P., D/B/A SUDDENLINK COMMUNICATIONS,
SUBJECT TO CERTAIN CONDITIONS**

WHEREAS, the provision of cable television service in the City is governed by Ferndale City Ordinance 04-04 ("Cable Ordinance") as it may have been amended from time to time; and

WHEREAS, Cebridge Acquisition L.P. d/b/a Suddenlink Communications ("Suddenlink") is the current holder of a franchise ("Franchise") to provide cable television service in portions of the City pursuant to ordinance No. 04-04 to operate the cable television system in the City (collectively, the "Franchise Documents"); and

WHEREAS, pursuant to the transaction (the "Proposed Transaction") described in a Purchase and Sale Agreement dated as of July 18, 2012 all of the outstanding equity interests of Cequel Communications Holdings, LLC ("Cequel") will be acquired by Nespresso Acquisition Corporation ("Nespresso"); and

WHEREAS, if consummated, the Proposed Transaction will result in a transfer of control of Cequel, the parent of Suddenlink, to Nespresso and consequently, a transfer of control of the Franchise; and

WHEREAS, Section 1.11.1 of the Cable Ordinance provide that prior approval of the City is required for any transaction which will result in a transfer of control of the Franchise; and

WHEREAS, Cequel and Nespresso have filed FCC Form 394 (the "Transfer Application") pursuant to the 1992 Cable Act and FCC regulations, and have requested that the City approve the Transfer Application for transfer of control of the Franchise in connection with the Proposed Transaction; and

WHEREAS, pursuant to Federal law, the City is required to act on the Transfer Application within 120 days of the City's receipt of a complete and accurate Transfer Application; and

WHEREAS, the City has reviewed the Transfer Application and other information provided by Cequel and Nespresso in response to requests from the City and examined the financial responsibility, technical expertise and legal qualifications of Nespresso in accordance with applicable laws and the Franchise Documents; and

WHEREAS, based on such review and examination, and in reliance upon the representations, documents, and information provided by Cequel and Nespresso in connection with the Transfer Application and supplemental information thereto, the City is willing to grant its consent to the transfer, subject to the willingness of Cequel and Cequel Communications, LLC to accept and agree to terms and conditions which the City believes are necessary to protect the public interest, and Cequel Communications, LLC to guaranty the performance of Suddenlink; and

WHEREAS, the City, Cequel and Cequel Communications, LLC have been negotiating such terms and conditions; and

NOW, THEREFORE, BASED ON THESE PREMISES, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF FERNDALE THAT:

Section 1. The Transfer Application and the transfer of control described therein is hereby approved as of December 6, 2012, subject to the following conditions:

A. Cequel and Cequel Communications, LLC must execute the Transfer Agreement in substantially the form attached hereto and deliver the executed copy of the Transfer Agreement to the City Clerk no later than 5:00 p.m. PST on March 31, 2013.

B. Cequel Communications, LLC must execute a Guaranty in substantially the form attached hereto and deliver the executed copy of the Guaranty to the City Clerk no later than 5:00 p.m. PST on March 31, 2013.

C. The Proposed Transaction must be consummated on or before March 31, 2013 and on terms that are not in any material respect different from those described in the Transfer Application and other related materials provided to the City.

Section 2. If the conditions set forth in Section 1 are satisfied, the Transfer Application and the transfer of control described therein shall be deemed approved effective immediately in accordance with applicable law. If such conditions are not satisfied, the City's consent to the Transfer Application will be deemed, by the terms of this Resolution, to have been denied as of March 31, 2013, without prejudice to any party to re-file for approval of the Proposed Transaction or a similar transaction.

Section 3. The City Manager is authorized to sign the Transfer Agreement.

PASSED AND ADOPTED by the City Council for the City of Ferndale at a regular meeting of said Council, held on the 6th day of December, 2012, by the following vote of said Council:

AYES:

NOES:

ABSENT:

NOT VOTING:

ATTEST:

City Clerk / Deputy City Clerk

Mayor

TRANSFER AGREEMENT

This Transfer Agreement (the "Agreement") is made this 6th day of December 2012, by and between:

- 1.1.1. The City of Ferndale, California, a Municipal Corporation ("City");
- 1.1.2. Cequel Communications Holdings, LLC ("Cequel");
- 1.1.3. Cebridge Acquisition L.P. d/b/a Suddenlink Communications ("Suddenlink");
and
- 1.1.4. Cequel Communications, LLC. (formerly known as Cebridge III, LLC) , and
together with Cequel and Suddenlink the "Companies".

RECITALS

WHEREAS, Suddenlink currently operates a cable system located within the City under the terms and conditions of a cable franchise (the "Franchise") granted by the City pursuant to Resolution No. 2012-37, and also under the terms of Ferndale City Ordinance 04-04, as these documents may have been and/or may in the future be lawfully amended from time to time in accordance within the parameters set forth in such documents (collectively "Franchise Documents") and applicable law; and

WHEREAS, pursuant to the transaction ("the Proposed Transaction") described in the Purchase and Sale Agreement dated as of July 18, 2012, Nespresso Acquisition Corporation ("Nespresso") will acquire all of the issued and outstanding equity interests of Cequel, the parent of Suddenlink;

WHEREAS, Suddenlink is a wholly-owned subsidiary of and controlled by Cequel Communications, LLC; and

WHEREAS, if consummated, the Proposed Transaction will result in a transfer of control of Cequel to Nespresso and consequently, a transfer of control of the Franchise (the "Transfer"); and

WHEREAS, the Franchise Documents provide that prior approval of the City is required for a transfer of control of the Franchise; and

WHEREAS, on or about July 27, 2012, Cequel and Nespresso filed with the City an FCC Form 394 (the "Transfer Application") pursuant to the 1992 Cable Act and FCC regulations, and have requested that the City approve the change of control proposed in the Transfer Application; and

WHEREAS, the Companies have agreed that, following the Transfer, Suddenlink will continue to be bound by and to comply with all of the commitments, duties and obligations under the Franchise Documents and all applicable federal, state and local laws, to the maximum extent required by law; and

WHEREAS, Cequel Communications, LLC has agreed to guaranty the performance of Suddenlink under the Franchise; and

NOW, THEREFORE, in consideration of the City's consent to the Transfer Application, and subject to the terms and conditions of this Agreement and of the City's Resolution granting consent to the Transfer Application, THE PARTIES DO HEREBY AGREE as follows:

1. TRANSFER OF THE FRANCHISE

1.1 The City's consent to the Transfer Application and the transfer of control of the Franchise in connection with the Proposed Transaction, through the adoption of the Transfer Resolution, in substantially the form attached hereto (the "Transfer Resolution"), is a condition precedent to this Transfer Agreement becoming effective. This Transfer Agreement will automatically become null and void if the Proposed Transaction is not consummated by March 31, 2013 or if the City Council does not consent to the Transfer Application and the transfer of control of the Franchise by adopting the Transfer Resolution.

2. AFFIRMATION OF FRANCHISE OBLIGATIONS

2.1 The Companies hereby accept, acknowledge and agree that, after consummation of the Proposed Transaction, Suddenlink will continue to be bound by all the commitments, duties, and obligations, past, present, continuing and future, embodied in the Franchise Documents, to the maximum extent required by law, and that neither the Transfer nor the City's approval of the Transfer Application will have any effect on these obligations.

2.2 The Companies agree that neither the Proposed Transaction nor the City's approval of the Transfer Application shall in any respect relieve the Companies of any responsibility any of them may have for past acts or omissions, known or unknown, including any liability for any and all previously accrued but unfulfilled obligations to the City under the Franchise Documents and applicable law, for all purposes. Neither the Proposed Transaction nor this Transfer Agreement shall modify the rights of Suddenlink and/or the City under or related to the Franchise Documents as compared to those that could have been exercised by Suddenlink and/or the City prior to the Transfer. This Agreement shall have no

bearing whatsoever on the rights of the City to ensure compliance by Suddenlink under the Franchise Documents, and the Companies shall not raise a claim to the contrary.

2.3 The City agrees that this Agreement is without prejudice to the Companies' rights to defend any claim of default or non-compliance with the Franchise Documents on the basis that such default or non-compliance has not occurred, or has been cured or from raising any other defense.

3. ADDITIONAL CONDITIONS

3.1 In the event the Proposed Transaction described in the Transfer Application does not close by March 31, 2013 or closes on terms that are in any material respect different from the terms disclosed to the City in writing, then any City consent to the Transfer Application shall be void and of no force or effect, and the Transfer Application shall be deemed to have been timely denied.

3.2 The Companies hereby waive any and all claims that they may have that any denial of the Transfer Application that results from this Section 3 fails to satisfy the deadlines established by applicable law including, without limitation, claims based on, arising out of, or relating to 47 USC §537, as amended, and agree that they shall be deemed to have agreed to an extension of time to act on the Transfer Application as required to make any denial effective.

4. ADDITIONAL AGREEMENTS OF THE PARTIES

4.1 The City reserves all rights not expressly granted in this Agreement. In particular and without limitation:

4.1.1 Neither this Agreement, nor any other action or omission by the City at or before the execution of this Agreement, shall be construed to grant the City 's consent to any future transfer of the Franchise, and/or change in ownership and/or control of the Franchise, or to mean that the City 's consent to any such future transfer is not required.

4.1.2 The City 's consent to the Transfer Application shall not constitute a waiver or release of any of the City's rights with respect to Suddenlink's compliance (or non-compliance) with the terms, conditions, requirements and obligations set forth in the Franchise Documents. The City's approval of the Transfer Application shall in no way be deemed a representation by the City that Suddenlink is in compliance with all of its obligations under the Franchise Documents.

4.1.3 The Companies shall not contend that the City is barred, by reason of its consent to the Transfer Application, from considering or raising any claim based on Suddenlink's past or present failure to comply with any term or condition of the Franchise Documents or applicable law, including, without limitation: any unpaid franchise fees lawfully due the City from Suddenlink, any known and unresolved consumer complaints, and any construction, security or facility requirements of the Franchise Documents that are unsatisfied.

4.1.4 Except as otherwise expressly provided for herein, this section is without prejudice to the Companies' rights to defend any claim of default or non-compliance with the Franchise Documents on the basis that such default or non-compliance did not occur, or has been cured, or from raising any other defense.

4.2 The Companies will comply with the privacy requirements of the Cable Act and other applicable state and federal laws, if any.

5. RATES

5.1 The Companies further agree that the Transfer, the consent process, the City's Resolution granting consent, and this Transfer Agreement, standing on their own, do not provide any basis for increasing the amounts paid by subscribers through cost pass-throughs as so-called "external costs" or as new requirements and the consent process and ordinance granting consent do not, standing on their own, provide any basis for increasing the amounts paid by subscribers in any manner.

6. REPRESENTATIONS AND WARRANTIES

6.1 The Companies acknowledge the City's representation that its consent to the Transfer Application is made in reliance upon the representations, documents, and information provided by the Companies in connection with the Transfer Application and supplemental information thereto, and the Companies are each severally responsible for any representations and warranties made by such Companies, respectively.

6.2 The Companies and the City represent and warrant that they understand that the Franchise is scheduled to expire on _____, 2014 unless renewed or extended; that the Proposed Transaction is not based on any representation by the City (other than as provided by federal and state law) that the Franchise will be renewed or extended; and that the Companies take all risks associated with any future non-renewal or non-extension of the Franchise.

6.3 The Companies represent and warrant that the Proposed Transaction will not in any respect adversely affect Suddenlink's ability to meet the lawful and valid requirements of the Franchise Documents.

6.4 The Companies agree they will not file a request under Section 625 of the Cable Act with the City seeking modification of any existing franchise requirements as a result of any increase in debt service, debt service coverage or equity requirements incurred to fund the Proposed Transaction.

6.5 The Companies acknowledge that the City did not undertake a compliance audit as a part of its processing of the Transfer Application and that there may be issues related to compliance that are not known to the City at this time. Pursuant to Section 2.1 of this Agreement, the Companies agree that Suddenlink shall be bound by all the commitments, duties, and obligations, past, present, continuing and future, of Suddenlink embodied in the Franchise Documents, to the maximum extent required by law and that the City's action to approve the Companies' Transfer Application shall in no way be interpreted as a waiver of the City's rights to enforce the Franchise Documents.

7. INDEMNIFICATION

7.1 The Companies agree to indemnify and hold the City harmless against any loss, claim, damage liability or expense (including, without limitation, reasonable attorneys' fees) proximately caused by any representation or warranty made by the Companies herein which proves to be untrue or inaccurate in any material respect.

8. BREACHES

8.1 Any breach of this Transfer Agreement shall be deemed a breach of the Franchise Documents.

9. MISCELLANEOUS PROVISIONS

9.1 Effective Date: This Agreement shall be effective and binding upon the signatories upon closing of the Proposed Transaction.

9.2 Entire Agreement: This Agreement constitutes the entire agreement of the parties with respect to the matters addressed herein. No statements, promises or inducements inconsistent with this Agreement made by any party shall be valid or binding, unless in writing and executed by all parties. This Agreement may only be modified by written amendments hereto signed by all parties.

9.3 Binding Acceptance: Any purported assignment of this Agreement is void without the express written consent of the signatories hereto. Subject to the foregoing, this Agreement shall bind and benefit the parties hereto and their respective heirs, beneficiaries, administrators, executors, receivers, trustees, successors and assigns, and the promises and obligations herein shall survive the expiration date hereof.

9.4 Voluntary Agreement: This Agreement is freely and voluntarily agreed to by each party, without any duress or coercion, and after each party has consulted with its counsel. Each party has carefully and completely read all of the terms and provisions of this Agreement. Neither any of the Companies, nor any of their affiliates, nor the City, will take any action to challenge any provision of this Transfer Agreement; nor will they participate with any other person or entity in such action.

9.5 Drafting: This Agreement is a product of common negotiation among the parties and shall not be construed against any party on grounds relating to drafting, revision, review or recommendation by any agent or representative of such party.

9.6 Severability: If any term, condition, or provision of this Agreement shall, to any extent, be held to be invalid, preempted, or unenforceable, the remainder shall be valid in all other respects and continue to be effective.

9.7 Counterparts: This Agreement may be executed in several counterparts, each of which when so executed shall be deemed to be an original copy, and all of which together shall constitute one agreement binding on all parties hereto, notwithstanding that all parties shall not have signed the same counterparts.

9.8 Governing Law: This Agreement shall be governed in all respects by the law of the State of California.

9.9 Captions and References: The captions and headings of sections throughout this Agreement are intended solely to facilitate reading and reference to the sections and provisions of this Agreement. Such captions shall not affect the meaning or interpretation of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Transfer Agreement as of the day and year first above written.

APPROVED:

City of Ferndale

ATTEST:

City Clerk

Cequel Communications Holdings, LLC

By: _____
Title: _____

Cequel Communications, LLC

By: _____
Title: _____

Cebridge Acquisition L.P. d/b/a Suddenlink
Communications

By: _____
Title: _____

APPROVED AS TO FORM:

City Attorney

GUARANTY

GUARANTY given by Cequel Communications, LLC(hereinafter "Guarantor") to the City of Eureka, California (hereinafter "City").

WHEREAS, Nespresso Acquisition Corporation is acquiring all of the issued and outstanding securities of Cequel Communications Holdings, LLC, the parent of Cequel Communications, LLC, which is the parent of Cebridge Acquisition, LP d/b/a Suddenlink Communications ("Suddenlink") which is a party to a franchise agreement with the City; and

WHEREAS, the City has requested that Guarantor provide a guaranty that Suddenlink will perform under the terms of the franchise agreement; and

WHEREAS, the Guarantor has agreed to enter into this Guaranty Agreement pursuant to the City's request.

NOW, THEREFORE, in consideration of the foregoing, the Guarantor agrees as follows:

1. Obligation. The Guarantor hereby guarantees the prompt and complete performance by Suddenlink of all the covenants, conditions, and terms of the City franchise. The Guarantor further guarantees the payment of all damages, judgments, costs and expenses, including fees that by virtue of the City franchise, or otherwise, might become recoverable by the City from Suddenlink.
 2. Terms of Guaranty. This Guaranty shall be absolute, complete, continuing, and irrevocable, and the Guarantor shall not be released of its obligations hereunder so long as any claim of the City against Suddenlink arising out of the City franchise, or otherwise is not settled or discharged in full. The City shall notify Guarantor of any and all alleged breaches or defaults under the franchise agreement.
 3. Waiver. The Guarantor hereby waives notice of the City's acceptance of this Guaranty. The Guarantor acknowledges that it is Guarantor's responsibility to be informed of the financial condition of Suddenlink, and the City has no duty to advise the Guarantor of any information known to it in that regard.
 4. Liability or Default. All liability of the Guarantor to the City shall mature immediately, without notice or demand, upon the occurrence of any of the following acts or events by or with respect to Suddenlink: (a) dissolution; (b) insolvency or inability to meet obligations as they become due; (c) filing of a petition for relief in bankruptcy; (d) failure to pay any franchise fee, tax or assessment when due; (e) appointment of a trustee, custodian or receiver; (f) entry of any judgment, or issuance of an injunction or a warrant of attachment or execution.
 5. Remedies. No right or power of the City hereunder shall be deemed to have been waived by any act or conduct on the part of the City, or by any neglect to exercise such right or power, or by any delay in so doing; and every right or power shall continue in full force and effect until specifically waived or released by an instrument in writing executed by the City.
 6. Governing Law. This Guaranty shall be deemed to be made under and shall be governed by the laws of the State of California in all respects, including matters of construction,
-

Meeting Date:	December 6, 2012	Agenda Item Number	11c
Agenda Item Title:	Appoint Planning Commission replacement for Dan Brown		
Presented By:	Jay Parrish, City Manager		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	Appoint Planning Commissioner		

RECOMMENDATION:

Appoint a Planning Commissioner.

BACKGROUND:

During the November 15, 2012 Planning Commission meeting, the commissioners voted to recommend that the City Council appoint Mr. Dean Nielsen to the Planning Commission to fill the seat left vacant when Planning Commissioner Dan Brown was elected to the City Council.

City of Ferndale
PLANNING COMMISSION APPLICATION

NAME: Dean M. Nielsen
ADDRESS: 1099 Van Ness Ave
PHONE: 786-4207 EMAIL: dean.nielsen@gmail.com

Please list education and/or experience which you feel relates to or would be beneficial to the role of Planning Commissioner (this may include serving on a board, commission or council, past or present government or civic experience, completed courses in land use planning, etc.)

I have a BS Degree in Business/Accounting, was appointed to the Castro Valley Municipal Advisory Council for 10 years. The CUMAC served in a similar capacity as the Ferndale Planning Commission and City Council. The regulations governing the CUMAC were almost identical to those in Ferndale. I was Chairman of the CUMAC for 4 years.

Please describe your knowledge or familiarity with Ferndale's General Plan and Zoning Ordinance:

My wife and I have owned a home in Ferndale for 4 1/2 years. I have read the Master Plan and all of the Ferndale ordinances as they appear on the City website. The regulations in Ferndale are almost identical to those zoning and land use regulations governing the CUMAC.

Please list any planning or zoning issues with which you may find yourself in conflict:

No

Dean M. Nielsen
Applicant's Signature

11/7/12
Date

Meeting Date:	December 6, 2012	Agenda Item Number	11d
Agenda Item Title:	Appoint a Design Review Committee member replacement for Michael Sweeney		
Presented By:	Jay Parrish, City Manager		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	Appoint Design Review Committee Member		

RECOMMENDATION: Appoint a Design Review Committee Member.

BACKGROUND:

During the November 15, 2012 Planning Commission meeting, the commissioners voted to recommend that the City Council appoint Mr. Mark Giacomini to the Design Review Committee to fill the seat left vacant when Planning Commissioner Michael Sweeney was appointed to the City Council.

Mark A. Giacomini
P.O. Box 373
Ferndale, CA 95536
707-786-7139

OCT 29 2012
BY:.....

October 26, 2012

City of Ferndale
834 Main Street
Ferndale, CA 95536

To Whom It May Concern:

I understand there openings on the Ferndale Design Review committee and I have an interest in applying for a seat on this committee.

As a resident of Ferndale on and off over the course of my life I have returned to town permanently. I am very interested in doing all that I can to preserve the historical status of the community.

Thank you for your consideration.

Sincerely,


Mark A. Giacomini

Meeting Date:	December 6, 2012	Agenda Item Number	11e
Agenda Item Title:	Set meeting date for Orientation, City Goals and set priorities		
Presented By:	Jay Parrish, City Manager		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	Set meeting date		

RECOMMENDATION: Set meeting date

BACKGROUND:

With new members of the City Council and a new Mayor, staff would like to set a meeting date for February for Orientation, and to go over city goals and set priorities for the coming year. Staff suggests a February meeting.

Meeting Date:	December 6, 2012	Agenda Item Number	11f
Agenda Item Title:	Set up meeting to discuss Implications and Ramifications of Lytel's letter regarding the Drainage Assessment District		
Presented By:	Jay Parrish, City Manager		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	Set meeting date		

RECOMMENDATION: Set meeting date

BACKGROUND:

In 1997 the city voted to set up a Drainage Assessment District, which would assess \$25 per property per year to allow us to pay off a Drainage Loan to cover our portion of the FEMA Francis Creek Project. Before the city initiated this assessment the Lytel Foundation offered to pay the annual loan payment on the FEMA Francis Creek Project, and since that time Lytel has been paying the city \$25,000 per year to make those payments. In the letter attached, you will see that Lytel Foundation will no longer make these payments.

We are setting up a study session where the council can consider the financial ramifications of this loss of funds.

BERTHA RUSS LYTEL FOUNDATION
 PO BOX 893
 FERNDALE, CA 95536-0893 TELEPHONE (707) 786-4657

November 19, 2012

City of Ferndale
 PO Box 1095
 Ferndale, CA 95536

RECEIVED
 NOV 21 2012
 BY: _____

RE: Drainage payment

Attn: Jay Parish

Dear Jay,

As you are aware, the Bertha Russ Lytel Foundation has been making payments in the amount of \$25,000.00 per year to the Ferndale Drainage Fund. This payment was being made in lieu of a \$50.00 parcel tax on the citizens of Ferndale. This letter is to inform you that the Bertha Russ Lytel Foundation will not be making these payments in the future.

We hope that the City will be able to get by without charging the parcel tax or collect it at a reduced rate. If not, this letter is to inform you of our decision to stop our payments and allow you sufficient time to process any necessary paper work to get the assessment on the tax rolls.

We regret that we can no longer make these payments. Please feel free to give me a call should you have any questions.

Sincerely,



Don Hindley
 Manager
 786-4657

CM
 Finance
 Corres
 Drainage Comm
 Council packet

Section 12
CORRESPONDENCE

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



**COUNTY ADMINISTRATIVE OFFICE
MANAGEMENT & BUDGET TEAM
COUNTY OF HUMBOLDT**

825 5th Street, Room 112, Eureka, CA 95501
Telephone (707) 445-7266 Fax (707) 445-7299
cao@co.humboldt.ca.us

FOR IMMEDIATE RELEASE

November 5, 2012

Small Property Tax Refunds Available by Request

FOR MORE INFORMATION, CONTACT:

Sean Quincey, Public Information Specialist, 707-476-2389

November 5, 2012 -Eureka, CA – If you paid both installments of your 2012-2013 property tax bill before receiving the corrected yellow bill last week, you may be owed a refund. If your refund is more than \$5 then you will automatically be refunded the amount you overpaid. However, refunds of less than \$5 will not be provided unless you request payment.

If you are owed a refund, your corrected yellow tax bill will show the dollar amount in parenthesis. For example, (\$1.89) means you overpaid by \$1.89.

As a standard practice, the County absorbs the small underpayments and does not refund overpayments if they are less than \$5. The County operates this way because it costs substantially more than \$5 to process a refund, or mail a short payment notice, and processing these differences would be economically unsound. The act of accepting these small underpayments and overpayments is customary across the state and is authorized by the California Revenue and Taxation Code.

Due to the unfortunate circumstances this year requiring corrected tax bills the County has many of these small differences, and we are working diligently to rectify the situation. If you are owed a refund of less than \$5 and wish to receive it, please call the Tax Collector's office at 707-476-2450.

.....

City of Ferndale INCORPORATED 1893



November 20, 2012

Willis Hadley
P.O. Box 885
Ferndale, CA 95536

Re: Design Review Use Permit application for siding repair at 535 Main Street, Ferndale, CA.

Dear Mr. Hadley,

On November 15, 2012 the Planning Commission of the City of Ferndale adopted Resolution No. PC 2012 - 36 making the required findings of fact listed in Attachment A, and approving the Design Review Use Permit as requested, subject to the conditions of approval listed in Attachment B *as amended*, to allow for covering of existing siding with Hardipanel® siding on the back of the building at 535 Main Street. Copies of both Attachments are included.

If there are no appeals filed by you or any other interested party within 10 days of the Planning Commission's action and provided that you or any other future owner/operator complies with, and continues to comply with, the Conditions of Approval as attached here, the Design Review Use Permit is hereby issued.

If you have any questions or concerns, please do not hesitate to call me at (707) 825-8260.

Sincerely,

Melanie Rheaume
Contract City Planner

File: 535 Main Street
Correspondence
Cc: City Clerk
Enclosed: Attachment A
Attachment B

Attachment A
FINDINGS OF FACT

The Planning Commission made the following findings to allow for Design Review Use Permit approval:

1. The Design Review Use Permit for the proposed project is a discretionary action of the City, and subject to the California Environmental Quality Act (CEQA). The proposed facility qualifies for a CEQA Class 31, Section 15331, Categorical Exemption from preparation of environmental documents. This exemption allows for the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards.
 2. The proposed project as outlined and conditioned conforms to and is consistent with the Ferndale General Plan and conforms to the Ferndale Zoning Ordinance and the requirements associated with the Community Commercial Design Control (C2D) zone.
 3. The existing proposed project, as outlined and with conditions,
 - Appears to be similar and compatible to other uses allowed in similar zones,
 - Does not appear to impair the integrity and character of the zone (or neighborhood),
 - Does not appear to be detrimental to the public health, safety, or welfare,
 - Appears to be compatible with the maintenance of a healthful residential living environment and the predominantly residential character of the area,
 - Does not significantly impact the general peace, safety, comfort, health and welfare of the zone/residential communities, and,
 - Is compatible with and does not detract from the character and aesthetics of the adjacent zones.
-

Attachment B
CONDITIONS OF APPROVAL

Approval of the Design Review Use Permit is subject to the following conditions. The violation of any term or requirement of this conditional approval may result in the revocation of the permit.

1. The applicant shall be responsible to pay all applicable fees, deposits or charges associated with processing and finalizing the Design Review Use Permit, and/or otherwise owed to the City of Ferndale. All applicable or other required fees shall be paid to the satisfaction of the City of Ferndale before the Permit and uses allowed are considered final and approved.
 2. All proposed work shall be in conformance with the approved permit application and with the information and analysis contained in the associated staff report and conditions of approval on file with the City. Should the work deviate from that as allowed by this approval, then the applicant may be required to first receive Design Review Committee approval for such changes.
 3. Should the applicant or any other future owner of the subject property not conform to the requirements of these conditions, then said non-conformance shall constitute a violation of this Design Review Use Permit and shall become null and void until either all the issues have been addressed to the satisfaction of the City, or the permit is revoked.
 4. All proposed and/or future development, improvements, and construction authorized hereunder shall be in conformance with all applicable City ordinances, regulations and codes, including but not limited to Zoning Ordinance 02-02, including the Design Review requirements, the Uniform Building Code, any Fire Codes and/or Public Health & Safety Code, applicable to the nature and type of proposed use and/or construction. A City building permit is required for any construction associated with the proposed project with the burden on the applicant to comply.
 5. Any future alteration of the connecting sides of the back of the building shall match the treatment of the back of the building as approved and conditioned herein unless a new Design Review Use Permit for those connecting sides is obtained.
 6. The applicant ~~shall~~ *may* combine the proposed vertical siding with Harditrim® planks suggested by the manufacturer to provide more visual relief to the proposed 4' x 8' panels.
-

Section 13

REPORTS

Section 13a: City Manager Staff Report

CITY MANAGER:

Meetings and Activities:

- Kiwanis meeting 1st and 3rd Tuesday of the month at 4:30 pm
 - Discussions with Karen Clower related to training seminars available for my inclusion in the County Management Academy.
 - City Council- November 1st – 7:00-8:30 pm
 - SRWC – November 13th- 2:00-5:00 pm
 - Design Review- November 8-8:30 am
 - RCEA Board meeting – November 19th - 3:15-5:00 pm
 - City Manager meeting- November - 3:00-5:00 pm
 - Met with PW regarding daily routine. Focus this month was on Francis Creek maintenance and drainage projects. Most conversations directed at drainage systems and making sure we are as ready as possible when we do have a weather event that taxes our system. Francis Creek has had problem items removed.
 - The library has a new carpet picked out by the library board and librarian. The funding was from a grant. In the last several years we have put a new roof, a new handrail system, painted the outside of the building, and replaced all the lighting fixtures inside through grants.
 - Number of conversations and discussions with RCD personnel regarding our drainage committee meetings and having them attend to discuss the Salt River Restoration Project and the long term drainage improvements throughout the valley. We will include representation from RCD in our next drainage meeting.
 - ERD contract negotiations: I have had discussions with Harry Hardin and Karen Smith about a reasonable recycling rebate policy associated with our franchise agreement.
 - Daily meetings with chief regarding police activities and community safety issues.
 - Numerous conversations with other CM's regarding common issues.
 - Several conversations with John Driscoll (Mike Thompson's local representative and soon to be Jared Huffman's representative) regarding Ferndale issues.
 - Extended congratulations to successful candidates.
 - Number of meetings with RCD, CCC, and DF&G regarding future activities on Francis Creek, in town, and upstream. The CCC and DF&G started a bank stabilization project by and including the debris torrent.
 - Daily interaction with Staff regarding workload. Finance Supervisor is still out recovering from surgery and we are covering this position by having everyone else take over tasks associated with that position. Administrative Assistant is doing an admirable job in covering the financial aspects. City Clerk is also contributing to our effort in maintaining our level of service to the public and
-

council, planning commission, and committees, and we are looking forward to our Financial Supervisor's return soon.

- Numerous conversations regarding Salt River Project with Watershed Council members, RCD representatives, council members and citizens. They have started clearing vegetation in the Riverside phase of the project and are going out to bid for more extensive removal of vegetation throughout that phase of the project.
 - The Fresnel lens is now resting comfortably at the climate controlled room at the Fairgrounds. The Shining Light Foundation with help from retired Fortuna City manager is going through a list of agencies in an effort to find funding opportunities.
 - Separate meetings in with Gerald Silva, David Yarrington, and County planning staff regarding alternative route to Russ Park off Eugene Street. We are developing a timeline for a possible lot line adjustment. David Yarrington is working with Planwest and putting together an estimate of costs associated with a possible trade of some land that would allow Russ Park enthusiasts to enter the park just past the water company on Eugene Street. In analyzing the procedure with the County it was pointed out that the Siva property was under the Williamson Act and that would complicate the process and that we might consider waiting until that came out of the Act in 2014. We are in the process of talking to all parties to get consensus before moving forward. We have developed a timeline for the possible lot line adjustment.
 - Numerous meetings with individual councilmen and the mayor regarding City issues, and updates about representation on the various joint power authorities.
 - Met with new Executive director of HWMA to talk about her new position.
 - Spoke with community member Stephanie Koch who has volunteered to help paint some areas of our community center.
 - The City Green Sculpture was taken away at the end of April and we are trying to replace with a student sculpture from HSU. I continue to work with Sondra Schwetman of the Art Department in an effort to start some type of rotational exhibit. We have received the prospectus from HSU and we will have our ceremony and unveiling of the competition on May 15th.
 - The Sign Ordinance Committee is making good progress. The current ordinance and procedures are still in effect and businesses must still go through Design Review and procedures for placement of signs and related issues. Staff has sent a letter to business district updating our progress and reminding them that there were non-compliant situations before we started this process and that although there may be changes in what is and is not allowed, we will be enforcing whatever the Council approves at the end of this process. It should be understood that we are probably six or more months out from bringing this to the council. We are hoping to have an article in the newspaper regarding the sign ordinance update in a couple weeks.
 - Discussions with City Planner regarding Design Review and planning issues. Planning Commission continues to have presentations related to the Safety Element.
 - Several conversations with Cybelle Immitt who is a senior planner for the County. Cybelle led a coalition of cities and agencies back in 2008 through a process to develop Hazard Mitigation Plans (HMP) for those agencies and the County. Those mitigation plans had a shelf life of 5 years and now we are required to update our previous plans. The goal of this planning effort is to update data for the natural hazards that could impact the planning area to determine the level of risk, update the identification of actions and activities that can reduce any losses from those hazards, and reinvigorate the coordinated process of implementing the plan. Back in of October of last year the Council approved a match of \$2,500 dollars to continue our participation in this program to update our HMP. The fiscal match was waved as a consequence of representation on the steering committee. We have scheduled the first kick-off meeting for December 3rd, and I will once again
-

represent the City on the Steering committee. Since we are going through our Safety Element I have already been coordinating the two projects through our planning consultant to take advantage of overlapping information.

- We have successfully initiated in conjunction/collaboration with Leland Rock and Gerald Silva a monitoring program to watch and record any movement of last year's slide area. This area looks stable and we will continue to monitor. Tom Stevens is monitoring the debris torrent for the City and has reported no movement so far and he is pleased with what he sees to this point. He commented at the Drainage Committee meeting that the debris torrent was about twice as long as originally reported and that he will continue to monitor at pre-determined times of the year dependent on weather events. I met with CCC, DF&G, and RCD representatives to go over a project they are doing that involves planting willow to stabilize the debris torrent area.
 - Numerous discussions with City Planner regarding design review and planning issues. The council approved the Design Review Process and the Final Review for Design Review Applications a couple of months ago and staff is now using the new process and applications.
 - Many discussions and conversations with our Planner and City Inspector and staff about the Kinetic building downtown that has had the stucco removed. The City Inspector approved an emergency demolition permit to remove the stucco at the request of their structural engineer. The structural improvements have been completed on the front of the building and we are waiting for the design review application to be complete. We have informed the applicant all through the process of our requirements. The applicant has completed her application and is moving through the procedure. There is a state CEQA process that may take around a month and then she will go through the DR process, and then to the PC for approval. If she is approved by the PC she will start the application of her siding.
 - Numerous conversations with the new Gingerbread property owner and manager regarding renovation plans, ideas and design review applications. They have made great headway and the building is truly being brought back to match its iconic status and contribute as a resource for many decades. They had a grand opening event a couple of weeks ago, which most of the council and staff were able to attend, and I think that all of us were very impressed with the result of all the improvements.
 - The City was notified that parts of a grant request were approved and that the city will in conjunction with the Village Club will be renovating our city hall kitchen. We also will be able to finally replace the curtains on our stage. In the coming months we will also be refurbishing the windows around city hall that have been in need of repair for a long time. Separate from the grant process we are having the council chamber painted and cracks from 09' earthquake repaired.
 - The City Managers group is working with Access Humboldt to analyze the requirements we need to go through as a result of the change in ownership of Suddenlink.
 - Numerous conversations with resident who lives beside E Street and put up a fence that shortened the dead-end street by about thirty feet in 2000. The property owner has removed the fence.
 - A little over a year ago we were able to work out an agreement that would allow us to get a new car for our police department for approximate two years and then turn it over to a cab company for them to put it into cab service. This has worked out well for us and the new car is now in service.
 - Met with Michael Sweeney to go over any questions he might have regarding his new position as a Councilman and to supply him with our councilman handbook.
 - A number of conversations with RCEA representative regarding our Greenhouse Gas Emissions Inventory. The City is mandated to compile this information and through our affiliation with RCEA we are accomplishing this at no cost to the City.
-

- A number of discussions with RWQCB representatives and County representatives regarding the wastewater disposal site and the condition of the receiving water streambed condition as it relates to drainage in that area. The concern is what interim needs are there before the SRRP addresses in phase two a long term solution to flooding issues in that area. It was expressed by County representatives that the Coastal Commission would not allow any work on the creek by Port Kenyon or the WWTF. We continue to monitor this area.
- Was told by CPO that the City had won some awards in CWEA annual program. We won wastewater plan of the year, and our engineering firm won top award for engineering excellence, and I won supervisor of the year for this region. It is nice to be recognized for our efforts, but it also reminds those of us receiving these awards how beholden we are to the council and community that supported us throughout this project. The awards banquet was held at Blue Lake Rancheria and was a very nice event.
- Many conversations with Don Hindley regarding a grant that the city has received since 1997 in connection with a drainage assessment fee. City staff is preparing information related to the grant and assessment so that the Council will be able to decide how to proceed. I have also included the drainage committee, our engineering firm, and our attorney as we look into the situation.
- Number of conversations with Cal-trans in reference to the road improvement and sidewalk improvement projects that are scheduled for next year and the year after. I also asked that we have a meeting in the near future so that we can be given a presentation on the project. Remember that they will be paving from Fernbridge to City limits next year and from the city limits through town the next year. The Chamber and some other citizens have mentioned that they would like to be able to take advantage of these projects to possibly change some streetscape, such as streetlights. I have set up a meeting on January 9th to go over the two phases of the project with the Cal-trans engineer here at city hall.
- Conversations with RCEA requesting information on grants related to replacing energy efficient streetlights. I am hopeful that we may be able to garner a loan or grant to replace the current lamps with ones that are not only more efficient, but more aesthetically pleasing.

CITY CLERK ACTIVITY

Meetings

- Daily meetings with City Manager regarding work schedule.
- City Council meeting 11/1/12.
- Planning Commission meeting 11/15/12

Projects

- Counter and phones.
 - Pick up mail, copy, distribute and file.
 - Filed October report of Building or Zoning Permits issued for new privately-owned housing units.
 - Prepared City Council Agenda packet for 11/1/12
 - Prepared and posted Special City Council Agenda for 11/23/12
 - Printed reminders and first time notifications to staff and members of governing bodies to complete Ethics Training, as required by Assembly Bill 1234.
 - Prepared and mailed postcard notices for Public Hearing at the 11/15/12 Planning Commission Meeting for a Variance to size limit and setback requirement for proposed Secondary Dwelling Unit at 1182 Rose Avenue.
-

- Attended Council meeting as assistant to Deputy City Clerk. Proofed minutes.
- Assisted Deputy City Clerk to Prepare Design Review meeting packet for 11/8/12
- Assisted Deputy City Clerk to Prepare Sign Committee meeting packet for 11/8/12
- Printed business cards for Mayor Farley.
- Prepared letter regarding door on Francis Street.
- Reviewed Building Standards Administration Special Revolving Fund, mandated fees collected by the city on building permits.
- Prepared minutes for the 10/25/12 Design Review Meeting; Filed approved minutes.
- Prepared Planning Commission packet for 11/15/12; prepared minutes
 - Filed approved minutes for 10/17/12
 - Filed Resolution PC2012-35 Making the required findings for conditionally approving a variance from Zoning Ordinance 02-02 §7.21.4F Pertaining to side setbacks, as well as a request for a Secondary Dwelling Unit (SDU) on Assessor Parcel Number 031-241-004.
 - Added Planning Commission appointment to the City Council agenda in December.
 - Added Design Review appointment to the City Council agenda in December.
 - Filed Resolution PC2012-36 Making the Required Findings for Conditionally approving a design review use permit to allow for covering existing asbestos panel siding with Hardipanel Siding on the rear and sides of an existing building on Assessor Parcel Number 031-085-012
- Sent letters to all property owners in Ferndale regarding the Sign Ordinance Committee progress.
- Training Administrative Assistant on business licenses, building permits, dog licenses, encroachment permits.
- Updated the Webpage:
 - Changed standard application form on Permits page
 - Exchanged Use Permit-Design Review and Historic District Design Review applications for updated form, Design Review-Use Permit.
 - Exchanged Home Occupation Permit for updated form.
 - Exchanged Secondary Dwelling Unit Permit for updated form.
 - Corrected population according to 2010 census
 - Updated the News Page to include information re the Safety Element of the General Plan.
 - Updated the “New in Ferndale?” section
 - Updated (as much as possible before election is decided) the City Council page
 - Updated the City Facilities page
 - Updated City of Ferndale contacts
 - Updated Planning Commission page
 - Updated the General Plan page with information supplied by Planwest.

<i>Building Permits</i>		
1385	Lincoln	re-roof
580	Main	structural repairs
161	Francis	Replace post and pier foundation
1182	Rose	Reroof Garage and addition
515	Fifth Street	reroof
1182	Rose	Bldg Inspection - Consultation
375A	Main	woodshop
161	Francis	back deck
1182	Rose	siding and windows on SDU

410	Arlington	reroof
535	Main	reroof
591	Arlington	new garage
580	Main	demo Shaw St side stucco
580	Main	Encroachment Permit s/w parking

<i>Land Use Permits</i>		
989	Milton	Design Review - replace metal/wood siding and doors to match 3 story building
361	Berding	Design Review - Add deck and board walk to back of house and patio

ADMINISTRATIVE ASSISTANT/DEPUTY CITY CLERK:

Meetings

- Meeting with City Manager on Office Issues
- Meeting with Sign Ordinance Committee
- Meeting with Design Review Committee
- Meeting with Phil Aycock
- Meeting with City Council

Projects

- Payroll
- Accounts Payable
- Accounts Receivable
- Answer Phones
- Purchase Various Supplies
- Receive and File October Financial Reports
- LAWCX PARSAC Report
- Constructed Sign Ordinance Committee Packet
- Constructed Design Review Packet
- Assisted with City Council Packet
- Update Chart of Accounts
- Reconcile Bank Account
- Created Business Licenses
- Assisted customers at front counter
- Processed Design Review Minutes
- Processed City Council Minutes

CITY PLANNER:

Meetings, Planning & Coordination

- Coordinated with City Manager and City Clerk on planning and development projects.
- Continued review of Sign Ordinance Update materials and progress.
- Continued coordination with HCAOG on Regional Housing Needs Allocation Process.

- Continued coordination on alleviating issues stemming from Russ Park access across private land.
- Coordinated with City Clerk on Design Review Use Permit application review for external changes at 277 Ocean Ave.
- Attended 10/25 Design Review Committee Meeting. Prepared and presented project report on DR Use Permit application for covering old siding with Hardipanel[®] siding on the back of a building at 535 Main Street.
- Continued coordination and integration of the Humboldt Operational Area Multi-Agency Multi-Hazard Mitigation Plan Update with the City of Ferndale General Plan Safety Element Update.
- Continued review of application for stucco replacement at 580 Main Street. Corresponded with applicant; began conducting Initial Study and project reports; coordinated with City Manager and City Clerk; and initiated coordination with the California Office of Historic Preservation and State Clearinghouse on CEQA document circulation requirements and procedures.
- Continued processing application for Variance and Secondary Dwelling Unit at 1182 Rose Ave. Sent correspondence to applicant; coordinated public hearing noticing with City Clerk; prepared project report and resolution for 11/15 PC meeting; conducted public hearing; and prepared letter notifying applicant of PC action.
- Continued processing application for DR Use Permit to cover old siding with Hardipanel[®] siding on the back of a building at 535 Main Street. Prepared and presented project report and resolution at 11/15 PC meeting. Prepared letter notifying applicant of PC action.
- Attended 11/15 Planning Commission meeting and study session. Arranged and introduced two study session speakers on hazardous materials regulation and emergency response. Prepared and presented 1182 Rose Ave Variance and Secondary Dwelling Unit project report and resolution; 535 Main Street DR Use Permit project report and resolution; Safety Element Update Draft Chapter 7 Hazardous Materials and staff report; and staff report regarding Safety Element Update sample goals, policies, and implementation programs.
- Coordinated with City Clerk to update City website, including posting final drafts of the DR UP, SDU, and HOP Application Packets as reviewed by the Design Review Committee and Planning Commission and final drafts of the Housing Element and Historical & Cultural Resources Element.
- Coordinated with David Yarrington on Tentative Map for upcoming Lot Line Adjustment application.
- Coordinated with City Clerk to answer questions regarding a zoning change from a prospective purchaser of a Ferndale property at 660 Berding Street.

Projects

- General Plan Update – Prepared Draft General Plan Safety Element Hazardous Materials chapter and presented at 11/15 Planning Commission meeting. Arranged study session presentation by Captain Ed Laidlaw of the Eureka Fire Department’s Hazardous Materials Response Team and Larry Lancaster, Humboldt County Division of Environmental Health Hazardous Materials Unit Program Supervisor. Continued coordination for presentation at January 16 study session. Prepared and presented Safety Element Update goals, policies, and implementation program samples and staff report at 11/15 PC meeting.
-

CITY ENGINEER:***Sewer Projects –***

- Working on a proposed capital improvement report (sewer)
 - Met with Doug and discussed redoing the map and list of projects to be included and priority ranking. Working on updated cost estimate and map for DRAFT submittal.

Pedestrian Improvement Project -

- Rose Street: (Phase 2)
 - \$250,000.00 has been granted to the City of Ferndale for Transportation Enhancement (pedestrian improvements) on Rose Street.
 - Design development and preparation of construction documents have been authorized.
 - Submitted the environmental study and beginning preliminary design.

Applications –

- Mr. Willis Hadley - Francis Street Project: A letter has been forwarded to the owner regarding the requirements that need to be met in order for the application to be approved. Still waiting for response.

General Engineering –

- 5th Street Flooding in front of Navy House Parcel – Solution determined
 - Project is out to bid. Bid opening was on Monday the 19th at 2:00 p.m. We had six bidders and the low bid was V&C Construction at \$37,254.50.
- Continued working on a Project Study Report for resurfacing Berding Street
 - Determining cost estimates based on the Pavement Condition Index Report, ADA sidewalk improvements and proposed drainage improvements.
- Discussed results of the Project Initiation Document for the intersection of 4th and Shaw Ave.
 - Design has been completed. We received positive feedback from the School Superintendent and Police Chief and neither had any problems with the construction moving forward as soon as possible. Bid documents are complete. Project has been deferred until Summer 2013.
- Working on a proposed capital improvement report (roads and drainage)
 - Met with Tim and discussed scope of projects to be included and priority ranking. Working on updated cost estimate and map for DRAFT submittal.
- Washington St. drainage culvert repair.
 - Assisting Tim with construction support as necessary
- Francis St Undergrounding of Utilities
 - Looking into the \$300,000 from PG&E and ways to get the project started.
- Cal Trans Maintenance on SR 211 (Review of SHOPP drawings)
 - Reviewing drawings for the maintenance and future sidewalk improvement project.
- Misc. Document review.
 - Reviewing documents from HCAOG regarding the FY 11-12 Regional Surface Transportation Program (RSTP) Allocation

Meetings and Committees –

- HCAOG
-

- Attend TAC meetings

Reporting and Correspondence –

- Prepared monthly staff report
- General correspondence and meetings with City Staff

WASTEWATER OPERATIONS:

- Review monthly lab results
 - CPO discussed flooding on Pt Kenyon west of effluent discharge
 - Assist office with computers
 - Staff covered biosolids with tarp, waiting for roof to be completed on building.
 - Work truck to shop for electrical issues
 - Flygt pump preventative maintenance on Pond and Influent pumps scheduled for November 20th. This is the first PM since installation.
 - CPO worked on Standard Operating Procedures (SOP) for different operations within the facility and department. Trained operators on different operating procedures that need to be performed during the month so they can complete in the event of my absence when procedures are due.
 - Continued correspondence with Hank Brenard Enterprises (HBE) regarding biosolids handling.
 - Placed order for lab safety supplies.
 - Received contact from PG&E to inquire about using our facility to dump groundwater that was pumped from a construction site near the creamery across from Renner Petroleum at Fernbridge. There was some original concern with the quality of the groundwater since it was in close proximity to the fuel tanks at the Renner card lock. Ultimately PG&E's subcontractor ran the water through a carbon filter on-site and purified the water to near drinking water standards, removing all the constituents that were of concern. They were then able to take the filtered groundwater and dump it into our lagoon without any concern. While this was a small revenue source it's still encouraging that we have this ability from time to time to help as well as bring in revenue for the waste treatment facility.
 - Sent off Acute toxicity samples to test for survival rates in selected aquatic life. This is a bi-annual test that is required in our permit. Test results came back and there was 100% survival of the organisms in our effluent.
 - OIT attended strategic planning meeting for recycling and waste diversion.
 - OIT shopped for door prizes and prep for CWEA banquet.
 - CPO completed 2 ½ hour online ethics training
 - CPO worked with SEMS software tech to go over new program module that was added to the software, integrating the now mandatory Electronic Self Monitoring Report (eSMR). The new module, which would normally cost several hundred dollars a year to have installed, was added free of charge while the CPO helps them iron out technical issues for full release in their software. This module streamlines the compilation and submission to the SWRCB website.
 - Worked on getting the plant computer updated with all the websites and passwords needed to submit the various monthly reports electronically.
 - CPO met with Fortuna interim Public Works Director to discuss sitting on interview panel for their CPO hiring process.
 - Correspondence with Portland Engineering (PEI) regarding UV totalizer not functioning.
 - Worked on travel budget for possible attendance at CWEA Annual Conference in Palm Springs.
-

- Correspondence with Aeromod to discuss the belt on the press being out of alignment. Made some minor mechanical changes. Seems to be readjusting itself slowly.
- Called Siemens Inc. regarding the UV totalizer. Trouble shooting done and found the problem to be with the temperature probe. Contacted PEI to send replacement parts to fix the problem. This unit is out of warranty.
- Gave tour to personnel from Rio Dell City
- Gave tour to personnel from Fortuna City
- Clean up files and fill out Pos
- OIT Ivey completed routine cleaning of both disc filters
- OIT Ivey pressure wash RAS troughs
- Staff performed process tests to assist in the operation of the facility.
- Operator Coppini manage biosolids handling with turning and mixing to get maximum dry.
- The facility received a total of 20 septic dumps from Roto Rooter & Wyckoff's totaling 30,300 gallons and generating \$5,454 in revenue for the facility.
- One lateral test was requested during the month on A Street but it was found to have had a test done recently enough to not warrant another one at this time.
- Plant data updated on SEMS software
- CPO attended CWEA board meeting in Eureka
- Monthly eSMR was submitted
- Staff performed routine process tests in our lab.
- Prepared monthly sample containers
- Filled out POs for monthly invoices
- DCI complete roof installation on biosolids drying building
- Monthly samples picked up by NCL
- 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.

PUBLIC WORKS:

City Property

- Firemen's Park
 - Routine Maintenance, i.e. Mowing Park and Baseball Field.
 - Routine daily walk through to pick-up garbage.
 - Park Restrooms
 - Routinely cleaned every day of the week including weekends.
 - Replaced light bulb
 - Russ Park
 - Routine maintenance: Pulling out trash from trash & recycle bins as needed.
 - Picked-up loose garbage from Russ Park.
 - Town Hall
 - Routine mowing and weed-eating
 - Pull out trash daily
 - Replaced light bulbs on the green.
-

- Library
 - Routine mowing and weed-eating.
 - Moved receptacle for new carpet.
 - RCM Electric was called to move outlet for new carpet.
- City Parking Lot
 - Pick up garbage-Routinely as least once a week unless otherwise warranted.
- Main Street
 - Routine maintenance: Daily cleaning and stocking of Main Street Restrooms-7days a week.
- Community Center
 - Routine checking of CC when the facility is rented before and after.
 - Showing CC to potential renters as needed.
 - Replaced handle and valve on leaky toilet.
 - Propane was turned off to CC due to suspicion of gas leak. Called Town & Country to relight pilot lights and check line for leaks.
- Police Department
 - Routine mowing and weed-eating.
- Scout Hall – Routine mowing and weed-eating
- Roadsides – Routine mowing and weed-eating
- Public Works
 - Took all garbage, trash and old parts to Eel River Disposal.
 - Cleaned up the City Yard.

Streets, Sidewalks and Storm Drains

- 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 residents call and request removal.
- Routine maintenance: Sweep Main St., Monday, Wednesday and Friday mornings.
- Continuing to patch roads as needed.
- Removal of leaf debris from streets and storm drains
- Put out Flooded signs on 5th street.
- Scrape Wildcat Road free of dirt and vegetation, mowed city property at bottom.
- Cleaned Bluff Street of dirt and vegetation.
- Reviewed bids for Washington Street Drainage. Project awarded to DCI.
- Removed dead deer from behind 525 Main Street
- Removed debris from all drains and grates around town.
- Ordered 120' of 10" drain pipe for Market Street culvert

Vehicle/Equipment Maintenance

- Routine monthly maintenance and weekly maintenance on frequently used equipment.
- Worked on all emergency equipment, lights, generators, flood signs, etc.
- Working with resident on Ocean Ave. about sidewalk in front of home. We will advise resident.

Miscellaneous

- Routine paperwork
 - Dealing with daily work orders as residents call
-

- Followed up on creek clean-up
- Removed fence from Francis Creek
- Mailed off mobile radio for repair to Six Rivers Communications.

POLICE DEPARTMENT:

- Officer Lee Haldorson has been proceeding through his Field Training Program on the weekends.
- Chief Smith attended Kiwanis meetings/functions.
- Chief Smith attended the monthly LECAH meeting.
- Chief Smith attended the monthly Community Corrections Partnership Executive Committee.
- Officer Frank attended mandatory POST Force Options training.
- The new 2013 Dodge Charger is having the equipment installed.
- Fortuna Police Department provided our department with a fully-equipped 2004 Ford Crown Victoria patrol car. We were only required to install the radio.

Police Statistics – October 2012

SERIOUS CRIMES	Number	Cleared
Homicide	0	
Rape	0	
Robbery	0	
Larceny	1	
Assault	2	2
Burglary	0	
Vehicle Theft	0	
TOTAL	2	
SECONDARY CRIMES	5	
Calls for Service	42	
Reports Written	13	
Traffic Citations	3	
Other Citations	0	
Parking Citations	1	
Warnings	33	
ARRESTS	3	
AGENCY ASSISTS	15	
TRAFFIC COLLISIONS	0	

Section 13b: Commissions, Committees and Other

<p style="text-align: center;">City of Ferndale, Humboldt County, California USA Design Review Minutes for the 9/27/12 - 8:30am meeting</p>
--

Vice Chairman Dane Cowan opened the meeting at 8:30 a.m. Committee Members Michael Sweeney, Lino Moggi and Michael Bailey and along with staff City Manager Jay Parrish, City Clerk Nancy Kaytis-Slocum and City Planner Melanie Rheume were present. Dan Brown was absent. There were no modifications to the agenda.

MOTION (Bailey/Sweeney) The minutes from the 7/26/12 meeting were unanimously accepted.

MOTION (Sweeney/Bailey) The minutes from the 8/29/12 meeting were unanimously accepted.

MOTION: (Bailey/Cowan) The minutes from the 9/20/12 meeting were unanimously accepted.

375A Main Street - 20 x 30' woodwork shop. MOTION (Bailey/Sweeney) Approve the building of a 20 x 30' woodwork shop at 375A Main Street. All in favor.

Design Review Process – With the minor change of requiring the applicant to verify that the house number is visible from the street, the Design Review Committee approved the Design Review Use Permit Application Process and recommended it be brought before the Planning Commission at the October 17th Planning Commission meeting.

Final Procedures for DR Applications: Michael Sweeney turned in the following DR 1005; DR 1014 both approved; DR1010, there has been additional wording below the sign as submitted. The committee agreed a letter should be written to the applicant to apply for the additional signage. DR 1009, Blush Boutique has moved, so this application is void.

Member Sweeney to continue on the sign ordinance review committee and/or on the Design Review Committee after he is sworn in as a City Council member on 10/4/12. Staff will check on this.

The meeting adjourned at 9:33AM. The next meeting regular meeting will be October 25, 2012

Respectfully submitted:

Nancy Kaytis-Slocum, City Clerk

City of Ferndale, Humboldt County, California USA
Design Review Minutes for the 10/04/12 - 8:30 am meeting

Vice Chairman Dane Cowan opened the meeting at 8:30 a.m. Committee Members Michael Bailey and Lino Mogni were present along with staff City Manager Jay Parrish and City Clerk Nancy Kaytis-Slocum. Dan Brown was absent. There were no modifications to the agenda.

161 Francis Street – Deck: The committee members asked questions of the applicant. MOTION: (Bailey/Mogni) Approve deck on back of house. All in favor.

The committee members explained to staff exactly what they want to see when a project comes before them: what is visual impact, photo documentation of before, a drawing of the project, map showing where project is located along with a North arrow, and other things as listed on the new Design Review Use Permit application. Staff thanked the committee and the City Manager for their direction.

Meeting adjourned at 8:47am

Respectfully submitted, Nancy Kaytis-Slocum, City Clerk

City of Ferndale, Humboldt County, California USA
Design Review Minutes for the 10/11/12 - 8:30am meeting

Chairman Dan Brown opened the meeting at 8:30 a.m. Committee Members Dane Cowan and Lino Mogni were present along with staff City Manager Jay Parrish and City Clerk Nancy Kaytis-Slocum. Michael Bailey was absent. There were no modifications to the agenda.

207 Francis Street – Paint: The applicant confirmed that the house would be all white with black door, and grey trim on foundation trim. MOTION: (Cowan/Mogni) Approve paint colors on house. All in favor.

Meeting adjourned at 8:34am

Respectfully submitted, Nancy Kaytis-Slocum City Clerk

City of Ferndale, Humboldt County, California USA
Design Review Minutes for the 10/25/12 - 8:30 am meeting

Vice Chairman Dane Cowan opened the meeting at 8:30 a.m. Committee Members Lino Mogni and Michael Bailey and along with staff City Manager Jay Parrish, City Clerk Nancy Kaytis-Slocum and City Planner Melanie Rheaume were present. Dan Brown was absent. Dane Cowan introduced Mark Giacomini. There were no modifications to the agenda.

MOTION (Bailey/Mogni) The minutes from the 9/27/12 meeting were unanimously accepted. MOTION (Bailey/Mogni) The minutes from the 10/4/12 meeting were unanimously accepted. MOTION: (Mogni/Cowan) The minutes from the 10/11/12 meeting were unanimously accepted.

535 Main Street: Planner Melanie Rheaume explained the Design Review Use Permit application to cover existing siding with Hardipanel siding on the back of the building at 535 Main Street. She explained that the back of the building is not visible except from Shaw Street. The existing panels are approximately 50 years old. After some discussion, the committee concurred with staff that the old siding does not contribute to the historic character of the property and is not a distinctive historic feature, and therefore a determination can be made that the project is eligible for a Class 31 Categorical Exemption under CEQA guidelines Section 15331. Ferndale ordinances and policies do not currently specify what materials may be used for historic building repairs. The historical construction practice in Ferndale is to concentrate the materials that are more decorative, detailed, and reflective of period craftsmanship on the front and sides of buildings that are visible from the street, but the City lacks a clear policy to guide this practice. This application to use Hardipanel siding on the back of a building in the Historic District provides an opportunity for the city to discuss this issue. MOTION: (Bailey/Mogni) Recommend forwarding this to the Planning Commission with the Design Review Committee's recommendation for approval of the project. All in favor.

The date of November 15, 2012 was approved for the next regular Design Review meeting.

Finals: One of the committee members took the Leonardi Francis Street paint colors and deck to final.

Comments: It was noted that since Michael Sweeney had been sworn in to the City Council that his place on the Committee should be advertised. The City Clerk will advertise the vacancy.

Respectfully submitted:

Nancy Kaytis-Slocum, City Clerk

City of Ferndale, Humboldt County, California USA

Special Design Review Minutes for the 11/8/12 - 8:30am meeting

Chairman Dan Brown opened the meeting at 8:30 a.m. Committee Members Lino Mogni and Michael Sweeney were present along with staff City Manager Jay Parrish, City Clerk Nancy Kaytis-Slocum and Deputy City Clerk Lacy Pedrotti. Dane Cowan was absent. There were no modifications to the agenda.

989 Milton – Building. Richard Phillis and Dennis DelBiaggio Owners of Cream City Investments were present to discuss their project to replace metal and wood siding and doors to match existing 3 story building at 1400 Main Street. Mr. Phillis added one new electrical meter to the application. MOTION: (Mogni/Bailey) Approve siding and add electric meter on building. All in favor.

Meeting adjourned at 8:40am

Respectfully submitted,

Lacy Pedrotti
Deputy City Clerk

Humboldt Medical Group, Inc.

3306 Renner Dr.
Fortuna, CA 95540
(707) 725-6101

528 Washington St.
Ferndale, Ca 95536
(707) 786-4028

FERNDALE HEALTH INSPECTOR
3rd QUARTER REPORT
2012

Donald I. Baird M.D.
Rodney B. Grover D.O.
Tamara S. Dennis M.D.
Mark T. Roback D.O.
Robert G. Smith FNP
Elaine Bettiga FNP
Martin Kimble FNP
Maureen Frank FNP

September 26, 2012

The 3rd Quarter includes the inspection of the food preparers at the Fair, which always makes for a busy time. There were the usual problems with old freezers that were not keeping food at the correct temperatures, missing thermometers, et cetera. However, all of these were corrected and there were no complaints arising from the ingestion of foods from the food booths at the fair.

Other inspections were done within the City limits with minor infractions, which were quickly corrected by the establishments involved.

Respectfully submitted,



Robin Smith
Ferndale Health Inspector

RS:lt

Dear Nancy,

10/27/12

This was supposed to have
been sent to you without my
signature since I was on vacation
for the last month. I apologise
for the delay. Best, Robin

OCT 30 2012

BY:.....

FERNDALE LIBRARY ASSN.

BoaRD Meeting - October 25, 2012

Pres. Irene Bryant called the meeting to order at Ferndale library 7:00 P.M. Members present were Evo and Bob, along with librarian Bonnie. Nancy and Jeff Farley were absent.

The minute of the prior meeting were read and approved.

Bonnie reported the summer reading program had 30 children registered. This is down from ptior years for Ferndale and the County as well. Bonnie stated a County librarian commitee meet to discus lack of interest in the summer reading to see if somthing can be done to stimulate interest.

The friends September book sale and donations netted \$546.00. Most sales were on Saterdag as not many people were were on Sunday.

Bonnie stated she ordered a new library desk consisting of a main desk and corner section with drawers in the main desk. The total cost of this from Gaylord Brothers Librqry Supple House was \$2848.31. The friends donated \$3000.00. The old desk will be given away.

The new carpet has been ordered and the library will be closed Monday thru Saterdag Nobember 19-24 for installation and the new desk will also be installed.

The new 1012-2013 budget has not been received yet as the city has not given the library a copy @@@@@@@@@@ as yet.

Next meeting was set for thursday, January 24, 2013.

Evo M. lourenzo, Secty.



City of Ferndale, Humboldt County, California USA

Minutes for Planning Commission Meeting of October 17, 2012

Study Session: Chair Jorgen Von Frausing-Borch called the study session to order. Planner Melanie Rheame introduced Mr. Mark Rodgers, Pre-Fire Planning Battalion Chief for CAL FIRE, and Ms. Cybelle Immitt, staff support for the Humboldt County Fire Safe Council, who spoke to the commissioners on Fire Safety in and around Ferndale.

Call to Order: Chair Jorgen Von Frausing-Borch called the Regular Planning Commission meeting to order at 7:12pm. Commissioners Dan Brown, Trevor Harper, and Lino Mogni along with staff City Clerk Nancy Kaytis-Slocum and City Planner Melanie Rheame were present. Uffe Christiansen was absent. Those in attendance pledged allegiance to the flag. MOTION: (Brown/Harper). The September 19, 2012 minutes were unanimously approved with a correction in the spelling of revocable.

Public Comment: Mr. Stuart Garbutt spoke on behalf of Yuki McCarthy of 219 Francis Street. After some discussion it was decided that this should go on the Design Review agenda before it is placed on the Planning Commission Agenda. Mr. Garbutt indicated that he would help Yuki begin the Design Review Use Permit application process.

Revised Permit Processes: Planner Rheame went through the changes in the Design Review Use Permit Application as well as the changes in the Secondary Dwelling Unit and Home Occupation Permit processes. The Planning Commission asked to be informed of all land use approvals as an information item under business.

Safety Element Update, Fire Safety: Planner Rheame went through the draft Fire Safety section of the Safety Element Update for the Commissioners. She also gave some examples of Policies, as requested by the Commission during the last meeting. Coming in November is a talk on Hazardous Material; in January, Risk Assessment and in February, Emergency Preparedness. Although the February study session will probably go longer than a half hour, the Commission asked that the study session begin at 6:30pm as planned.

Mr. Michael Bailey presented the Draft Sign Ordinance updates to sections 1001 (Background, Purpose and Scope) and 1002 (Sign Definitions); and new sections 1004.1 (Sign Standards, Maintenance and Design Criteria) and 1004.2 (Miscellaneous Business Signs). He asked that if the Commission has changes or concerns that they let the Sign Ordinance Committee (SOC) know as soon as possible, as the SOC continues to move forward on the ordinance. MOTION (Harper/Brown) Approve updates to sections 1001 and 1002, approve sections 1004.1 and 1004.2 as presented. All in favor.

Planning Commission vacancy: MOTION: (Von Frausing-Borch/Brown) Direct staff to advertise for Planning Commission vacancy. All in favor.

Design Review vacancy: MOTION: (Von Frausing-Borch/Harper) Direct staff to advertise for Design Review Committee vacancy. All in favor.

November meeting date change: The Commission confirmed that they will be meeting on November 15 at 6:30 pm. The meeting was adjourned at 8:37pm.

Respectfully submitted,

Nancy Kaytis-Slocum, City Clerk

City of Ferndale, Humboldt County, California USA

Sign Ordinance Committee Minutes for the 10/18/12 2:30 pm meeting

Chairman Michael Bailey opened the meeting at 2:35 pm. Committee members Michael Sweeney, Trevor Harper, Phil Ostler and Karen Pingitore were present.

No modifications to agenda

October 4, 2012 Minutes: MOTION: Approve minutes as edited (remove City Manger Jay Parish as being present; Page 9, item 4. last sentence the word will should replace the word with). (Sweeney/Ostler). All in favor.

Board members of the Ferndale Rep were present to express their plans to structurally upgrade the theater including a new marquee. In the meantime, the Rep is considering one or more banners to announce upcoming performances in the absence of a marquee. The board members were interested in getting feedback from the committee on what such banners may look like and where they would be located. Committee members responded by clarifying that the Sign Ordinance Committee is updating the City's sign regulations and is not a committee that would approve or deny an application for banners. Such an application would go before the Design Review Committee. The Committee did support the idea of utilizing banners in lieu of a marquee until such time that the upgrades and new marquee are implemented. Cautions were expressed that they should limit the height of these banners as much as feasible.

BUSINESS

A. Sign Ordinance Publicity

At the October 4, 2012 meeting it was decided that City Manager Parish would consult the publisher of the Ferndale Enterprise about an article related to an update on the activities of the Sign Ordinance Committee. As City Manager Parish was not present at the meeting there was no report on this issue. Committee member Karen Pingitore stated that the letter mailed to business owners regarding the Committee's progress went out and was affective. However, the letter also needs to be sent to the building owners as it is they who are responsible for completing sign permit applications.

B. Review and Approve the following:

- i. 1004.3 Prohibited or Illegal Sign Characteristics, Locations, Types, and Messages
- ii. 1004.4 Nonconforming Signs
- iii. 1004.5 Unregulated or Exempt Signs and Exceptions

Chairman Bailey introduced revised language for section 1004.3 Prohibited or Illegal Sign Characteristics, Locations, Types, and Messages reflecting changes made at the October 4, 2012 meeting. Committee member Phil Ostler raised the issue of his I.O.F. sign on his building and whether or not it would be considered an illegal sign. Chairman

Bailey pointed out that based on the language in Section 1004.4.4, the I.O.F. sign would be considered an historically significant sign. In a discussion of language in Section 1004.5, additional edits to revised language under Section 1004.5, paragraph 4 where the following language was changed to:

...Signs attached to or lettered on a vehicle used to conduct commercial business and not used primarily to advertise that business.

...Signs attached to or lettered on a vehicle used to conduct commercial business and not used primarily to direct people to a business location.

Additionally, revised language pertaining to Section 1004.5.4 Flags bearing an official design, item 4. was changed as follows:

4. The length of a flag shall not exceed one-third (1/3) the length of the flag pole and no flag shall be larger than 250 Sq. Ft. in area. Flags with an aspect ratio (hoist to fly, or height to width) greater than 1:1 are not permitted.

The Committee reviewed the remaining sections with no additional revisions.

MOTION: Approve forwarding of draft ordinance sections i-iii to the Planning Commission (Pingitore/Ostler). All in favor.

C. Review Committee Input on the following:

- i. 100.6. Illumination & Reflecting Signs
- ii. 100.7. Movement & Wind-driven Signs

Chairman Bailey presented and the Committee discussed new draft language pertaining to 1004.6 and 1004.7. Related to these sections is a revised language in Section 1004.1.6 Lighting which provides general guidelines for illumination. Further language regulating lighting is presented under Section 1004.6 Illumination & Reflective Signs. The goal in both sections is to prevent light from becoming obnoxious to motorists, pedestrians, and neighbors. Table 1004.6 establishes the maximum intensity allowed in foot-candle (fc).

Considerable discussion ensued on “product signs” typically associated with bars, restaurants, and stores which sell beverages. In general, such product signs are not consistent with the historic character of Main Street buildings and establishments. Both Committee members Pingitore and Ostler emphasized the value of such “product signs” and that they are “business-specific.” In Ferndale, the establishments that currently have “product signs” in their windows include J & W Liquors, Restaurant Matias, Ivanhoe, The Palace, and the Red Front Store. Chairman Bailey pointed out that “business logos” (which are essentially what product signs are) are currently classified as signs in this draft ordinance. Committee member Pingitore emphasized that she utilizes products (such as a dress or jacket) in window displays but this use is not considered as a sign. Committee member Harper suggested that we count the total

number of product signs currently existing in the downtown Historic District and that this aggregate number would become the total number of product signs allowed. Furthermore, each product sign would need to be permitted individually. Only neon lighted signs would be allowed. No LED signs or fiber optic signs that mimic neon. The Committee generally felt that this approach would allow existing businesses to retain their product signs but control the spread of additional product signs within the Historic District.

Committee Member Ostler initiated discussion on Section 1004.6, #8 – additional requirements for Indirect Lighting. Ostler felt that quartz halogen offered a good source of light as long as it was properly shielded from direct view. Further discussion lead to an agreement that halogen would not be prohibited in the lighting options.

Chairman Bailey will bring back these sections with corrections for review and approval at the next meeting.

CORRESPONDENCE

No correspondence was received by the Committee.

The next make up meeting will be November 8, 2012 at 2:30 pm. The meeting was adjourned at 4:33 pm.

Respectfully submitted by:

Michael Sweeney

City of Ferndale, Humboldt County, California USA
Sign Ordinance Committee Minutes for the 11/8/12 2:30 pm meeting

Chairman Michael Bailey opened the meeting at 2:31 pm. Committee members Michael Sweeney, Phil Ostler and Karen Pingitore were present. Committee member Trevor Harper was absent. City Manager Jay Parrish and Deputy City Clerk Lacy Pedrotti attended. Guest Caroline Titus representing the Ferndale Enterprise was in attendance.

No modifications to agenda

October 18, 2012 Minutes: MOTION: Approve minutes as edited (City Manger's last name has two "r's" as in Parrish; Page 1, Business A. third sentence the word affective should be effective). (Sweeney/ Pingitore). All in favor.

PUBLIC COMMENT: None

BUSINESS

A. Sign Ordinance Publicity

City Manager Parrish talked to Karen Pingitore and Caroline Titus about an article in the Ferndale Enterprise to inform the general public about the status of the Sign Ordinance Committee. A letter has been sent to both business and building owners in the Historic District regarding the Committees progress. Chairman Bailey stated that the Committee was about one month away from reviewing the last section of the draft ordinance according to the table of contents. There will also be a section on Administration that will be reviewed last. Once the Committee has completed the draft ordinance it will be presented to the City Attorney for legal clearance. Upon attorney review, the Committee will address any changes deemed necessary prior to forwarding the final Draft Sign Ordinance to the Planning Commission. At that time it was suggested that the Draft Ordinance also be placed on the City's website for general public review.

B. Review and Approve the following;

[i. 1004.6 Illumination & Reflecting Signs](#)

[ii. 1004.7 Public Message Signs](#)

These sections were reviewed at the October 18, 2012 Committee meeting and have been returned to the Committee with recommended edits for approval and forward to the Planning Commission. City Manager Parrish commented that item 10 under Section 1004.6 Illumination & Reflective Signs raised some important issues. Draft language for item 10 is presented below:

10. As a condition of sign permit approval, the Planning Commission may require and perform a post-installation intensity inspection to occur within sixty (60) days of installation completion, and the Planning Commission may require alteration of the light intensity or the method of illumination if found necessary to implement these illumination limitations.

The City Manager first stated that calling for the Planning Commission to perform inspections was not an appropriate role for the Commission. Secondly, the City does not have access to the type of equipment necessary nor the staff expertise to measure lighting intensity. Chairman Bailey clarified that the draft language did not intend to imply that the use of light measurement equipment was necessary. Rather, he anticipated that the Design Review Committee might have concerns about light intensity as part of a conditionally approved sign and the intent was to have someone inspect the light intensity post installation. This inspection would largely rely upon a subjective value judgment as to intensity being acceptable or not. The discussion concluded by agreeing that the Design Review Committee should perform post-installation review on any lighting intensity issues and that the draft language be changed to reflect the Design Review Committee's role in this matter.

Further discussion focused on draft language for section 1004.6.4 Product Signs (note the numbering system was in error and the correct section number should be 1004.6.5). This draft language reflected discussion from the 10-18-12 meeting on neon signs in the form of "products" most often associated with beverages and often provided for free to "promote" the product a business sells rather than the business itself. As these product signs often incorporate neon lights they would be highly regulated, or in most cases prohibited by current draft language. However, in past meetings both Karen Pingitore and Phil Ostler attested to the value of these kinds of "signs" and that they tended to be business specific in the form of bars, liquor stores, mini-marts, or restaurants where such products (in the form of beverages) are for sale. In response, the Committee had developed draft language that would allow such signs under certain conditions.

At issue were two aspects of the draft language. First, the draft language would limit the total number of product signs within the business district (historic district) to 20. This number was based on the estimated number of signs currently in use. The idea behind this number was to allow those product signs currently in use to remain but not allow additional product signs above this number. Chairman Bailey acknowledged that this number was based on his recollection of the total number currently in use. The Committee believed that the actual number of existing product signs should be counted and photographed on a specific date and that this number would be used as the total number of signs allowed. Chairman Bailey agreed to count and photograph existing product signs and incorporate the actual number into the draft language.

Second, the draft language limited the exhibit of product signs for any given business to three. Committee members asked what would happen if a business already had more than 3 but was included as part of the soon-to-be counted total number of product signs allowed. Under current language, the business owner would have to remove the signs in excess of 3. It was agreed that this number was arbitrary but for discussion purposes a number had to be selected and could just as easily be 2 or 4 or another number. Further discussion pointed out that a "product sign" would count as part of the overall signage and would be subtracted from the total signage allowed. This fact itself may limit the total number of product signs as once a business owner's sign size is

calculated there may or may not be enough surplus in allowable square footage of signs to allow for additional signage. The Committee believed that once the draft ordinance goes to the Planning Commission public hearings may clarify the optimum total number allowed for each business.

Discussion turned to section 1004.6.6 Reader-board, Multiple or Electronic Variable Message, or Copy-change Signs. For purposes of this Ordinance, an electronic variable message sign is an illuminated sign. Caroline Titus referred to the new "sign" at Demetri DiStefano's business on Main Street. This "sign" is actually a computer display screen hung in the window that is otherwise covered with brown construction paper. Caroline asked if this "sign" was covered under this section. The answer appeared to be that the hanging computer display screen was not a "sign" as defined in this draft ordinance as it does not include or refer to Demetri's name or the name of his business so it is more accurately defined as a "display." The Committee acknowledge that this display may be temporary as Demetri is still in the process of re-organizing his business including any future signage.

There were no issues raised with the remaining language for section 1004.6.7 Revolving and Rotating Signs (note again that these numbers have been adjusted due to the replication of 1004.6.5 in the draft sections).

Similarly, the Committee had no issues with the remaining language for section 1004.7 Movement & Wind-driven Signs.

Revised language for section 1004.6 Illumination & Reflective Signs will be returned for Committee approval at the scheduled 11-15-12 meeting.

The Committee agreed to approve and forward section 1004.7 Movement & Wind-driven Signs to the Planning Commission.

MOTION: Approve forwarding of draft ordinance sections 1004.7 to the Planning Commission (Ostler/Sweeney). All in favor.

- C. Review Committee Inputs on the following;
- i. 1005.1 Temporary Signs
 - ii. 1005.2 Public Message Signs

The Committee discussed new sections on Temporary and Public Message signs. In reviewing the different types of temporary signs the question was asked "what is a snipe sign?" Referring to the definitions, Chairman Bailey stated that a "snipe" sign is any sign tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes or fences or to other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which the sign is located. According to section 1005.1.10 these types of signs is prohibited. A distinction was made for Garage Sale Signs per section 1005.1.3 where such signs shall be allowed in all residential zones subject to the provisions listed in Section 1004.5.5.

Further discussion followed on section 1005.1.9 Sandwich-board, A-Frame or Sidewalk Signs. This type of sign has been subject to many discussions by the Committee. These signs are designed to specifically direct someone to a retail business from an off-site location due to the business having a hidden or off-the-beat frontage. As such, they have considerable value for businesses that do not enjoy a Main Street location. The best example is the Ferndale Museum sandwich-board sign that is placed daily on the corner of Shaw and Main to direct traffic one block to the actual Museum's location. Accordingly, the Committee has sought ways of regulating such signs while still allowing for their use in limited situations. City Manager Parrish pointed out that the public right-of-way on Main Street is regulated by Caltrans as Main Street is also a State highway (211). The City has no authority to allow or not allow anything within the Caltrans right-of-way. In the past issues have come up related to trees, benches, signs, the Ferndale Reps marquee, among others that strictly speaking are not allowed. These are typically not permitted by either the City or Caltrans. It was noticed that the Flower shop sandwich-board located across the street from the Art Coop is placed on private property (with the approval of the property owner). Similarly with the sandwich-board sign on the corner of Main and Ocean that directs the visitor and others to the farm product stand on Centerville Beach Road. This sign is also placed on private property. Committee member Sweeney suggested that the draft language for item 1 of section 1005.1.9 be amended from the current language which allows such signs "...within rights-of-way with approval of the planning commission;" to revised language that would state "...may be permitted within private property with approval of the planning commission." No vote or statement of approval for this idea was forthcoming but the Committee saw merit in the idea. City Manager Parrish agreed to seek legal opinion on the sandwich-board issue and provide that opinion by the next meeting.

Revised language for section 1004.6 Illumination & Reflective Signs will be returned for Committee approval at the scheduled 11-15-12 meeting. Additional discussion will ensue on Temporary Signs and Public Message Signs at the next meeting.

CORRESPONDENCE

No correspondence was received by the Committee.

The next make up meeting will be November 15, 2012 at 2:30 pm. The meeting was adjourned at 4:17 pm.

Respectfully submitted by:

Michael Sweeney

Section 13c: Council Reports and Comments

Humboldt/Del Norte Hazardous Materials Response Authority Regular Meeting Minutes Monday, July 9, 2012

1. Roll Call:

Via Speaker phone: Mr. Dale Watson, Del Norte County; Mr. Tim Sanderson, Yurok Tribe

Present: Mr. Jay Parrish Chairperson, City of Ferndale; Mr. Mark Wheatley, City of Arcata; Mr. Glenn Bernald, City of Blue Lake; Ms. Virginia Bass Vice Chairperson, Humboldt County.

Guests: Captain Ed Laidlaw, Eureka Fire Department; Assistant Fire Chief James Goodlive; Mr. Larry Lancaster, Humboldt County Division of Environmental Health; Ms Maje Hoyos, Humboldt County Division of Environmental Health; Mr. Jose Gonzalez, Humboldt County Division of Environmental Health.

2. Convening of the Meeting:

Meeting was called to order at 4:45 p.m. by Mr. Jay Parrish.

3. Public Comments:

The public was invited to address the Board, none were present.

4. Old Business:

- A. Mr. Jay Parrish called for approval of the May 7, 2012 Special Meeting Minutes. The motion to approve the minutes was presented by Mr. Glenn Bernald, was seconded by Mr. Dale Watson, Ms Virginia Bass abstained, and the motion was carried by those members present.
- B. Mr. Larry Lancaster addressed the Board Members regarding the current state of affairs regarding the California Department of Justice, the limitations of the Humboldt County Drug Task Force in responding to Methamphetamine Labs, and restrictions that the Humboldt/ Del Norte Hazardous Materials Response Authority has in regards to evidence gathering.

5. New Business:

- A. Mr. Larry Lancaster addressed the Board Members regarding the California Electronic Reporting System (CERS) and the current extent of access that will be available to first responders.
- B. Captain Ed Laidlaw reported on the 2011/2012 Budget for the Humboldt/Del Norte Hazardous Materials Response Authority, and presented the Departmental Expenditures for review and approval by the Board. The motion to approve the 2011/2012 Budget was presented by Mr. Mark Wheatley and was seconded by Ms. Virginia Bass; the motion was carried by those members present.
- C. Discussion regarding appointment of Legal Counsel for the Humboldt/ Del Norte Hazardous Materials Response Authority will be addressed at the next Regular meeting. Ms. Virginia Bass stated that she will look into specific aspects regarding the City of Eureka Attorney and Humboldt County Counsel.
- D. Captain Ed Laidlaw presented to the Board the 2012 Second Quarter Report for the Humboldt / Del Norte Hazardous Materials Response Team. Three Level I responses occurred during the Second Quarter, two did not require a full response from the Hazardous Material Response Team. One was determined to be a chemical irritant that had discharged exposing patients, responders and pets. Affected patients and pets were decontaminated to remove the substance. Monthly training and training to allied agencies was conducted during this period.

6. Adjournment:

Mr. Jay Parrish called adjournment at 5:15 pm. A Regular Meeting of the Humboldt / Del Norte Hazardous Materials Response Authority meeting is scheduled at the Eureka Fire Department Conference Room on Tuesday, October 9, 2012 at 4:30 pm.



HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS

611 I Street, Suite B

Eureka, CA 95501

(707) 444-8208

<http://www.hcaog.net>

Board of Directors DRAFT MEETING RECORD

Regular Meeting
September 24, 2012, 11:30 a.m.
Eureka Council Chambers
531 K Street, Eureka

Present:

Mayor Jeffrey Farley, Chair
Councilmember Susan Ornelas, Vice Chair
Mayor Doug Strehl
Supervisor Virginia Bass (Arrived 11:55 a.m.)
Mayor Julie Woodall
Mayor Frank Jäger
Councilmember McCall-Wallace (Arrived 12:20 p.m.)

Policy Advisory Committee Members:

Julie Fulkerson
Rex Jackman

Staff:

Marcella Clem
Oona Smith
Debra Dees
Debbie Egger
Siana Watts

Absent:

Mayor Bhardwaj

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

Humboldt Transit Authority
Caltrans

Executive Director
Senior Planner
Associate Planner
Administrative Services Officer
Executive Assistant

City of Trinidad

1. Call to Order

Chair Farley called the meeting to order at 11: 30 a.m.

2. Approval of the Meeting Record

Motion was made (Ornelas/Jäger) to approve the August 16, 2012 meeting record.

Motion carried by the following vote:

AYES: Farley, Strehl, Jäger, Ornelas

NOES:

ABSTENTION: Woodall

ABSENT: Bhardwaj, Bass (Arrived 11:55 a.m.) and McCall-Wallace (Arrived 12:20 p.m.)

3. Public Participation – No public participation occurred.

4. Adjournment of the HCAOG Board; Convening of the Policy Advisory Committee (PAC)

11:43 p.m.

5. Action Items

- a. **FY 2012-13 Overall Work Plan (OWP) Amendment #1**
Motion was made (Jäger/Woodall) to recommend approval of Resolution 12-14 and adoption of the FY 2012-13 OWP Amendment #1, contingent upon Caltrans approval.
Motion carried unanimously.
- b. **Rules & Regulations for Administering the Transportation Development Act (TDA)**
Motion was made (Woodall/Jäger) to recommend approval of Resolution 12-15 adoption of the TDA Rules & Regulations update including language recommended by the Technical Advisory Committee (TAC).
Motion carried by the following votes:
AYES: Farley, Strehl, Jäger, Ornelas, Woodall, Fulkerson, Jackman
NOES:
ABSTENTIONS: Bass
ABSENT: Bhardwaj and McCall-Wallace (Arrived at 12:20 p.m.)
- c. **Funding Objectives and Criteria for the FTA Section 5311 Program of Projects (POP)**
Motion was made (Ornelas/Bass) to recommend approval of the 5311 Funding Objectives and Criteria.
Motion carried unanimously.
- d. **Service Authority for Freeway Emergencies (SAFE)**
Motion was made (Bass/Jäger) to recommend approval of an amendment to the CASE Systems, Inc. contract.
Motion carried unanimously.

6. Informational Items/Member Communication

- a. ***imagine humboldt!* Blueprint Planning Update**
Staff provided an update on the Blueprint planning project.
Public Participation on 6.a.
Bob Higgins, Humboldt Association of Realtors
- b. **Humboldt Bay Rail Corridor Committee Meeting Update**
Staff provided an update on the Bay Rail Corridor committee meeting dates scheduled for September 28, October 12, and October 26, 2012 at 10:00 a.m. in the Eureka City Council Chambers. Staff also provided information on the committee's origins and work plan.
- c. **Accessible Transportation Coalitions Initiative (ATCI) Conference**
Staff will provided information on the ATCI Conference, which will take place on October 10 and 11, 2012 at the Humboldt Community Accessibility and Resource Center.

7. PAC Member Reports

There were no PAC member reports.

***A break was called at 12:15 p.m.

8. Reconvening of the HCAOG Board (12:24 p.m.)

Motion was made (Jäger/Bass) to approve the recommendations taken by the PAC and reconvene as the HCAOG Board.

Motion carried unanimously.

- a. **HCAOG Board Tribal Membership Request**
The Board discussed criteria for tribal membership.
Public Participation on 8.a.
Dave Tranberg, HCAOG Legal Counsel

Jacque Hostler, Trinidad Rancheria
Mary J. Risling, Senior Attorney, Hoopa Valley Tribe
Nick Angeloff
Charles Ciancio, Cutten resident

9. Adjournment

The meeting adjourned at 1:18 p.m.

Respectfully submitted by,
Siana Watts, Executive Assistant

Individuals requiring special accommodations, accessible seating, or documentation in alternative formats are requested to contact the HCAOG office at 444-8208 prior to the meeting.

**BOARD OF DIRECTORS**

Mark Lovelace, County of Humboldt, Chair
Shane Brinton, City of Arcata, Vice Chair
Sherman Schapiro, City of Blue Lake
Lance Madsen, City of Eureka
John Maxwell, City of Ferndale
Jack Thompson, City of Rio Dell

MINUTES

Thursday, October 11, 2012, 6:30 PM

Eureka City Council Chambers

531 K Street, Eureka, CA

Present: Mark Lovelace, Shane Brinton, Michele McCall-Wallace (alternate for Sherman Schapiro), Lance Madsen, John Maxwell, Jack Thompson
Staff: Patrick Owen, Tyler Egerer, Karen Sherman
Legal Counsel: Nancy Diamond

1) Call to Order and Roll Call

Chairman Lovelace called the meeting to order at 6:35 p.m. A quorum was present and acting.

2) Approve the Agenda

Motion Maxwell/Madsen to Approve the Agenda 6 Ayes/0 Noes or Abstentions/0 Absent.

Chairman Lovelace Opened the Floor to Public Comment. No one spoke.

Chairman Lovelace Closed the Floor to Public Comment.

3) Board Member Reports

Boardmember Thompson reported that the Rio Dell sewer plant construction is going well and remains on schedule. He further added that Measure J is on the ballot for the second time around.

Boardmember Brinton stated that the City of Arcata has inked a deal with the Humboldt Trails Council Stewards Program to address needs for trails in the Arcata area.

Boardmember Madsen provided an update regarding Upstate California. They have signed an MOA to address the feasibility of the East-West Railroad.

4) Oral and Written Communications

Chairman Lovelace Opened the Floor to Public Comment.

Maureen Hart, representative of Zero Waste Humboldt, reported on a positive experience between HWMA, the North County Fair, and Zero Waste Humboldt. The North County Fair approached Zero Waste Humboldt to assist in making their event waste-free. Zero Waste Humboldt assembled volunteers to staff disposal areas through the fair, and Juliette Bohn, Project Manager, trained those volunteers in proper food waste diversion. Five cubic yards of Foodwaste materials were collected.

Jane Woodward, of Zero Waste Humboldt, wanted to add that the vendors at the North Country Fair were asked to use recyclable materials. There was a lot of cooperation and close monitoring to ensure success.

Chairman Lovelace Closed the Floor to Public Comment.

5) Consent Calendar

Boardmember McCall-Wallace Pulled Item 5a).

Chairman Lovelace announced that Jill Duffy has been hired as the new Executive Director.

Motion Brinton/Thompson to Approve the Consent Calendar with Changes 6/0/0

Chairman Lovelace Opened the Floor to Public Comment. No one spoke.

Chairman Lovelace Closed the Floor to Public Comment.

- a) **Approve Minutes from the September 13, 2012 HWMA Board of Directors Meeting**
Boardmember McCall-Wallace pulled the minutes because she was not present at the last meeting.

Motion Brinton/Thompson to approve the Minutes from the September 13, 2012

HWMA Board of Directors Meeting 5/1/0. **Boardmember McCall-Wallace** abstains.

Chairman Lovelace Opened the Floor to Public Comment. No comment made.

Chairman Lovelace Closed the Floor to Public Comment.

6) Select Appointees to Planning Advisory Committee (PAC)

Senior Program Analyst Sherman indicated that staff and R3, the Authority's strategic planning consultants, have come to a point in the strategic planning process where they are ready to discuss the PAC and select members for the committee. Terry Supahan, R3 meeting facilitator, plans to attend all four PAC meetings. The first scheduled meeting is Tuesday October 30th. This work group will be short-term in nature and not a part of the regular committee process.

Ms. Sherman specified that the meeting on Tuesday October 30th would be at 6 PM and that it is tentatively scheduled to meet at the Humboldt Bay Aquatic Center.

Chairman Lovelace reminded the Board that they are maintaining flexibility by not defining the number of members from each target group. Each Boardmember will be asked for their list of nominees.

Boardmember Thompson explained his desire to choose candidates that represent the relatively large area represented by Rio Dell and Ferndale. He choose Rick Angeloff of the Rio Dell Planning Commission, Billy Joe Long who is a thirty-five year resident of Rio Dell, Chuck Schager of Eel River Resource Recovery, and urged consideration of either Regan Candelario or Mike Johnson, respectively the City Manager and Head of Public Works in Fortuna.

Boardmember Brinton wanted to select people with environmental and industrial interests. His choices are Maureen Hart of the North Coast Recycling Market Development Zone and Zero Waste Humboldt, Tibora Gersyk-Bloom who is the director of SCRAP Humboldt, Tall Chief Comet of the HSU Sustainability Office and Carolyn Hawkins of the LEA.

Boardmember Maxwell used the same logical thinking as Boardmember Thompson. He chose Tall Chief Comet, Jane Woodward of Zero Waste Humboldt, Chuck Schager from Eel River Disposal and Audrey Miller, a resident of Ferndale.

Boardmember Mc-Call Wallace shared the nominees as chosen by Boardmember Schapiro. The choices were Doug Hooper of Blue Lake Garbage, Kit Mann, owner of Kokatat, John Gammon, a resident of Blue Lake, Roger Westin, a retired public works employee from San Leandro, and Michelle Fuller, the Environmental Director of the Blue Lake Rancheria.

Boardmember Madsen brought three names forward. Brian Sollom of Humboldt Sanitation, John McMurray, a Eureka resident with many years of County experience and

Shawn Bennett of Eureka City Schools, with many years of experience working with Recology of Humboldt.

Chairman Lovelace also chose Tall Chief Comet and Kit Mann, and included Chip Sharp, who has experience with mediation and facilitation as well as local business.

Chairman Lovelace Opened the Floor to Public Comment.

Jane Woodward, of Zero Waste Humboldt, indicated the letter received by the Board from Judd Ellinwood, which listed names of qualified and worthy candidates.

Brian Sollom, of Humboldt Sanitation, expressed his interest in participating in the PAC.

Chairman Lovelace Closed the Floor to Public Comment.

Boardmember Thompson wanted to request that the names of the nominees be placed into categories for better sorting.

Chairman Lovelace noted the names which had been nominated by multiple Boardmembers; Tall Chief Comet, Kit Mann and Chuck Schager. Each Boardmember listed the category which fit best for each of their candidates (listed in order of first nomination):

Nick Angeloff/Business, Ratepayer

Billy Joe Long/Ratepayer

Chuck Schager/Industry

Regan Candelario/Government Representative

Mike Johnson/Government Representative

Maureen Hart/Industry, Environmental, Economic Development

Tibora Gersyk-Bloom/Environmental, Economic Development

Tall Chief Comet/Government, Education, Environmental

Carolyn Hawkins/Government, Environmental

Jane Woodward/Public, Special Interest

Audrey Miller/Ratepayer

Doug Hooper/Hauler

John Gammon/Ratepayer

Kit Mann/ Business

Roger Westin/Ratepayer, Industry

Michelle Fuller/Environmental, Business, Government

Brian Sollom/Environmental, Industry

John McMurray/Ratepayer

Shawn Bennett/Education, Environmental

Chip Sharp/Ratepayer, Environmental, Business

The Board discussed a number of methods and recommendations for establishing a vote for the makeup of the PAC. The general consensus of the Board was to allow each member to nominate their own top two candidates; if, at the end of the original vote, there were duplicate nominations or extremely lopsided representation of one group or another, further discussion could take place. In addition, the Board agreed to direct staff to invite members of City of Fortuna staff to participate in Local Task Force as part of the Technical Advisory Committee.

The nominations for PAC membership are as follows:

Boardmember Thompson: Nick Angeloff, Billy Joe Long.
Boardmember Brinton: Maureen Hart, Tibora Gersyk-Bloom.
Boardmember Maxwell: Tall Chief Comet, Jane Woodward.
Boardmember McCall-Wallace: Doug Hooper, Kit Mann.
Boardmember Madsen: Shawn Bennett, John Murray.
Chairman Lovelace: Carolyn Hawkins, Chip Sharp.

Motion Madsen/Brinton to Appoint PAC Membership as Nominated 6/0/0.

The Board further discussed the possibility of naming at least one alternate PAC member to serve in the event that members dropped out or was otherwise predisposed when alerted to their nomination.

Motion Brinton/Thompson to Nominate Chuck Schager as Alternate 5/1/0.

Boardmember Madsen dissented.

Chairman Lovelace Opened the Floor to Public Comment. No comment made.

Chairman Lovelace Closed the Floor to Public Comment.

Boardmember Madsen indicated his reluctance to appoint as sole alternate an employee of ERD, noting past issues in working with the company. He requested a second alternate be named.

Motion McCall-Wallace/Madsen to Nominate Brian Sollom as Alternate. Following discussion in which the potential ranking of alternates in order of appointment could not be agreed upon, the motion initially lost its second, and was later withdrawn by Boardmember McCall-Wallace.

Motion Madsen to Reconsider Slate Discussion. Motion Dies for Lack of Second.

7) Receive Presentation on SCRAP Humboldt

Interim Executive Director Owen introduced Tibora Gersyk-Bloom of SCRAP Humboldt.

Tibora Gersyk-Bloom of SCRAP (School Community Reuse Action Program) Humboldt delivered a presentation regarding the formation and goals of the program. She outlined donators and participants as well as goals and the unique roll that SCRAP will play in the community.

Chairman Lovelace Opened the Floor to Public Comment. No comment made.

Chairman Lovelace Closed the Floor to Public Comment.

8) Executive Director's Report

Interim Executive Director Owen reported on a number of activities; The last e-waste mobile event of the year will happen on Saturday, October 13; with the end of the mobile collection season in sight, he further noted that Hazardous Waste may be brought into the permanent facility by appointment, so that residential customers don't have to wait until the first Saturday of the month.

Brent Whitener, Programs Manager, will be attending a meeting of the Environmental Services JPA, which includes twenty rural counties, to introduce himself and the Authority and follow the discussions currently facing other rural areas.

The Closure of the Eel River Plant in Scotia has given rise to some future concerns; if power plants do not accept greenwaste, there could be a negative effect on waste diversion in the county. Ash, which has been used in land application, may now have to go to landfills, and the remaining plants may shut down due to the stresses caused by this

requirement. This item will be revisited as ash testing requirements proposed by the NCRWQCB and the full effect of plant closures are realized.

The North County Fair provided some strong lessons in Foodwaste management. Zero Waste Humboldt created a lot of clean Foodwaste, but required a significant amount of supervision. The event highlighted the learning curve going into the Foodwaste program. In addition, HWMA has begun collecting Foodwaste from early adopters in Old Town Eureka through a grant from the Federal EPA. A Preliminary meeting was held with potential anaerobic digester system RFP respondents, 41 firms in all.

Mr. Owen further reported on potential improvements to materials acceptance policies for difficult to dispose of materials. Asbestos acceptance policies will be revisited to improve ease of drop-off for all customers, while still protecting HWMA employees. The City of Eureka is currently absorbing \$30,000 for meth lab cleanups. With the financial difficulty California is going through, it has fallen upon the local communities to cover the cost of these cleanup jobs. HWMA is exploring the idea of performing these cleanups; staff is currently fleshing out insurance and legal requirements for such a service. Interim Executive Director Owen wanted to thank the Board for their patience and guidance through this transition.

Boardmember Madsen stated that there are also issues with marijuana cleanup that can be addressed with the potential meth cleanup service.

Chairman Lovelace Opened the Floor to Public Comment.

Maureen Hart expressed her appreciation to Interim Executive Director Owen for his hard work during the transition. Chairman Lovelace seconded that comment.

Administrative Services Manager Egerer indicated that the Authority's website was currently down due to a fairly severe hack which had corrupted a number of the site's files.

Chairman Lovelace Closed the Floor to Public Comment.

Motion Brinton/Newman to approve the PAC role as written in the R3 report with the addition of a new number one indication that it is desirable that PAC members attend public strategic planning meetings when possible 6/0/0.

9) Adjourn

Chairman Lovelace Adjourned the Meeting at 8:21 p.m.

Next Meeting: November 8, 2012 at 6:30 p.m. at Eureka City Hall Council Chambers.



Redwood Coast Energy Authority

517 5th Street

Eureka, CA 95501

Phone: (707) 269-1700 Toll-Free (800) 931-RCEA Fax: (707) 269-1777

E-mail: info@redwoodenergy.org Web: www.redwoodenergy.org

MEETING MINUTES

Redwood Coast Energy Resource Center
517 5th Street, Eureka, CA 95501

October 15, 2012
Monday, 3:15 p.m.

Redwood Coast Energy Authority will accommodate those with special needs. Arrangements for people with disabilities who attend RCEA meetings can be made in advance by contacting Lori Biondini at 269-1700 by noon the day of the meeting.

I. ROLL CALL

Present: Susan Ornelas, Lana Manzanita, Jay Parrish, Jack Thompson, Tom Davies and Sheri Woo

Absent: Sue Long, Linda Atkins and Ryan Sundberg

Staff: Matthew Marshall, Lori Biondini

Guests: Jim Zoellick, Schatz Energy Research Center

II. REPORTS FROM MEMBER ENTITIES

- City of Blue Lake is having a candidate meet and greet on October 17th and Community Emergency Response Team (CERT) training with the Fire Department on October 18th.
- City of Rio Dell continues to make progress on the new sewer plant.
- Humboldt Bay Municipal Water District current focuses include the water element of the County General Plan and evaluating options to make their hydropower plant more economically viable.
- City of Trinidad has finished the street improvement project and has preliminarily approved another small roads project.
- City of Ferndale got "Plant of the Year" for their wastewater treatment plant, as well as Engineering Excellence, and Supervisor of the Year amongst several northern California counties.

III. ORAL COMMUNICATIONS

None

IV. CONSENT CALENDAR

A. Approve Minutes of September 17, 2012 Board Meeting

B. Approve attached Warrants

C. Accept attached Financial Reports

Director Ornelas requested that Items B and C be removed from the consent calendar.

M/S/C: Ornelas, Davies: Approve consent calendar item A.

V. REMOVED FROM CONSENT CALENDAR ITEMS

A. Approve attached Warrants

Director Ornelas asked what the monthly expense and travel reimbursements to staff were specifically for and if there was a way to reduce these expenses. Executive Director Marshall responded that the expenses were for trips out of the area as well as for regular ongoing services provided across the county, and for office equipment and software purchased online with personal credit cards. Staff is going to set up an RCEA credit card to address the current need for the use of personal cards and reimbursements for online purchases. He also reported that staff continues to try to improve scheduling and program delivery methods to reduce mileage, but it is an ongoing challenge when providing service to residents and business across Humboldt County's large geographic area.

M/S/C: Ornelas, Woo: Approve attached Warrants

B. Accept attached Financial Reports

Director Ornelas asked for clarification about the "Paid Time Off" line item of the budget and "Fixed Assets" line item on the balance sheet. Executive Director Marshall responded that Paid Time Off includes vacation, sick, and holiday time, and is a liability that is budgeted for and included in our fully loaded billing rates; Fixed Assets are any items valued at \$2,000 or more such as energy analysis equipment. Director Thompson asked whether the insurance line item was an annual payment and Executive Director Marshall replied that it was.

M/S/C: Ornelas, Davies: Accept attached Financial Reports

VI. NEW BUSINESS

A. Financial Audits

Executive Director Marshall presented the audit financial statements for the year ending June 30, 2011. Executive Director Marshall proposed that staff would be working to complete the audits in a short timeline going forward. Director Thompson asked how much we spent on the audit and Executive Director Marshall replied that the auditor's fees are about \$17,000 per year. Executive Director Marshall requested that Board appoint a subcommittee to review responses to the request for proposals for audit services for the next three years.

M/S/C: Thompson, Ornelas: Accept Audited Financial Statements for the year ending June 30, 2011

M/S/C: Consensus: Appoint Directors Manzanita and Ornelas to Board Subcommittee to review proposals for audit services

B. PG&E 2013-14 Energy Watch Program Contracting

Executive Director Marshall explained that PG&E is seeking to execute extensions to existing local government partnership contracts for 2013-14 rather than developing new contracts. The new budget is still being negotiated with PG&E, but will likely be comparable to the annual funding level for the previous funding cycle, plus some

additional funding to cover new program expansions. The updated general conditions include the addition of background checks for employees and customer-data security measures. Director Parrish asked if background checks are something we would do as we hired, and Executive Director Marshall indicated that yes, we would be implementing background checks going forward. The security plan would include documenting the procedures we already have in place for protecting customer information, such as password-protection and encryption. Executive Director asked for approval pending RCEA legal counsel's final approval.

M/S/C: Davies, Woo: Approve extension and general conditions amendment to Redwood Coast Energy Watch contract with Pacific Gas & Electric pending final review and approval from RCEA's legal counsel.

VII. OLD BUSINESS

- A. CA Energy Commission RESCO Grant: Draft "RePower Humboldt" Strategic Plan Presentation – Jim Zoellick, Schatz Energy Research Center

Jim Zoellick presented an overview of the draft RePower Humboldt Strategic Plan. The Draft is now available to the public and comments are being solicited through October 26th.

After Mr. Zoellick's presentation, the board discussed the document. Director Woo asked if the cost of environmental impacts and mitigation were included in the assumptions. Mr. Zoellick said that costs came from other projects in California with some adjustments made for Humboldt County. Executive Director Manzanita indicated that education and outreach to the community is an important consideration. Executive Director Marshall said that RCEA plans to focus on specific sub-topics of the plan over the next two years, including outreach, workshops and opportunities for more in-depth community dialogue on the range of renewable energy options.

VIII. CLOSED SESSION

- A. Pursuant to Government Code Section 54957 – Personnel, Executive Director performance evaluation and employment contract.

IX. REPORT FROM CLOSED SESSION

- A. The Board revised its previous decision at the September meeting regarding the Executive Directors employment contract: the Board approves a three-year extension to the Executive Director's employment contract ,with an increase to an annual salary of \$68,200 effective September 18, 2012; future increases, if any, will be determined by the board at the time of the Executive Director's annual performance evaluation.

X. ADJOURNMENT

The meeting was adjourned at 5:00 pm.

***The next regular RCEA Board of Directors Business Meeting
will be held at 3:15PM on Monday, November 19, 2012.***

REDWOOD REGION ECONOMIC DEVELOPMENT COMMISSION

Minutes Meeting of the Board of Directors October 22, 2012

- I. **Call to Order and Flag Salute**

Vice Chair Mike Newman called the meeting to order at 6:35 p.m.
Present: Richard Dorn, Tyler Holmes, Nancy Koke, Virginia Bass for Mark Lovelace, Mike Losey, Ken Mierzwa, Mike Newman, Michael McKaskle for John Rogers, Bruce Rupp, Alex Stillman
Absent: Dendra Dengler, Julie Fuikerson, Bud Leonard, Sherman Schapiro, Frank Scolari, Bill Wennerholm, Mike Wilson
Guests: Regan Candelario, Manager, City of Fortuna, Ken Musante, Eureka Payments
Staff Present: Don Ehnebuske, Bonnie Smoller
- II. **Approval of Agenda and Minutes**

M/S/P: Rupp/McKaskle to approve agenda for Oct. 22, 2012. Motion passes.
M/S: Holmes/Losey to approve minutes of Aug. 27, 2012. Ayes: 9, Nays: 0, Abstain: 1
Motion passes.
- III. **Public Input – for non-agenda items**

None
- IV. **Special Presentation/Program**

Ken Musante, President, Eureka Payments LLC
Mr. Musante spoke about the beginning of Eureka Payments in 2010 and its growth over the past two years. Eureka Payments business is substantially from out of the area, bringing revenue into Humboldt County. As sales have increased they've added two employees.
- V. **Financial Reports**

A. Acceptance of Agency wide Financial Reports: September 30, 2012: **M/S/P: Losey/Bass to approve the September 2012 financials as presented.** Motion passed unanimously.
- VI. **Reports – no action required**

A. Loan Portfolio Report: September 30, 2012: Report submitted; no action needed.
B. Executive Directors Report: Report submitted; no action needed.
- VII. **Old Business**

None
- VIII. **New Business**

A. Consideration of Resolution to Recertify the EDA Revolving Loan Fund Plan: This recertification is required annually by the EDA. **M/S/P: Bass/Stillman to approve the resolution as presented. Ayes: Dorn, Holmes, Koke, Bass, Losey, Mierzwa, Newman, McKaskle, Rupp, Stillman; Noes: none; Abstain: none.** Motion passed unanimously.

- B. **Confirm Dates for November and December Meetings:** November and December holidays make it difficult to get a quorum for the board meeting. As discussed at the August meeting, the November meeting will be moved to Nov. 19, at a location to be announced prior to the meeting.
In December the regular meeting day falls on December 24; the consensus was to not meet in December.
RREDC bylaws state the board will meet monthly, although meetings are cancelled if a quorum cannot be confirmed.
M/S/P: Stillman/Holmes: moved to consider amending the bylaws to allow for greater flexibility in scheduling meetings. Motion passed unanimously.
- C. **Discussion Regarding Executive Director Performance Evaluation:** Per employment contract, the executive director six-month performance evaluation is due. **M/S/P: Rupp/Stillman to have the executive committee carry out the task of the executive director performance evaluation, with assistance from RREDC staff if necessary.** Motion passed unanimously.

IX. Member Reports/Updates
No reports

X. Agenda Requests for November 19, 2012
No requests

XI. Adjourn
The meeting adjourned at 7:40 p.m.

Respectfully submitted:

Bonnie Smoller, recorder

Mike Newman, Vice Chair

Salt River Watershed Council

Tuesday, October 9th, 2012
2 – 4 p.m.

Minutes

Board Members in attendance:

Dave Carr, Secretary/Treasurer; Dennis DelBiaggio, Jay Parish, Jay Russ, Don Hindley, Denver Nelson, John Vevoda

Board Members Excused:

Jim Becker, Chairman; Joe Russ; Vice Chairman

Guests:

Donna Chambers, Curtis Ihle, and Doreen Hansen (Resource Conservation District)

Call to Order:

The Watershed Council meeting was called to order at 2:03 p.m. by Dave Carr, Council Secretary/Treasurer.

Additions or Changes to the Agenda:

None

Introductions:

None

Public Comment Period:

None

Board Member Reports

John Vevoda reported that Humboldt County was unable to secure an Emergency Coastal Commission Permit to alleviate flooding that occurs each winter on Port Kenyon Road where Francis Creek meets the Salt River. A discussion on the impacts the flooding was held between council members. Jay Parrish will look into how flooding may affect the operation of the new Ferndale wastewater treatment plant.

Adoption of March 13, 2012 Meeting Minutes:

The minutes of the September 11th meeting was adopted as follows:
Motion: Director Don Hindley; Second: Director Jay Russ; Unanimous

New Business:

Creation of Subcommittees - This item was deferred to the December Council meeting.

Long and Short Term Goals - This item was deferred to the December Council meeting.

However, the council determined that it would like to have Dina Moore facilitate their December meeting regarding short and long term goals. The Council would like to define what type of Outreach is pertinent to them – to bring in volunteers, disseminate information, and/or attract funding. The Council would also like to discuss Funding options and Monitoring/Maintenance.

Grant Opportunity – Doreen Hansen provided background on the Wells Fargo/National Fish and Wildlife Foundation’s Environmental Solutions for Communities. Hansen explained that it appears that the grant funds would ideally directed towards implementation of a project. She suggested that the Council could craft a grant that could contribute money towards the implementation of Phase 2 of the Salt River project and also request funds for the capacity building of the SRWC to help maintain and monitor the project. The Council supports the idea of applying for the grant next year to contribute to Phase 2 of the project.

In addition, Hansen explained that funds could sought for paying for the myriad of monitoring tasks that are required post-project. The Council requested a presentation of the monitoring needs in the December meeting. This information will aid in the Council’s future objectives for monitoring and maintenance, outreach, and operational financial needs and recording.

Hansen also reported that the local Humboldt Area Foundation Community Grant would be another opportunity for the Council to build the capacity. Hansen will look at match requirements and report back to the Council.

Old Business:

Toste Lease Agreement- The Council reviewed a draft of the Toste Lease Agreement. It was agreed that the lease runs as a 1 year term (September to September). The Council requests that the leasee liability insurance be raised from \$500,000 to \$1 Million. They also would like to add in a termination clause stipulating that the leasee provide a 6 month notice. The council noted that the

County property tax-bill will need to be obtained from Mike Toste in order to be paid.

Council approved the Lease Agreement with the above amendments by the following:

Motion: Director John Vevoda; Second: director Jay Russ; Unanimous

By Consensus, the Council nominated Jim Becker as their representative in the execution of the Toste Lease Agreement.

E&O and D&O Insurance – Director Carr has researched further in to the insurance topic and is waiting for a quote. Denver Nelson asked whether the Council has enough funds to pay for the insurance. Carr reviewed the Council's financial statement and determined that further funds are needed. A discussion about finding grant opportunities, receiving potential allocation of hay proceeds from Western Rivers, and approaching other organizations as ways to support the Council financial needs.

Salt River Project Update – Donna Chambers provided an update on the Salt River project. She reported that: all permits have been received; CA Conservation Corps are working on Riverside Ranch; the primary main contractor for Phase 1 is being sought and pre-qualified; bidding on the riparian removal will commence; RFP for seed vendors have been sent; and monitoring for tree cavities will be performed.

John Vevoda asked about the delay in finalizing the Williamson Act cancellation on Riverside Ranch. Chambers responded that to her understanding, the final steps are being taken by the County Board of Supervisor's Office.

Future Agenda Items:

November:

- Annual Organizational Meeting
- Monitoring and Maintenance Task Review
- Budget

December:

- Ask Dina Moore to Facilitate the meeting
- Establish Short and Long Term Goals
- Determine Subcommittees

Adjournment:

The meeting was adjourned at 3:34pm.

Section 14: Adjourn