

**CITY OF ARCATA
CITY COUNCIL MEETING**

COUNCIL CHAMBER

FEBRUARY 21, 2018

SPECIAL MEETING

A special meeting of the City Council of the City of Arcata was held on the above date at 5:15 p.m. with Vice Mayor Watson presiding until the arrival of Mayor Pereira at 5:33 p.m. Notice of this meeting was posted on February 16, 2018. PRESENT: Pereira (arrived at 5:33 p.m.), Watson, Ornelas, Pitino (arrived at 5:16 p.m.), Winkler. ABSENT: None. STAFF PRESENT: City Manager Diemer, City Attorney Diamond.

PUBLIC COMMENT

City Manager Diemer invited public comment. No one wished to speak. City Manager Diemer closed the public comment period.

The Council retired to the City Manager's Conference Room at 5:15 p.m. to meet in closed session and then open session.

CLOSED SESSION

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to Government Code Section 54956.8. Property: Assessor's Parcel Nos. 404-121-020, -021, -026, -027, -028, -029; 314-111-001, -002; and 314-131-030. Negotiating Parties: Michael Lommori and Gary Leblanc of R.H. Emmerson & Son, LLP. Agency Negotiator: City Manager Karen Diemer. Under Negotiation: Price and Terms.**

OPEN SESSION

- A. Interview Two Applicants for One Vacancy (Live or Work in the Arcata Planning Area) on the Open Space and Agriculture Committee for a Term Ending April 30, 2019.**

The Council entered open session at 5:30 p.m. The Council interviewed Robert Donovan and Steve Lovett for a non-resident seat on the Open Space and Agriculture Committee.

The Council returned to the Council Chamber at 5:50 p.m.

CLOSED SESSION REPORTS

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to Government Code Section 54956.8. Property: Assessor's Parcel Nos. 404-121-020, -021, -026, -027, -028, -029; 314-111-001, -002; and 314-131-030. Negotiating Parties: Michael Lommori and Gary Leblanc of R.H. Emmerson & Son, LLP. Agency Negotiator: City Manager Karen Diemer. Under Negotiation: Price and Terms.**

Mayor Pereira stated the Council interviewed candidates for a seat on the Open Space & Agriculture Committee and decided to appoint Steve Lovett.

ADJOURNMENT: The meeting was adjourned at 6:01p.m.

REGULAR MEETING

A regular meeting of the City Council of the City of Arcata was held on the above date at 6:01 p.m. with Mayor Pereira presiding. Notice of this meeting was posted on February 16, 2018. PRESENT: Pereira, Watson, Ornelas, Pitino, Winkler. ABSENT: None. STAFF PRESENT: City Manager Diemer, City Attorney Diamond, Director of Community Development Loya, City Engineer Class, Assistant City Engineer Khatri, Deputy Director of Environmental Services--Community Services Neander, Senior Planner Hunter.

FLAG SALUTE

The Pledge of Allegiance was led by Mayor Pereira.

CEREMONIAL MATTERS

A. Proclamation in Recognition of *Engineers Week, February 18–24, 2018.*

Councilmember Winkler read the proclamation and presented it to Michelle Davidson, Multimedia Coordinator and Younger Members Group President of the North Coast Chapter of the American Society of Civil Engineers.

Ms. Davidson thanked the Council for the proclamation and invited local engineers to join the North Coast Chapter of the American Society of Civil Engineers.

B. Proclamation Designating February 27, 2018, *Spay Day USA.*

Councilmember Ornelas read the proclamation and presented it to Kim Class, Director of the Companion Animal Foundation and her companion puppies for the evening, Brownie and Bizou.

Ms. Class said that spaying and neutering was just one of the many missions at the Foundation. She spoke of how local work had greatly diminished the number of animals euthanized in Humboldt County.

C. Proclamation Designating March 8, 2018, *International Women's Day.*

Councilmember Watson read the proclamation and presented it to Carol Woods and Sue Hilton from the Humboldt Branch of the Women's International League for Peace and Freedom.

Ms. Woods thanked the Council and announced the Women's Festival at the Arcata Playhouse—a night of information, food, and singing.

The Raging Grannies sang a peace song to the melody of *Hey! Look Me Over.*

EARLY ORAL COMMUNICATIONS

Mayor Pereira invited public comment.

An unidentified man from the audience appeared before the Council and commented on the imprisonment of Ahed Tamimi, a 16-year-old Palestinian girl.

Meg Stotsky, a resident of Eureka, appeared before the Council and said the proclamation for International Women's Day was missing recognition that we are on Wiyot Land.

An unidentified man from the audience appeared before the Council and asked for a timeline for public updates on the David Josiah Lawson homicide case.

Mayor Pereira closed the public comment period.

Mayor Pereira said the City was looking to hold some community forums and would have more details by the end of the week.

CONSENT CALENDAR

Councilmember Pitino requested item G be removed from the Consent Calendar for further discussion.

Councilmember Ornelas requested item E be removed from the Consent Calendar for further discussion.

Mayor Pereira invited public comment. No one came forward to speak. Mayor Pereira closed the public comment period.

ON MOTION BY PITINO, SECONDED BY ORNELAS, AND WITH A UNANIMOUS VOICE VOTE THE COUNCIL ADOPTED THE CONSENT CALENDAR FOR FEBRUARY 21, 2018, WITH THE EXCEPTION OF ITEM E. *ADOPT RESOLUTION NO. 178-45, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA AUTHORIZING THE CITY MANAGER TO EXECUTE THE CERTIFICATIONS AND ASSURANCES FOR THE CALIFORNIA STATE OF GOOD REPAIR; AND G. AWARD A CONSTRUCTION CONTRACT AMENDMENT FOR THE 2017 STREETS AND UTILITIES IMPROVEMENTS PROJECT TO RAO CONSTRUCTION COMPANY IN THE AMOUNT OF \$68,202.04, AND AUTHORIZE THE CITY MANAGER TO EXECUTE ALL APPLICABLE DOCUMENTS. AYES: PEREIRA, WATSON, ORNELAS, PITINO, WINKLER. NOES: NONE. ABSENT: NONE. ABSTENTIONS: NONE.*

- A. Approve the Minutes of the City Council Meeting of February 7, 2018.**
- B. Bi-Weekly Report on General Warrants.**

- C. Approve Grant Applications to the CAL FIRE California Climate Investments Grants Greenhouse Gas Reduction Fund 1) Urban & Community Forestry Program and 2) Forest Health Program, to be Applied Towards Expansion of the Arcata Community Forest (Forsyth).**
- D. Authorize Application for Fiscal Year 2018-19 California Department of Transportation (CalTrans) Adaptation Planning Grant for \$200,000 to Address Sea Level Rise Planning.**
- E. Item VII-E was moved to Items Removed from Consent Calendar.**
- F. Award a Construction Contract Amendment for the Multi-Use Trail Crossing of Highway 255 Project to Darren Taylor Construction in the Amount of \$34,392.45; and Authorize the City Manager to Execute All Applicable Documents.**
- G. Item VII-G was moved to Items Removed from Consent Calendar.**
- H. Adopt Resolution No. 178-47, A Resolution of the City Council of the City of Arcata Accepting an Easement for Sewer Pipeline Maintenance Purposes from Arcata O Street LP.**
- I. Approve City Support to the 2018 Godwit Days Festival through the Donated Use of the Arcata Community Center, the Marsh Interpretive Center, and the City-Approved Banner Location; Require a Refundable \$500 Damage/Clean-up Deposit; and Maintain a Fee of \$1,621 to Cover Staffing, Equipment and Supply Expenses Incurred by the City Solely as a Result of Hosting the Event Itself.**

ITEMS REMOVED FROM CONSENT CALENDAR

- E. Adopt Resolution No. 178-45, A Resolution of the City Council of the City of Arcata Authorizing the City Manager to Execute the Certifications and Assurances for the California State of Good Repair.**

Councilmember Ornelas noted that the request was not for a large sum of money and asked if the bus stops in Valley West were included.

City Engineer Class responded that upgrades to the bus stops in Valley West were programmed under other funding. He said this request included funding for an improved pedestrian crossing at Boyd Road.

Mayor Pereira invited public comment. No one came forward to speak. Mayor Pereira closed the public comment period.

ON MOTION BY PITINO, SECONDED BY ORNELAS, AND WITH A UNANIMOUS VOICE VOTE, THE COUNCIL ADOPTED RESOLUTION NO. 178-45, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA AUTHORIZING THE CITY MANAGER TO EXECUTE THE CERTIFICATIONS AND ASSURANCES FOR THE CALIFORNIA STATE OF GOOD REPAIR. AYES: PEREIRA, WATSON,

ORNELAS, PITINO, WINKLER. NOES: NONE. ABSENT: NONE. ABSTENTIONS: NONE.

G. Award a Construction Contract Amendment for the 2017 Streets and Utilities Improvements Project to RAO Construction Company in the Amount of \$68,202.04; and Authorize the City Manager to Execute All Applicable Documents.

Councilmember Pitino recused himself from the discussion and vote on this item because it included the street in front of his house.

Mayor Pereira invited public comment. No one came forward to speak. Mayor Pereira closed the public comment period.

ON MOTION BY ORNELAS, SECONDED BY WINKLER, AND WITH A FOUR-TO-ZERO VOICE VOTE WITH ONE ABSENCE, THE COUNCIL AWARDED A CONSTRUCTION CONTRACT AMENDMENT FOR THE 2017 STREETS AND UTILITIES IMPROVEMENTS PROJECT TO RAO CONSTRUCTION COMPANY IN THE AMOUNT OF \$68,202.04, AND AUTHORIZED THE CITY MANAGER TO EXECUTE ALL APPLICABLE DOCUMENTS. AYES: PEREIRA, WATSON, ORNELAS, WINKLER. NOES: NONE. ABSENT: PITINO (RECUSED). ABSTENTIONS: NONE.

OLD BUSINESS

A. Discussion of President McKinley Statue and Jacoby's Storehouse Historic Designation Plaque.

City Manager Diemer explained that this agenda item was to hold a discussion regarding the statue of President William McKinley and the plaque designating the Jacoby Building as a California Historical Landmark. She said there had been recent requests for removal of the statue and rewording of the plaque, and this resulted in a study session in December 2017. She gave a brief history of the gift of the statue in 1906 and said that in order to remove it from the Plaza, the state required the City to go through a process. She said the City's General Plan recognized the historical value of the statue and its location in the center of the Plaza, therefore the City would need to amend the General Plan in order to move the statue, which would require an Environmental Impact Report and trigger review through the California Environmental Quality Act (CEQA). She outlined two options for the Council: 1) Have the Council place an advisory measure on the ballot. This would be advisory to the Council in terms of what the voting populace wanted. 2) A citizen-initiated measure could be placed on the ballot and, if worded correctly, could not require review under CEQA. She said the current owner of the Jacoby Building, Bill Chino, had indicated his willingness to work with groups to reword the plaque and conduct fund raising to pay for a new plaque.

City Attorney Diamond said that in order to move the statue, it would have to go through the CEQA process and a General Plan amendment. She noted that a citizens' initiative, if worded correctly, could act as a General Plan amendment thereby avoiding the CEQA process. She said

that if the Council put an advisory measure on the ballot, its purpose would be to obtain an opinion, but the Council would not legally be obligated to fulfill what the advice was. Further, if a citizens' initiative was brought forward, the Council could adopt it as written without putting it on the ballot. She said that if a citizen-initiated ballot measure passed, it would have to be implemented as it was written.

Councilmember Pitino expressed his position that the statue should come down and the plaque should be removed or replaced.

Councilmember Winkler expressed his position that the Council should put a measure on the ballot, and that he would support abiding by whatever the majority decided.

Councilmember Ornelas agreed that the plaque should be reworded and she would vote to remove the statue from the Plaza. She said she would agree to relocating the statue in Arcata because it did have artistic value.

Councilmember Watson expressed his position that the plaque should be reworded or replaced, and that the question of the statue should be put to the voters due to the cost of removal.

Mayor Pereira expressed her position that she supported relocating the statue.

Mayor Pereira invited public comment.

The following people spoke in favor of removal of the statue of President William McKinley from the Arcata Plaza and/or rewording or removing the plaque designating the Jacoby Building as a California Historical Landmark: Bob Rattenburg, Fhyre Phoenix, She Loves the People, Joann McGarry, Dianne Ryerson, Priscilla Hunter speaking on behalf of the 10 tribes of the Intertribal Sinkyone Wilderness Council, Pauline Gervin, Marlena Dusick who read a letter from the Indian Tribal Education and Personnel Program at Humboldt State University, Chris Peters, Chad Frethaulden, Naomi Wagner who read a letter from Mayor Madge Strong of Willits and the Pacific Alliance for Indigenous and Environmental Action, Alex, Zera Starchild, Jene McCovey, Keenan Hilton, Omri, Dave Carter, unidentified woman, Beth Ann Wiley, unidentified woman, Richard Kossow, Alisha Hamann who read a proclamation from Same Old People, Rayne Flodo, Nate Madsen, Margaret Chandler representing the Mendocino County Pacific Alliance for Indigenous and Environmental Action, Jason Robo, Ramar Aval, Kelsey Reedy, Steve Madrone, Amy O'Connor, Tia Oros-Peters, Kathleen, Louis Gordon, unidentified man, unidentified man, Lindsay Battle, Brenda Perez, Jason Martinez, unidentified man, Jacob, unidentified woman, Nathaniel, Oz of Arcata, Ron Griffith.

The following people spoke in support of retaining the statue of President William McKinley on the Arcata Plaza: George Green (with the addition of an explanatory plaque) and Owen Moore.

The following people made comments, but did not express an opinion either for or against the removal of the statue or the plaque: Raphael Viera, Jonathan, and John the Activist.

Mayor Pereira closed the public comment period.

PITINO MOVED AND ORNELAS SECONDED TO REMOVE THE STATUE, STORE IT SOMEWHERE UNTIL A DISPOSITION OF THE MATERIAL COULD BE THOUGHT OF AND REMOVE THE PLAQUE. IF THE JACOBY BUILDING OWNER WANTED TO WORK WITH A GROUP TO DESIGN A NEW PLAQUE, THAT WAS FINE. BUT REMOVE THE CURRENT PLAQUE UNTIL A NEW ONE WAS MADE AND IT WOULD HAVE TO BE APPROPRIATE LANGUAGE.

There was discussion amongst the Council members regarding voting on the plaque and the statue separately.

ORNELAS RESCINDED THE SECOND TO THE MOTION.

THE MOTION DIED FOR LACK OF A SECOND.

ON MOTION BY PITINO, SECONDED BY ORNELAS, AND WITH A FOUR-TO-ONE VOICE VOTE, THE COUNCIL DECIDED TO REMOVE THE STATUE. AYES: PEREIRA, WATSON, ORNELAS, PITINO. NOES: WINKLER. ABSENT: NONE. ABSTENTIONS: NONE.

ON MOTION BY PITINO, SECONDED BY WINKLER, AND WITH A UNANIMOUS VOICE VOTE THE COUNCIL DECIDED TO REMOVE THE PLAQUE AND REPLACE IT WITH SOMETHING APPROPRIATE. AYES: PEREIRA, WATSON, ORNELAS, PITINO, WINKLER. NOES: NONE. ABSENT: NONE. ABSTENTIONS: NONE.

ORAL AND WRITTEN COMMUNICATIONS

Mayor Pereira invited public comment.

An unidentified man appeared before the Council and said thank you.

An unidentified woman appeared before the Council and said she was in support of changing the name of McKinleyville, but said the totem pole needed to be addressed.

Tia Oros-Peters appeared before the Council and encouraged the City to not drag its feet in removal of the President William McKinley statue and Jacoby Building plaque, and to obtain a second opinion regarding CEQA review of the removal of the statue of President William McKinley.

Oz of Arcata appeared before the Council and said it was incumbent upon the City to review the General Plan in regard to property in the watershed and hundred year floodplain being zoned industrial.

Joann McGarry appeared before the Council and invited the public to stand on the Plaza on March 19 for peace in the future.

Sarah Lindgren-Akana appeared before the Council and requested it hold monthly updates on the David Josiah Lawson homicide case.

An unidentified man appeared before the Council and requested a celebratory dance party.

An unidentified man appeared before the Council and thanked it for making a decision for the people.

An unidentified woman appeared before the Council and gave testimony regarding her eviction by Housing Humboldt and a subsequent lawsuit.

Mayor Pereira closed the public comment period.

Councilmember Winkler said he was passionate about war in the middle east, gun violence, and increasing economic disparities much more than any symbol in Arcata. He recognized Joanne McGarry for her stance on peace.

Councilmember Ornelas said that updates on the David Josiah Lawson homicide case had been sent out to the media.

City Manager Diemer announced there was a plan to hold meetings where people could voice their experiences with racism in Arcata. She said staff would be working with area leaders to develop a platform and bring something back for the Council's consideration.

COUNCIL AND STAFF REPORTS

Councilmember Winkler reported on his attendance at an event regarding the wind energy industry.

Councilmember Watson reported on his attendance at a meeting on the homeless crisis, a vigil for David Josiah Lawson, the soul food potluck, attended the crab feed hosted by Operating Engineers Local 3, a mental health first aid workshop, a meeting for housing equity, and a meeting of the board of directors of the Arcata Chamber of Commerce. He said he met with Wiyot Tribal Chairman Ted Hernandez. He announced the Chamber of Commerce's annual dinner would be held Saturday, February 24, 2018, at 5:30 p.m. He announced the All Chambers Mixer at the Benbow Inn would take place on March 2, 2018. He thanked staff for ordering a station for City Hall for refilling water bottles.

Mayor Pereira reported on her attendance at the vigil for David Josiah Lawson, a meeting of the Board of Directors of Humboldt Waste Management Authority, a meeting of the homeless services working group, a meeting of the board of directors of Arcata House Partnership, and the Zero Waste Conference banquet.

ADJOURNMENT: The meeting was adjourned at 9:19 p.m.

Respectfully submitted,

Bridget Dory
City Clerk

***On March 21, 2018, Councilmember Watson corrected the minutes of February 21, 2018, to add the following: *On inquiry by Councilmember Pitino, City Manager Diemer said it was unlikely the City could produce a ballot measure for the June 2018 election as the deadline for submission was the end of February 2018.*