

Fortuna City Council  
December 1, 2003 7:00 PM  
City Hall

**PRESENT**

Mayor Mel Berti  
Councilwoman Debi August  
Councilman Tom Cooke  
Councilman Dean Glaser  
Councilman Odell Shelton  
Assistant  
Director

**STAFF**

City Manager  
City Attorney  
City Planner  
City Engineer  
Finance Director  
Administrative  
Parks & Recreation  
Police Chief  
Deputy City Clerk

**APPROVAL OF MINUTES**

The minutes of November 17, 2003 were considered. Councilman Shelton moved, seconded by Councilman Glaser to approve the minutes as submitted. Motion carried.

**BUSINESS**

**PUBLIC HEARING TO CONSIDER (1) THE ADOPTION OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND (2) THE APPROVAL OF A SUBDIVISION OF A 24-ACRE PARCEL TO CREATE 39 RESIDENTIAL LOTS RANGING IN SIZE FROM 11,000 SQUARE FEET TO 30,500 SQUARE FEET; AND A PLANNED DEVELOPMENT ORDINANCE ALLOWING WAIVER OF THE FRONTAGE, MINIMUM LOT SIZE AND YARDS; APPLICANTS: CARMEN SMITH AND TED WEST APN: 202-101-004 & 006 LOCATION: NORTH SIDE OF SOUTH LOOP ROAD, EAST OF ROHNERVILLE ROAD; RESOLUTION 2003-27, ORDINANCE 2003-643**

Councilwoman August stepped down from the dais and left the room to abstain from this item.

City Planner Liz Shorey reviewed the staff report and said there are three main issues, road improvements, second access and storm drainage. She then briefly reviewed the staff recommendations for each issue.

Mayor Berti opened the Public Hearing at 7:15 PM.

Matt Galt spoke on behalf of the applicant and said he hopes to find a way to make this a successful project for both the applicant and the City.

Leonard Osborne the Engineer for the applicant said when you put a development in, you get an increase in runoff. He said a swale can handle their initial concept, and they can do a design whatever way the City would like it. Leonard said he thinks the capacity of the natural channel will be 350-400 cubic feet per second and there is not going to be any increase in flow.

Terry Patterson 4180 Loop Road said he has not heard it was staff's idea to add the swale. He said he can see no advantage to the City to divert the water upstream.

Jim Wingo 4160 Loop Road said the hydraulics of this should be a big threat.

Diana Eason 4170 Loop Road, Tom Renner 1100 St. Joseph Drive, John Maxwell 3901 Rohnerville Road, Bob Crane on Watson Lane, Dominique Kilmer 4140 Loop Road and Joan Graham 2880 Huffman Lane each spoke to Council regarding their concerns of stability and erosion for Jameson Creek.

Neal Palmer asked as a taxpayer, who retains ownership and liability of the retention basin. City Manager Duane Rigge said these become public drainways and it becomes ownership of the City.

The second access requirement was discussed and Matt Galt said they can not agree on that issue. Neal Kesterson a resident of 13<sup>th</sup> Street and a Planning Commissioner said the one condition the Commission was unanimous about, was the elimination of the second access. Commissioner Billy Myers corrected him saying one Commissioner did not agree with the elimination of the second access.

Margie Maxwell 3901 Rohnerville Road said if a second access is there people will be using that road and there is going to be a major traffic impact.

Bill Barnum Attorney for the applicant spoke to Council. Mr. Barnum cited two California court cases dealing with drainage. He also said Fortuna has done well

in dealing with its growth and encouraged Council to approve this project with no second access.

The road improvements were discussed and John Maxwell, Jim Wingo, Terry Patterson and Diana Eason voiced their concerns again.

Dennis Wendt spoke in favor of the applicant and said they were led to believe they would widen the road not reconstruct the road.

Dean Winkelhaus 739 - 12<sup>th</sup> Street said there's an existing right-of-way on the other side of the street and the neighbors all want the developer to bear the cost. He said it's unjust and unfair.

Neal Palmer again spoke and said we need to make sure the developers pay their fair share, the existing taxpayers should not have to pay.

There being no further comments, Councilman Shelton moved, seconded by Councilman Cooke to close the Public Hearing at 9:00 P.M.

Councilman Tom Cooke said he does not think the cost of the project should be the primary consideration, the project as a whole should have minimal impact on the environment. Tom said regarding drainage improvements he is fairly well assured that the issue of water on a 10 year storm or less has been fairly well addressed if a maintenance district is put in and the final drainage plan is going to consider some of the elements discussed tonight. Tom said retention basins do work if they are maintained.

Councilman Cooke expressed concern about the road improvements. Tom said we have always required frontage roads to be improved to a certain standard. He said this is a unique circumstance as Loop Road at the east side goes into the County. Tom said a 65% increase in traffic is significant and the intersection at Rohnerville and Loop becomes impacted at certain times of the day. Tom questioned if we have done any definitive studies of traffic on Loop Road.

City Engineer Susan Tappan said the only traffic study we have is the circulation element in the General Plan. Susan said a traffic study would be required to make the determination regarding the wait at the intersection of Rohnerville and Loop Road.

Tom said the final area is the second access and in the past he has pushed for more than one access. Tom said the Planning Commission considered this for quite a long time and said he would agree to not having a second access at this point. Tom said the property to the north, if they want to have more than 40 lots, would need to have a second access.

Councilmen Glaser and Shelton agreed with Councilman Cooke and said the intersection has to be addressed. They also felt improvements in front of the property are mandatory and said we have a policy that we shall not flood the neighbors below us.

Mayor Berti said it is important to make sure the drainage is taken care of.

Councilman Shelton referred to sidewalks and said we can't require sidewalks for some and not for others. Odell said he thinks sidewalks need to be required and it should be part of the resolution.

Councilman Cooke suggested item 13C of the proposed resolution be changed to read; Loop Road shall be paved to a width of two 11-foot travel lanes and one 4-foot bike/pedestrian lane from the east edge of the Smith parcel to Rohnerville Road....

Councilman Cooke also suggested that Exhibit C be modified to include the sidewalks.

Councilman Cooke suggested the resolution be amended to state...The onsite road shall be 26' wide from the east property line to the access road with a 4' sidewalk and the west, from Rohnerville Road to the access road be improved to 30' wide, if a traffic study shows the additional traffic would have a negative impact at the intersection of Rohnerville Road and Loop Roads.

After a brief discussion, Councilman Cooke suggested item 13C be left the way it is. Tom suggested item D referring to the second access be deleted. He referred to item 7H and said a 20' easement is not wide enough however, he suggested 7H be left as is.

Tom said item 13C will be modified to require a 4' sidewalk, and 13D will be deleted.

Councilman Cooke moved, seconded by Councilman Shelton to adopt Ordinance 2003-643Z. Mayor Berti read the title, motion carried by roll call vote with Councilwoman August abstaining.

Councilman Cooke moved, seconded by Councilman Shelton to adopt Resolution 2003-27 with the changes made by the Council tonight. Motion carried by roll call vote with Councilwoman August abstaining.

Councilwoman August returned to the dais.

## **INFORMATIONAL REPORT CONCERNING CITY FENCE HEIGHT REGULATIONS**

City Planner Liz Shorey said at the last Council meeting staff was directed to report on the fence height regulations. She said the issue arose because a resident (Debbie Newman) is concerned about the lack of visibility created by an existing six foot fence adjacent to her flag lot driveway. Liz reported that Ms. Newman would like the City to require the neighbor to reduce the fence height. Liz said Ms. Newman has a flag lot and we can not enforce the fence height under our existing zoning code.

Councilwoman August said she is concerned about the safety issue. Councilman Cooke said he would like to see this issue flagged and when we go through the zoning code, revisit the issue.

No action was taken by Council.

#### **CONSIDERATION OF ESTABLISHING POLICIES FOR THE MUNICIPAL ELECTION TO BE HELD ON APRIL 13, 2004, RESOLUTION 2003-29**

City Manager Duane Rigge said the filing period for nomination papers runs from Monday December 22, 2003 to Friday, January 16, 2004. He said funds are included in the budget for the County to run the election.

Councilman Shelton moved, seconded by Councilman Glaser to adopt Resolution 2003-29 and read it by title only. Mayor Berti read the title, motion carried unanimously by roll call vote.

Councilman Cook announced his seat is up and he intends to run for re-election. Mayor Berti also announced he intends to run again.

#### **AUTHORIZING ACCEPTANCE OF THE DEDICATIONS AND RECORDATION OF THE MAP FOR THE ROHNERVILLE ROAD INDUSTRIAL PARK, RESOLUTION 2003-30**

City Engineer Susan Tappan said the dedications consist of a 50' commercial road easement, a 10' Public Utility Easement, an irregular shaped easement for drainage and a 30' road easement along the centerline of Rohnerville Road on the northbound side. Susan said the map is being checked through the normal process and all required fees will be paid before the map is signed and released to the County for recording.

Councilwoman August said she wants to make it clear that they go by what's required in the resolution.

Councilman Cooke said the map will not get recorded until the improvement plan is approved by the City. He said at the last meeting, Council directed staff to allow for a 'temporary' hookup to the private lift station.

Councilman Cooke moved, seconded by Councilman Shelton to adopt Resolution 2003-30 and read it by title only. Mayor Berti read the title, motion carried unanimously by roll call vote.

### **PAYMENT OF BILLS**

Councilman Shelton moved, seconded by Councilman Cooke to authorize payment of the City's bills in the amount of \$263,395.11. Motion carried.

### **CONSENT CALENDAR**

Councilman Shelton moved, seconded by Councilman Glaser to approve the Consent Calendar consisting of the December Calendar of Events. It was noted that several dates in the calendar need to be changed.

### **CITY MANAGER'S REPORT**

City Manager Duane Rigge reviewed his report. Duane reported that Senate Bill 1 5X regarding Vehicle License Fee reimbursement is moving through legislation.

Duane also reported there will be a citywide employee appreciation and recognition event at the December 15<sup>th</sup> meeting. No action was taken on the City Manager's Report.

### **ORAL COMMENTS FROM THE FLOOR**

Neal Kesterson expressed concern about having to wait until the end of the meeting for Oral Comments. He also suggested more microphones be available at the staff table. Mr. Kesterson also noted the agendas are not posted on the web site.

Billy Myers said the Smith-West Subdivision was the first project he reviewed as a Planning Commissioner and stated he did a lot of homework. Mr. Myers said the General Plan has the phrase "to the extent feasible" and he suggested this needs to be fixed quickly.

Debbie Newman told of fill running into her yard and ruining the fence. City Manager Rigge said letters were written to Ray Chisum however, this is a civil matter.

Allan Baird told Council he feels strongly towards orderly development. Allan said sewer and water services are based upon density and density is based upon zoning.

### **COUNCIL REPORTS AND COMMENTS**

The Mayor and Council members reported on their various commissions and activities. No action was taken.

There being no further business, the meeting adjourned at 11:15 PM.