



**City of Eureka, CA
City Council Regular Meeting
Tuesday, February 15, 2022
6:00 PM**

COUNCIL CHAMBERS, 531 K STREET EUREKA, CA 95501
AGENDA

ELECTED OFFICIALS

*Mayor Susan Seaman
Councilmember Leslie Castellano, Ward 1
Councilmember Kati Moulton, Ward 2
Councilmember Natalie Arroyo, Ward 3
Councilmember Scott Bauer, Ward 4
Councilmember Kim Bergel, Ward 5*

HOW TO PARTICIPATE IN THE CITY COUNCIL MEETING

Pursuant to Assembly Bill 361, public meetings will be conducted both in person and telephonically through Zoom. The City Council Chambers are open to the public. All person in attendance are required to wear masks. If you cannot attend in person would like to speak on an agenda item, you can access the meeting remotely:

Join Zoom Meeting

<https://us02web.zoom.us/j/82016149675?pwd=N1JNZERDRjhtUXJoZkFUdzI5RTNJUT09>

Meeting ID: 820 1614 9675

Passcode: 503858

Or join by phone:

+1 669 900 6833

Meeting ID: 82016149675#

LAND ACKNOWLEDGEMENT

The land that Eureka rests on is known in the Wiyot language as Jaroujiji. Past actions by local, State and Federal governments removed the Wiyot and other indigenous peoples from the land and threatened to destroy their cultural practices. The City of Eureka acknowledge the Wiyot community, their elders both past and present, as well as future generations. This acknowledgement demonstrates the City's commitment to dismantle the ongoing legacies of settler colonialism.

PUBLIC COMMENT

(Limited to 3 minutes each speaker on Closed Session items only)

CLOSED SESSION - 5:00 P.M.

If closed session items cannot be completed by 5:55 P.M., they will be continued at the conclusion of the regular agenda, provided there is time. If time does not allow then those closed session items will be continued to the next regular meeting.

Conference with legal counsel - existing litigation

Stacy Cobine, et al v. City of Eureka et al

United States District Court Northern District of California, Oakland Division Case No. 16-cv-02239-JSW

Pursuant to California Government Code Section 54956.9 (d) (1)

Conference with legal counsel – existing litigation

City of Eureka v. Purdue Pharma, L.P., et al.,

United States District Court Northern District of Ohio Case No. 1:18-op-46092

Pursuant to Section 54956.9 California Government Code

Conference with Legal Counsel - Initiation of Litigation (1 Case)

Pursuant to California Government Code paragraph (4) of Subdivision (d) of section 54956.9

REGULAR SESSION – 6:00 P.M.

ROLL CALL

PLEDGE OF ALLEGIANCE

REPORT OUT OF CLOSED SESSION

A. MAYOR’S ANNOUNCEMENTS

A.1. National Black History Month Proclamation

B. PRESENTATIONS

C. BOARD/COMMISSION REPORTS

D. PUBLIC COMMENT PERIOD

This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers. Members of the Public wishing to address the Council may submit a Speaker Card to the City Clerk and proceed to the podium after being recognized. Speakers will be called up in the order the Speaker Cards are received. Those who have not filled out a Speaker Card will be given an opportunity to speak after all those who have completed Speaker Cards have spoken. The public will be allowed to speak concurrently with the calling of an agenda item following the staff

presentation of that item. Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on the Agenda.

TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: A maximum of thirty (30) minutes shall be allotted to receiving public comments at the initial public comment period. If necessary, an additional period shall be allotted to public comments after City Manager Reports, but only if the first 30-minute Public Comment period was not sufficient to allow all those who wished to speak to do so.

E. PUBLIC HEARINGS

Public Hearings are scheduled for a time certain of 6:00 P.M. unless noticed otherwise, or as soon thereafter as possible.

F. CONSENT CALENDAR

Notice to the Public: All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Pursuant to City Council Resolution 2011-22, if a member of the public would like an item on the Consent Calendar pulled and discussed separately, the request shall be made to a Councilmember prior to the meeting. Unless a specific request is made by a Councilmember, the Consent Calendar will not be read. There will be no separate discussion of these items.

F.1. Council Meeting Minutes

Recommendation: Approve the regular Council minutes of February 1, 2022 as submitted.

F.2. Humboldt Bay Trail South Letter

Recommendation: Approve a letter encouraging the Coastal Commission to approve the County of Humboldt's application for a coastal development permit to construct Humboldt Bay Trail South.

F.3. Establishment of Labor Compliance Program for Use of Proposition 84 Funding for the Elk River Estuary Restoration Project

Recommendation: Adopt a Resolution of the City Council of the City of Eureka to establish a Labor Compliance Program for use of Proposition 84 Funds for the Elk River Estuary Restoration Project.

F.4. OIR Group Professional Services Agreement

Recommendation: Authorize the City Manager to negotiate and execute a professional services agreement not to exceed \$90,000 per year with the OIR Group to perform Independent Police Auditor on-call consulting services.

F.5. Notice of Intent to Comply (NOI) Under SB 619 Resolution

Recommendation: Approve a Resolution of the City Council allowing the Community Services Department to submit a Notice of Intent to Comply under SB 619.

F.6. Grant Award for Oil Spill Response Equipment

Recommendation: Adopt a Resolution of the City Council approving and authorizing execution of a Grant Agreement with the California Department of Fish and Wildlife.

F.7. Settling Basin - Phase I

Recommendation: Declare Mercer-Fraser Company the preferred bidder on Settling Basin - Phase I; and
Award Bid No. 2022-06 to Mercer-Fraser Company for the amount of \$146,500; and
Approve \$176,420 for construction, which includes 17% for contingency and construction management.

G. LEGISLATIVE ACTION CORRESPONDENCE

Authorize the Mayor or the City Manager to sign correspondence on behalf of the City Council to support/oppose legislation or administrative rules proposed or pending action at the County, State or U.S. government levels.

H. ORDINANCES/RESOLUTIONS

H.1. January 2022 Zoning Code Update

Recommendation: Waive full reading, read by title only, and adopt Bill No. 1010-C.S. "An Ordinance of the City of Eureka amending portions of Eureka Municipal Code Chapter 155 for the January 2022 Zoning Code Update."

H.2. Bill No.1011 Presentation Of Claims For Certain Causes Of Action Against The City

Recommendation: Waive full reading, read by title only and Adopt Bill No. 1011-C.S., A Bill Adding Section 39.11 To Chapter 39 of the Eureka Municipal Code Requiring Presentation Of Claims For Money Or Damages Under The Government Claims Act For Claims Otherwise Excepted From The Claim Requirement By Government Code Section 905.

I. REPORTS/ACTION ITEMS

I.1. Bode Major Subdivisions SDMJ-20-0001 and SDMJ-21-0001

Recommendation: Receive report; and
Provide direction.

I.2. Capital Improvement Program 2022

Recommendation: Receive report; and
Adopt the City of Eureka Capital Improvement Program 2022

J. FUTURE AGENDA ITEMS

This is an opportunity for Council Members request an item be placed on a future agenda for discussion or consideration. Direction to staff for placement of the item must be by majority consensus.

K. CITY MANAGER REPORTS

K.1. Carson Park Update

L. PUBLIC COMMENT CONTINUED

This is a time for public comment to continue should comments exceed the 30 minutes allowed at the beginning of the meeting.

M. COUNCIL REPORTS / CITY-RELATED TRAVEL REPORTS

ADJOURNMENT

If open session items cannot be completed by 9:30 P.M., the meeting may be adjourned to the next regular meeting or Council may vote to extend the meeting.

NOTICES

The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon the request and consensus of the Mayor and Council.

Any writing that is a public record not exempt from public disclosure and relating to an agenda item for open session of the City Council is available for public inspection at the Office of the City Clerk, 531 K Street, Eureka, CA 95501.

The meeting rooms are ADA accessible. Accommodations and access to City meetings for people with special needs must be requested of the City Clerk at 441-4175 72 hours in advance of the meeting. This agenda and other materials are available in alternate formats upon request.

All persons in attendance at public meetings are requested to observe the following rules of civil debate:

- 1. We may disagree, but we will be respectful of one another.*
- 2. All comments will be directed to the issue at hand.*
- 3. Personal attacks are unacceptable*
- 4. Applauding or other displays of approval/disapproval are discouraged.*

Regular City Council meetings are broadcast live by Humboldt Access on Cable Channel 10 and live streamed on the City's web site at www.ci.eureka.ca.gov.

To minimize distractions, please be sure all personal communications devices are on silent mode.

Questions? Please e-mail cityclerk@ci.eureka.ca.gov or contact the City Clerk's office at (707) 441-4175.