CITY OF POINT ARENA

451 School Street, P.O. Box 67, Point Arena, CA 95468 707 882-2122 707 882-2124 Fax

CITY COUNCIL MEETING MINUTES March 27, 2012 at 6:00 p.m.

1. Call to Order & Roll Call

Point Arena City Council met at 451 S. School Street, Point Arena, for a Regular Meeting on March 27, 2012, the notice for which being legally noticed on March 23, 2012

Mayor Cross called meeting to order at 6:01 p.m. and roll call was conducted.

Councilmembers Present: Mayor Lloyd Cross, Vice Mayor Doug Burkey; Councilmembers Terry Hughey and Trevor Sanders Councilmembers Absent: Brian Richl

City Staff Present: City Attorney Joseph J. Brecher, and Administrator/ City Clerk Hunter M. Alexander

Guest Speakers, Special Guests, Media and Constituency Present: Micheline White, Independent Coast Observer reporter; and approximately fourteen constituents/guests in attendance.

2. Reading/Pledge

Councilmember Sanders real aloud passage from Article Two, Section One, of the Constitution of the State of California

3. Approval of Agenda

Mayor Cross, pulling items 13a and 13b from the agenda, reported that the Council met for a closed session yesterday relative to the Sea Shell (Closed Session items 13a) during the meeting the City entered into agreement for legal services of Jones and Mayor, and authorized receivership action be taken regarding the abatement of the Sea Shell Inn. He further reported that C. Hillary case (Closed Session Item 13b), will be pulled and continued until Thursday, March 29, 2012 at which time a conference call can be held with legal counsel.

In closing, he recommended moving the discussion item 7.f., relative to the Safe Routes to Schools project, to immediately follow the presentation by Mr. Schwein

MOTION to approve the agenda changes as presented made by Councilmember Burkey: Seconded by Councilmember Sanders. Motion Carried. (4:1 ABSENT/Riehl)

Staff Reports Harbor, Public Works, WWTP (staff to provide written or verbal updates on current matters)
 Wastewater Treatment Plant (WWTP): Plant Operator Brad Nierman previously submitted copies of his monthly report.

Harbor: Pier Supervisor Peter Bogdahn reported that the Tsunami pole is schedule to be set tomorrow and the installation of the sirens will be scheduled later. Bogdahn wishes to be part of the RockWall/Parks Ad Hoc Committee. Staffing has been light at the pier for the last several weeks, but starting April 1, 2012, they will move to full time hours, to complete the propane tank issue and some of the ladders to be replaced. Bogdahn spoke to the Marine Protection Sanctuary reporting that he has spokes to the harbor office in Monterey and Bodega Bay, and numerous fisherman. Everyone is against off shore drilling, but due to the other matters written within the bill as it is currently written, the harbormasters and the fisherman do not currently support this bill.

5. Privilege of the Floor

a. Public Comment - Items Not on the Agenda

Angelina Ferrari, presenting for the record a petition in support of slowing the traffic speed on Lake Street (a element within of the Safe Routes to School Project), noted that there have been 104 signatures gathered.

Elizabeth Halverson, sought clarification on the relocation provisions, if any, that will be offered to Sea Shell occupants, such as herself. Mayor Cross responded that the newly appointed Court receiver will facilitate those matters.

Patricia Schwindt, reported that the Point Arena Community Chest is a valuable resource to those in need.

b. Public Comment - Closed Session Items 13a and 13b

No Public Comment Made

6 Presentation and Discussion and Action Items:

Jeff Schwein, Project Manager, Lumos & Associates, to Provide Update on Safe Routes to Schools Project

a. Jeff Schwein, Lumos and Associates, to Present Update on Safe Routes to School Project Mr. Schwein reported that they are working with school staff regarding the Point Arena Elementary School sign relocation. They are also meeting with the utilities regarding various issues, to include the relocation of several utility poles.

There is a 12 inch main running down main street, and portions of this will be beneath the new sidewalks. In these areas the valves will be raised to meet the new height of the sidewalks. However, if there is a line break, what used to be soil will now be

concrete, and this would be additional costs for the water company. This will need to discussed further and a determination made relative to the repairs in areas beneath the new sidewalks.

In closing, he stated that there are some very minor conflicts with Lake Street residents in fence-lines, driveway placement, etc., and they are trying to talk to all the owners, and he encouraged anyone with concerns or issues to let City Hall staff or Lumos and Associates.

Representative from Mark Thomas & Company to Present Information Regarding Speed Reduction Possibilities and Traffic Calming Measures within the Safe Routes to School Project

Mr. Adrienne Angell, Mark Thomas and Company, reporting on the "bumps, humps and lumps" of traffic control, described the differences in the different options for traffic calming, noting the following:

Speed bumps, are used in parking lots, as they are less effective when traveling at a higher speed

Speed humps, 22% effectiveness, these are currently on Port Road. They are the most common application and easy for bicyclists, but the biggest problem with them are they are harder for larger vehicles like emergency vehicles.

Speed lumps, are more common and more preferred, these are seen in Sacramento on collector streets and near schools and hospitals. These can be used on Lake Street, they are like speed humps but shorter with a space between. The problem is that drivers will try to 'shoot the gaps' by driving in the middle of the road and thus it is a hazardous situation on Lake Street because of the narrow sections, and maintenance is difficult.

Speed table, is ideal at 20% effectiveness. It is a speed hump that is much wider that is more readily used in areas with large vehicles. The tables will not increase the speed reduction of those that are currently on Lake Street now, and will be removed from the proposed drawings due to costs and drainage challenges.

Raised cross walk (a speed table with a sidewalk painted on the top of it), they run from curb face to curb face and can pose a challenge with drainage applications and maintenance.

In closing, his recommendation, based on recent studies done on the existing speed humps, is to enhance them to proper height and thus increase their effectiveness (currently at 2 and 2 3/4 inches heights, they should be 3 inches or slightly higher); and they will be adding advanced signage, striping and reflective materials on the new sidewalks.

Discussion and Possible Action Approving Mendocino Arts Council to Solicit Artists for the Retaining Wall Project

Mr. Schwein, briefly described the role of the Mendocino Arts Council (MAC) in the retaining wall project, and their facilitation of the the call for artists for new artwork on the retaining wall in front of the Arena Elementary school and along Highway One. He further asked of council to consider persons for the selection committee to assist with the call for projects.

Mr. Hal Wagnet, Chair, Mendocino Arts Council, introduced himself and briefly noted his history of involvement within the County. Expressing his enthusiasm for the Safe Routes to Schools projects and increasing safety elements within the community, he also spoke to the opportunity to provide cultural and artistry recognition within these types of projects that reflects the community. Mendocino County Board of Supervisors, who contribute to the Arts Council, strongly encourage art in public places. Art in public places, such as this retaining wall project, is an opportunity to address the general public with a statement of community pride. In closing, he spoke of Mr. Bruce Jones, MAC Board member, who resides in Gualala and his involvement with this project as it moves forward.

Ms. Alyssum Wier, Executive Director, noting that the mission of the Arts Council is to promote the arts, cultivate the creativity to invent it, and enrich the lives of residents and visitors. As a county wide nonprofit in their twelfth year, they have spent the last 3-5 years involved in 'creative place making' projects resulting in art in public places. Much like this proposed retaining wall project, in creative place making, partners public, private, nonprofit and community sectors to strategically shape the physical and social character of neighborhood, town, tribe or city or region, and animates public spaces, rejuvenates buildings, and increases economic viability. The skunk train railroad mural, the botanical garden sculptures, and the Welcome Laytonville banner project (won by a 16 year old), to name a few.

Administrator Alexander spoke to the importance to take this opportunity to unify all focal points or gateways we have here in Point Arena; entering the city from the north; the intersection at Lake and Highway One, and at Main Street and Highway One, as well as Iversen and Highway One, that ties in our Harbor/Pier Community.

Mr. Schwein spoke to the budget of \$15,000 within the Safe Routes to Schools project for this element of the project and the Art Councils administrative fee of 20%. They are working to determine the strength of the wall and thus the medium it will hold/support. An outreach meeting is scheduled for April to determine a theme and other details, members recommended for the selection committee are the Art's Council Executive Director, an Arts Council member, Jeff Schwein and/or Mark Thomas representative, local artist(s) and a member of City Council.

GENERAL CONSENSUS of City Council to approve Mendocino Arts Council to Solicit Artists for the Retaining Wall Project and approval of Mr. Jeff Schwein's Selection Committee recommendations.

Discussion and Possible Action Finalizing Placement, Type and Quantity of Speed Reduction Efforts

GENERAL CONSENSUS of City Council to approve recommendations as presented by Lumos and Associates, and the use of traffic calming measures to include staff recommendation to enhance the current speed humps to specification during the SR2S project construction.

Adoption of Resolution Ratifying Final Design for Safe Routes to School Project

GENERAL CONSENSUS of City Council to have Lumos and Associates return in April with the final design and Resolution.

7. Discussion and Action Items

T.P. TO HE APPORESSED FIRST FOR EAST OF DIRECTISHON

 f. Discussion and Possible Action Approving Standard Service Agreement with Lumos and Associates for On-Call Public Works Project, and Authorizing Additional Drainage Improvements, Not to Exceed \$35,000. on Port Road

Mr. Jeff Schwein, referencing the field study on Port Road conducted by Lumos and Associates in June 2011, noted that of the three locations identified as problem areas, Location I was first of the initial improvements made on Port Road (in Mid-December 2011). Though this has addressed some of the water flow issues, and has replaced the faulty culvert in its entirety, it has not eliminated the excess water that plagues Port Road.

Describing the inlet issue further west on Port and the initial pothole/spring site, he noted that additional minor surveying needs to be completed and there is some boring to be done for core samples. The next phases to be addressed on Port Road, along with looking at Windy Hollow in the process, are anticipated to be completed under the initial estimate of 35k for the studies and design. This addresses No. 2 of the initial study provided, and does not include construction (approx. \$4-6,000 in additional fees).

He reported that it has been determined that Location 2 or 3 should be looked at to further remedy the matter. Location 2 – (figures 3, 4 & 5) if chosen, has an estimated construction cost of \$30-35,000; or Location 3 – (figures 6, 7 & 8) if chosen, has an estimated construction cost of \$6,500 -7,500. Location 3 will include the application of an asphalt concrete apron that will involve a private driveway on Port Road.

AGREEMENT NO. CC13-2012

MOTION to approve the Standard Service Agreement with Lumos and Associates for On-Call Public Works Project to act as our City Engineer (with edit to language of IRS Mileage standard rate) made by Councilmember Burkey; Seconded by Councilmember Hughey. Motion Carried (4:1 ABSENT/Riehl)

MOTION to authorize \$35,000 for study and design for Location No. 2 made by Councilmember Burkey. Seconded by Councilmember Hughey.

Motion Withdrawn.

Second Withdrawn,

Motion Failed

Public Comment:

Jim Koogle spoke to the flooding concerns on Port Street and the drainage changes after the bike lane project was complete, the whole of Port Road should be addressed.

Peter Bogdahn, Pier Supervisor, spoke to the need to find a permanent solution.

In closing, Jeff Schwein responded that they are looking at the bigger picture and that the overall repair is just too cost inhibitive to be completed. As these fixes are done, we will be able to look at the project as a whole – and each fix will work towards the solution. Though it may appear to be a piece-meal approach – the project as a whole is being addressed all at once. His staff will continue to look at all options and the drainage as recommendation by Koogle and Bogdahn, and gather information from locals with knowledge of the project's area history.

AGREEMENT NO. CC14-2012

MOTION authorizing \$35,000 for study and design for Location No. 2; (not approving construction, and with initial study and design to return to council for final approval for construction) made by Councilmember Burkey. Seconded by Councilmember Hughey. Motion Carried (4:1 ABSENT/Riehl)

 Review of Applications Received; and Adoption of Resolution Appointing Representative to the Mendocino Transit Authority Board of Directors

RESOLUTION NO. 2012-04

MOTION to adopt Resolution appointing Lloyd Cross to the Mendocino Transit Authority Board of Directors made by Councilmember Burkey: Seconded by Councilmember Sanders, Motion Carried, (4:1 ABSENT/Righl)

Public Comment: Lauren Sinnott inquired as to the date of receipt of Cross Application

 Discussion and Possible Action relative to Department of the Navy's Notification of Preparation of the Northwest Training and Testing (NWTT) Environmental Impact Statement/Overseas Environmental Impact Statement

Vice Mayor Burkey introduced the matter requesting that the Council does not support this.

GENERAL CONSENSUS of City Council to not support this action and for Councilmember Burkey to return at next meeting with letter for Council approval stating same.

- Discussion of Possible Action to Promote Local Food and Community Self-Governance No Action Taken
- Discussion and Possible Action Relative to Spouses Serving Simultaneously on City Council and Planning Commission Boards, as Planning Commission decisions are Appealable to City Council

Vice Mayor Burkey introduced the item, noting the complexity of the item and the potential need for a policy to be brought forward for council's consideration relative to spouses serving simultaneously on Council and Planning Commission, as currently exists with Patricia Schwindt serving as Planning Commissioner and her husband Lloyd Cross serving as a City Councilmember.

City Counsel Brecher reported that policy is not necessary at this time, and when and if, a situation arose that brought this matter into question, Counsel would advise. Recommending that Council, at this time, not take action on this item as the situation will right itself in a matter of weeks as Councilmember Cross will be leaving the Council (when he finishes his move to outside the City limits).

Councilmember Hughey, expressing that taking action on this matter is the right thing for Council to do, spoke to the imminent voting issues relative to this, concern that by not taking action on this item we could be setting a bad precedent, and send the wrong message to the public.

MOTION to take no action at this time made by Councilmember Burkey. Seconded by Councilmember Sanders. Motion Carried. (3:2 OPPOSED\Hughey, ABSENT/Riehl)

 Establish Rock Wall Park Ad-Hoc Committee to Address Potential Site Development of the City's Recently Purchased 4.8 Acres Located on Port Road

Vice Mayor Burkey reported that several individuals are interested in researching what needs to be done in order to develop the Rockwall area.

Motion to for the formation of a Rock Wall Park Ad-Hoc Committee to Address Potential Site Development made by Councilmember Sanders: Seconded by Councilmember Cross. Motion Carried.

Frem 7.F. WAS HEARD OUT OF SHOULDN'T / FIRST.

- g. Discussion and Possible Action Approving Sidewalk Repairs on the South-side of Mill Street GENERAL CONSENSUS of City Council to have Vice Mayor Burkey and staff to return to Council with information for contractors/repairs to several sections of the sidewalks along Mill Street.
- Discussion and Possible Action Approving Repairs (to include, but not limited to surfacing, stripping, and signage) along Windy Hollow in the Proximity of Assessor's Parcel Number 027-071-02 (PG&E Yard)

GENERAL CONSENSUS of City Council to have Vice Mayor Burkey return to Council with information for the repaving of a small section along Windy Hollow, and information relative to possible partnering with the Department of Transportation.

8. CONSENT AGENDA TEMS 8(A)(1-8) THROUGH 8(C)(4) SHALL BE ACTED UPON SIMULTANEOUSLY UNLESS A COUNCEMENTER OF NEWHER OF THE PUBLIC REQUESTS SEPARATE ACTION OR DISCUSSION, THERE ITEMS ARE CONSIDERED ROUTINE AND NON-CONTROVERSIAL AND MAY BE ACTED UPON WITHOUT DISCUSSION.

MOTION to Approve Consent Calendar as presented 8.a.(1-8); item 8.b.(1); item 8.c. (1-4) made by Councilmember Sanders: Seconded by Councilmember Burkey. Motion Carried. (4:1 ABSENT/Riehl)

- a. City Council Meeting Minutes:
 - 1. Nov 09, 2011 Public Hearing Sea Shell Approved
 - 2. Nov 15, 2011 November Meeting and Public Hearing Sea Shell Approved
 - 3. Dec 13, 2011 December Meeting Approved
 - 4. Jan 21, 2012 Workshop / Planning Training Approved
 - 5. Jan 24, 2012 January Meeting Approved
 - 6. Jan 27, 2012 Closed Session C. Hillary Approved
 - Feb 07, 2012 Closed Session WWTP OIT Hiring Approved
 - Feb 23, 2012 Closed Session C. Hillary Approved

b. Finances:

- 1. Treasurer's Report of Disbursements for the Month of January and February 2012 Approved
- Purchase Order: none

c. Other

- Approval of Letter of Support for Proposed Ballot Initiative Relative to the Abolishment of Corporate Personhood, and Reaffirming City Council Support of Point Arena Resolution 2000-07—Approved RESOLUTION NO. 2012-05
- Adoption of Resolution Accepting Offer of Dedication (for Bluff Top Trail Access) for Assessor Parcel Number 027-041-34; Authorize Mayor to sign Certificate of Acceptance — Approved AGREEMENT NO. CC15-2012
- Approval of Agreement with Pyro Spectaculars (McClellan, CA) in the Amount of \$7,500 for Pyrotechnic Services on Saturday, July 7. 2012 - Point Arena's Fireworks Extravaganza-Approved AGREEMENT NO. CC16-2012
- Acceptance of; and Authorization to Execute Dept. of Forestry and Fire Protection (CALFIRE)
 Agreement and Grant of Essement for Forced Sewer Main Located on Parcel Frontage of Point Arena
 Fire Station/Hwy, 1 (APN 027-051-07) Approved

9. COMMUNICATIONS (COMMISSIONERS/STAFF TO PROVIDE WRITTEN OR VERBAL UPDATES ON CURRENT MATTERS)

- Commissioners Reports/Updates (Administrative; Public Safety, Utilities; Harbor/Pier; Public Works)
 None presented.
- b. Administrator Report/Update
 - Mendocino County Department of Public Heath will hold a large scale training here on April 5, 2012 for stakeholders that have an interest in Special Needs Populations relative to Emergency Services and Evacuations
 - Duffodil Explosion 2012 was a success thanks to our volunteers and Vice Mayor Burkey who helped man the City's booth.
 This is a great event and serves as a public outreach relative to the city's recycling programs and city park awareness.
- City Attorney Report/Update None presented
- d. Standing Committee Reports (Disaster Council, Finance, Personnel)
 None presented
- e. Ad Hoc Committee Reports (Safety, Broadband)
 - Safety: Vice Mayor Burkey and Councilmember Hughey have been participating in the Neighborhood Watch meetings in conjunction the Arena Theater; City staff should meet soon to train on the new radio system that was recently purchased.
 Staff member Jason Ives has been very instrumental in getting the new licensing and radios on line.

SUMMARY OF COUNCIL DIRECTIVES AND ITEMS TO BE AGENDIZED (RECAP OF DIRECTIVES AND AGENDA ITEMS IDENTIFIED DURING THE MEETING)

- Notice the continuation of the meeting to Thursday
- draft agreement regarding sidewalk repairs City of Point Arena /Point Arena Water Works
- ✓ Adoption of Resolution Ratifying Final Design for Safe Routes to School Project
- ✓ Windy Hollow repaying/striping
- ✓ Sidewalks on Mill Street

General discussion ensued relative to the accounting system conversion and the delays to the budget process. Mayor Cross noted that one area of difficulty now is that the actual and the budget are currently on very different chart of accounts, so until that element of the accounting system changes are complete, it is difficult to hold the budget workshops. Administrator Alexander, Treasurer Frost and Mayor Cross will continue to work on completion of the changes and meetings will follow as timely thereafter as feasible.

11. ANNOUNCEMENTS

March 28, 2012 Tsunami Test Point Arena

April 5, 2012 Emergency Preparedness Meeting - County of Mendocino

April 10, 2012 Elections/Polls Open at City Hall

April 24, 2012 April City Council Meeting

15. CORRESPONDENCE

- Local Agency Formation Commission of Mendocino County (LAFCO): Public Hearing Notice: Proposed 2012-13 Budget Adoption April 2, 2012: www.mendolafco.org.
- b. U.S. Dept. of the Interior: Bureau of Land Management: Notification of Mailing and Contact Data Updates
- California Energy Commission: Notice of Upcoming Completion Energy Efficiency and Conservation Block Grant (EECBG) Program – Case No. CBG-09-199: June 14, 2012 Deadline.
- d. Ives; Letter of Concern Relative to Sea Shell

Mendocino Council of Governments: Independent Fiscal Auditors Report of all MCOG Funds FYE June 30, 2011

 California Department of Fish and Game; Draft EIR Report New Avail. For Proposed North Coast Marine Protected Areas. 45 Day Public Comment and Review Period will run through April 16, 2012. www.dfg.ca.gov/mpla/impact.nc.asp. 707 445-6493

16. PUBLIC COMMENT ON CLOSED SESSION ITEMS 13 A AND 13 B

NO PUBLIC COMMENT MADE

CLOSED SESSION WAS NOT CALLED. FIEM 1.S.A. AUDRESSED VESTERDAY, AND ITEM 1.S.B. IS CONTINUED TO THURSDAY MARCH 29, 2012.

13 CLOSED SESSION:

a. Conference With Legal Counsel Anticipated/Existing Litigation

SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO SUBDIVISION (B) OF SECTION 54956.9: (1 CASE/LABOURE)

ITEM 13.A. NOT HEARD

b. Conference With Legal Counsel- Existing Litigation

SKINIFICANT EXPOSURE TO LITIGATION PURSUANT TO SUBDIVISION (B) OF SECTION 54956.9: (1 CASE/HILLARY)

NAME OF CASE; HILLARY V. CITY OF POINT ARENA ET. AL.

CASE FILE NO.: USDC, NORTHERN DISTRICT OF CALIFORNIA CV-11-05380-SBA

ITEM 13.B. CONTINUED TO THURSDAY MARCH 29, 2012

MEETING RECESSED - SCHOOLED TO RECONVEYNE THURSDAY MARCH 29, 2012

ADJOURNMENT

MOTION to continue the meeting for consideration of Closed Session Item 13.b., to Thursday, March 29, 2012 made by Councilmember Burkey: Seconded by Councilmember Sanders. Motion Carried. (4:1 ABSENT/Righl)

There being no further business, Mayor Cross Adjourned/Recessed the meeting at 8:01 p.m. to reconvene on Thursday March 29, 2012 at 10:30 a.m.

Hunter M. Alexander, City Clerk

MEETING RECONVEYNED - THURSDAY MARCH 29, 2012 AT 3,30 P.M.

Call to Order & Roll Call

Point Arena City Council reconvened at 451 S. School Street, Point Arena, on Thursday, March 29, 2012 at 3:30 p.m. for Closed Session item 13.b. of the Regular Meeting held March 27, 2012 the notice of continuation having been legally posted on March 27, 2012.

Mayor Cross called meeting to order at 3:38 p.m. and roll call was conducted.

Councilmembers Present: Mayor Lloyd Cross, Vice Mayor Doug Burkey; Councilmembers Terry Hughey, Brian Riehl and Trevor Sanders Councilmembers Absent: None

Counsel Present via telephone Conference:

Attorney Joseph J. Brecher, City of Point Arena Attorney Louis A. Leone, Stubbs & Leone

PUBLIC COMMENT ON CLOSED SESSION ITEMS 13 B

NO PUBLIC COMMENT MADE

CLOSED SESSION:

B. Conference With Legal Counsel- Existing Litigation

SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO SUBDIVISION (B) OF SECTION 54956.9: (I CASE/HILLARY)

NAME OF CASE: HILLARY V. CITY OF POINT ARENA ET. AL.

CASE FILE No.: USDC, NORTHERN DISTRICT OF CALIFORNIA CV-11-05380-SBA

REPORT OUT OF CLOSED SESSION

Mayor Cross reported out that there was no reportable action

ADJOURNMENT

ADJOURNMENT - There being no further business, Mayor Cross adjourned the meeting at 4:18 p.m., Thursday March 29, 2012.

Minutes Approval	ATTEST:
(Lloyd Cross, Mayor -No Tonicce on Councel) Dated:	Hunter M. Alexander City Clerk/Administrator
Governing Documents Generated: Resolutions: Agreements: Ordinances: 2012-04 (MT-t) CC13-2012 (Lumos) 2012-05 (OTD) CC14-2012 (Lumos) CC15-2012 (Pyro) CC16-2012 (CalFire)	[X] Approved City Council Meeting: 07/24/2012 [] Posted on Website [] Email Distribution//

NOTICE: PUBLISHED MINUTES OF THE CITY OF POINT ARENA CITY COUNCIL MEETINGS

- Effective January 2011, City Council minutes will be produced in "action only" format.
- · Minutes are considered draft until adopted/approved by the City Council
- . The City Councils' action minutes are also posted on the City website at: Cityofpointarena.com
- To request an official record of a meeting please contact the City Clerk at (707) 882-2122

Thank you for your interest in the proceedings of the City of Point Arena City Council