



# City of Fort Bragg

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## Meeting Minutes City Council

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Monday, October 26, 2015

6:00 PM

Town Hall, 363 N. Main Street

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### MEETING CALLED TO ORDER

Mayor Turner called the meeting to order at 6:02 PM.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present:** 5 - Vice Mayor Lindy Peters, Councilmember Michael Cimolino, Councilmember Scott Deitz, Councilmember Doug Hammerstrom and Mayor Dave Turner

### AGENDA REVIEW

Mayor Turner added an item to the agenda under Mayor's Recognitions.

### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

Mayor Turner read a Proclamation naming Joe Sutphin as the recipient of the first Jere Melo Volunteer of the Year Award, which was presented to him on October 24. The Mayor's proclamation outlined Mr. Sutphin's volunteerism to the community.

### 2. STAFF COMMENTS

City Manager Ruffing acknowledged the City Council for all the work involved in putting together the fundraiser for the Lake County Valley Fire Victims, especially Councilmember Cimolino who came early, stayed late and made hundreds of pounds of pasta and sauce. She noted that the annual Volunteer Appreciation Reception will be held at Town Hall on November 9 at 5:30 PM. Ruffing reported on the water situation, stating that the City is still in a Stage 3 water emergency, but it is being carefully managed. She noted that once all meter readings have been collated, a report will be given to the community regarding the water emergency. Ruffing provided an update on the opening of the southern portion of the Coastal Trail. A ribbon cutting ceremony will be held on Wednesday, December 2 at 2:00 PM (later changed to December 1 at 12:30 PM). This will be a low key, local acknowledgment that the South Trail is open for public use. A grand opening celebration will be held next Spring. Ruffing said that the Town Hall Meeting item that the Council directed the City Attorney to revise will be on the next City Council agenda, November 9.

Community Development Director Jones reported that a City of Trails workshop will be held on October 29, with drop-in visits from the community from noon to 5:30, followed by a Special City Council meeting at 6:00 PM. This is a feasibility study that will set priorities and consider possible routes.

### 3. MATTERS FROM COUNCILMEMBERS

Mayor Turner reported on the Valley Fire relief effort, the possibility of a tinker school or industrial arts building in Dry Shed #4 on the old mill site, and his meeting with Senator Mike McGuire

regarding state funds to help with the water emergency.

Vice Mayor Peters spoke about a Coastal Commission workshop, the upcoming Mendocino Transit Authority meeting, and the spaghetti feed fundraiser last weekend. He commended Fort Bragg High School quarterback Kaylor Sullivan for his achievements in football.

Councilmember Cimolino reported on the Valley Fire fundraiser as well as his attendance at an Economic Development and Financing Corporation board meeting. He noted that Sonoma and Mendocino Counties are working jointly to get better broadband for both counties, to connect and extend the railroad, perhaps to Willits, and to provide grant funding oversight on large projects.

Councilmember Deitz thanked all those who attended the spaghetti feed fundraiser event. He announced that the Community Development Committee will meet on October 27 to discuss the Bainbridge Park Improvement Program. Deitz spoke about the protocols for discussion and deliberations during Council meetings.

Councilmember Hammerstrom reported on the recent meeting regarding school fields. He thanked the staff for continuing to work on the water emergency situation.

#### **4A. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (30 Minutes)**

- Russ Hopf thanked City Councilmembers who showed concern about the troubles he recently had at Hospitality House, saying problems have resolved themselves well.
- Marvin Parrish commented on Elm Street stop signs. He suggested that bicycle safety and education be considered. Vice Mayor Peters said that this will be added to the November Public Safety Committee agenda.
- George Reinhardt recommended that the Council read the November issue of National Geographic which contains articles on climate change and consider a workshop to discuss this issue.

#### **5. PUBLIC HEARING**

#### **6. CONDUCT OF BUSINESS**

- 6A. [15-440](#)** Receive Report and Make Recommendation to County Board of Supervisors for City Representative to the Mendocino County Library Advisory Board

City Manager Ruffing explained that cities can make recommendations to the County Board of Supervisors for a representative to the Library Advisory Board. The current representative, Joshua Richardson, is retiring at the end of October and one application was received for the position, from Ann Rennacker. Ruffing said that staff recommends that the Council propose that the Board of Supervisors select Ann Rennacker as Fort Bragg's representative on the Library Advisory Board.

Public Comment on this agenda item was received from: Rex Gressett supports the appointment of Ann Rennacker to the Mendocino County Library Advisory Board.

Discussion: Mayor Turner and Councilmember Hammerstrom thanked Ms. Rennacker for applying for the position and said that she would do well on the Advisory Board.

**A motion was made by Vice Mayor Peters, seconded by Councilmember Cimolino, that the Council recommend to the Mendocino County Board of Supervisors that Ann Rennacker be appointed as Fort Bragg's representative on the Library Advisory Board. The motion carried by a unanimous vote.**

- 6B. [15-444](#)** Receive Report and Consider Adoption of City Council Resolution Amending the FY 2015-16 C. V. Starr Community Center Budget to Appropriate a Net Total of \$8,354.00 from the C.V. Starr Enterprise Fund (Budget Amendment #2016-13; Not to Exceed \$8,354.00; Fund 810-4812; C.V. Starr Enterprise Fund)

Administrative Services Director Schneider summarized the staff report regarding a budget amendment for the C.V. Starr Community Center (CVSCC). The amendment is for: (1) planning and design costs for changing the family dressing room floor drain project; and (2) classification and compensation study of CVSCC staff.

Discussion: Vice Mayor Peters expressed concern that \$36,000 for a study was too expensive. Mendocino Coast Recreation and Park District (MCRPD) District Administrator Ethan Newton said that this cost was negotiated down to approximately \$22,000. When asked if it was worth spending that much, Newton responded that a human resource firm's expertise was needed as it is difficult to perform this type of study in-house and MCRPD did not have the staff to do it. Councilmember Cimolino said he was bothered by the fact that the CVSCC was dipping into allocations for other funds and that the Community Center needs to be preparing for the future. Councilmember Deitz suggested that the resolution be changed to indicate that MCRPD voted to "recommend," not "approve" the proposed budget adjustments.

Public Comment on this agenda item was received from: Malcolm MacDonald asked for clarification about the plans for the drains in the family dressing room.

Discussion: Councilmember Hammerstrom asked if a contractor could make the changes to the drains without having an architectural design done first. MCRPD Administrator Newton responded that in his experience, this is money well spent and he believes it is worthwhile. Councilmember Deitz inquired about the Center's income compared to the budget. Newton said that revenues for the first two months were ahead of projections and attendance is in line with projections.

**A motion was made by Councilmember Deitz, seconded by Councilmember Cimolino, that this Resolution be adopted. The motion carried by the following vote:**

**Aye:** 4 - Councilmember Cimolino, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

**No:** 1 - Vice Mayor Peters

Enactment No: RES 3860-2015

- 6C. [15-445](#)** Receive Report and Consider Adoption of City Council Resolution Amending the C. V. Starr Community Center Fee Schedule to Include Complimentary Facility Passes for Low Income Children and for Marketing Purposes

Administrative Services Director Schneider explained that the proposed resolution would amend the CVSCC fee schedule to include complimentary passes for marketing purposes and for the Mendocino Coast Children's Fund (MCCF), who would distribute them to low income children. The

proposal is for 300 passes to MCCF and 50 general admission vouchers for marketing.

Discussion: Councilmember Hammerstrom asked whether MCCF planned to do any fundraising to pay for these passes, as outside funding sources could help with CVSCC revenue. MCRPD Administrator Newton responded that the MCCF has purchased passes in the past, but they are trying to stretch their dollars as far as they can and have requested that CVSCC partner with them this year to provide the passes. Newton said that this is a trial run to see if 300 passes will meet the need. Vice Mayor Peters said the staff report indicates that giving students passes to the Center will increase attendance at school, and asked for further explanation of that statement. Newton said that some low income students do not have access to regular showers and if they aren't clean, they have self-esteem issues and may not want to go to school. Councilmember Cimolino asked about the criteria for selecting the students to receive vouchers. Newton replied that MCCF has criteria in place and they will be the ones who make that determination in conjunction with the schools.

Public Comment on this agenda item was received from:

- Ann Rennacker said that more than 300 children live in poverty in Fort Bragg and that MCCF is a terrific resource. She hopes that the Council will adopt this resolution.
- Katie Turner Carr suggested that annual passes instead of day passes be considered for the low income children of the community.
- Hilary White stated that 300 passes is an affordable way to administer a scholarship fund.
- Derek Hoyle said that with MCCF, it is all about the needs of the children; all the money goes to the children and the directors do not get paid.
- Eric Dwyer said the Center should not try to make money off the backs of children.

Discussion: Vice Mayor Peters asked if 300 passes were enough; Newton said that there is probably a larger need, but they will have a progress report after a couple of months into the program to see if that number needs to be revised. Councilmember Hammerstrom expressed concern that not enough was being put aside for maintenance of the facility and asked if fundraising for scholarships was planned. Newton responded that MCCF would like to use their money for other purposes like shoes and not spend them at the CVSCC. Mayor Turner said that this scholarship program is a way to give something back to the youth of the community who cannot afford to visit the facility. Councilmember Deitz requested that MCRPD come back with a report in two months to let the Council know how the scholarship program is working out. Councilmember Cimolino said he would like to make sure that any child who wants a voucher gets one, and the cost is insignificant so he is in support of the program. Councilmember Hammerstrom clarified that his questions were posed because he wants all to be mindful that this program is not another benefit that CVSCC provides, but that there are potential costs involved.

**Mayor Turner recessed the meeting at 7:33 PM; the meeting was reconvened at 7:39 PM.**

**A motion was made by Vice Mayor Peters, seconded by Councilmember Deitz, that this Resolution be adopted. The motion carried by the following vote:**

**Aye:** 5 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

Enactment No: RES 3861-2015

**6D. [15-435](#)** Receive Report and Provide Direction to Staff Regarding Preferred Locations and Fee Structure for Mobile Vending Units

Community Development Director Marie Jones summarized the staff report, saying that after

adoption of the Mobile Vending ordinance, a resolution is required to set the fee schedule for permits and the locations for operation of mobile vending units. She reported she has already received requests for permits.

Discussion: Councilmember Hammerstrom noted that previous discussions regarding mobile vending locations had included Franklin Street near City Hall but that location was not included in the staff report. The Franklin Street location in front of the Fort building was added as Location #6 in further discussions by the Council.

Public Comment on this agenda item was received from:

- Derek Hoyle said all the locations are good, but that the mobile vending customers might use the Purity parking lot if the location near Purity is approved.
- Scott Menzies wanted to know if the resolution would preclude small carts from utilizing wide sidewalks.

Discussion: Each Councilmember weighed in on the various proposed locations. After much discussion, the consensus was to allow mobile vending trucks in Location #2 (200 block of East Alder Street) and Location #6 (400 block of North Franklin Street). Council directed staff to include those locations in a resolution, along with the permit fees outlined in the staff report. Food carts are not restricted to these two locations; the Directors of Public Works and Community Development will make determinations regarding location of mobile vending carts.

**This Staff Report was referred to staff for preparation of a Resolution.**

**6E. [15-452](#)** Receive Report and Consider Introduction, by Title Only, and Waive Further Reading of Ordinance No. 923-2015 Amending Chapter 14.06 (Water Conservation) of Title 14 of the Fort Bragg Municipal Code Relating to Water Shortage Emergencies

City Manager Ruffing said this is the newly revised Water Conservation Ordinance and if introduced and adopted, it would be the third water ordinance in the last two months. She reviewed the previous ordinances, including the urgency ordinance, and explained what this particular ordinance does.

Discussion: Mayor Turner asked about water used for car washing. Ruffing said there are only two car washes in town and they both comply with the ordinance, both have water recycling systems and high efficiency shutoffs. Councilmembers had questions about the use of the words "potable" and "recyclable" in the ordinance as it concerns car washing.

Public Comment on this agenda item was received from:

- Eric Dwyer commented that the prohibition on in-room spas will affect the transient occupancy tax at high end hotels and asked the Council to reconsider the mandate for no spas.
- Derek Hoyle suggested the Council look at point of use hot water heaters, as waiting for hot water to get to the tap is a big waste of water. He uses non-potable water to wash his vehicle.
- Ann Rennacker said Fort Bragg is dewatering Noyo River and Hare Creek and salmon are unable to spawn there. She hopes the Council will be wiser with City planning in the future.
- Rex Gressett claims that the Department of Fish & Game said the City is taking half the water from the Noyo River and that the Council is not addressing the problem in a serious way.

Discussion: Mayor Turner clarified that non-potable water to wash cars is allowed. The City has made plans to move forward with water storage. The City is not in violation with the Department of Fish & Wildlife. The Mayor also pointed out that the City is considering a feasibility study about a

desalination plant. Councilmember Deitz asked how much water in-room spa trubs use. Ruffing responded that these tubs use up to 75 gallons of water per use, so the amount of water used by in-room spas is substantial. Discussion was held regarding averaging residential water usage over two years to broaded the data inclusion. The Council would like staff to look at the car wash language in the ordinance, especially for Stage 3 emergencies, gather more information about water use related to hot tubs and in-room spa tubs, and look into the comparison of water use when considering a 30% reduction (i.e., using an average of two years rather than comparing just to the previous year). The Council further discussed per capita limits, basing water use on the number of people in the home, and bottom limits. Ruffing suggested that a statement could be inserted at the end of each provision of the Ordinance establishing the percentage reduction that states users who are already meeting the minimum per capita threshold per household are exempted form this requirement. It was generally agreed that this Ordinance needed further review and revision prior to being introduced.

**This Ordinance was referred to staff for revisions, with direction to bring the agenda item back to Council for further discussion at a future Council meeting.**

**6F. [15-453](#)** Receive Oral Update Regarding Petition for Ballot Initiative Entitled "Prohibiting Social Service Organizations in the Central Business District" and Consider Adoption of City Council Resolution Requesting Services of the Mendocino County Registrar of Voters to Verify Signatures in Connection with Petition

City Clerk Lemos reported that proponents of the ballot initiative entitled "Prohibiting Social Service Organizations in the Central Business District" submitted a petition on October 16, 2015. She stated that her prima facie review indicated that there were sufficient signatures to accept the petition for filing. The petition was accepted on October 19, 2015 and then forwarded to the Mendocino County Registrar of Voters for verification of signatures. The County has 30 business days to complete the verification process, or by December 2, 2015. The proposed resolution requests the services of the County in verifying the petition's signatures.

Discussion: Regarding the cost of a special election, City Manager Ruffing said it is likely that the costs would be rolled into the primary election costs if the special election is consolidated with the June primary. Further information on the timing of the special election will be given to the Council once the signatures have been verified.

Public comment on this agenda item was received from:

- Rex Gressett said people who support the initiative are disappointed that the special election will happen in June and they believe that Councilmember Deitz and Mayor Turner violated the law. He said the Council must be fair.
- Ann Rennacker does not oppose mental health and social services at the Old Coast Hotel, but in her opinion, having Ortner Group manage the Hospitality Center is a terrible situation that she hopes will be addressed.

Discussion: Councilmember Deitz expressed how tired he is of hearing people say he is doing illegal and unlawful things. Councilmember Hammerstrom, while recognizing the democratic process at work, said that the City of Fort Bragg is being forced to start spending money on something that is ill advised and will cost taxpayers a large sum of money. Vice Mayor Peters said he does not wish to step in the way of the democratic process, but he asked the proponents to withdraw the petition, which in his opinion is unenforceable, but they have refused to do so. Peters stated that he does not support the initiative and set forth his reasons why. Mayor Turner said the initiative will not achieve what the proponents want it to, and he does not believe the people of Fort

Bragg will support it at the polls.

**A motion was made by Councilmember Hammerstrom, seconded by Councilmember Deitz, that this Resolution be adopted. The motion carried by the following vote:**

**Aye:** 5 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

Enactment No: RES 3862-2015

#### **4B. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (30 Minutes, If Necessary)**

#### **7. CONSENT CALENDAR**

##### **Approval of the Consent Calendar**

**A motion was made by Councilmember Hammerstrom, seconded by Councilmember Cimolino, to approve the Consent Calendar. The motion carried by the following vote:**

**Aye:** 5 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz, Councilmember Hammerstrom and Mayor Turner

**7A. [15-442](#)** Adopt City Council Resolution Approving the Application for Grant Funds from the Recreational Trails Program

**This Resolution was adopted on the Consent Calendar.**

Enactment No: RES 3863-2015

**7B. [15-443](#)** Adopt City Council Resolution Accepting the Conveyance of Real Property Located on Cypress Street from Fort Bragg Cypress LP and Authorizing City Manager to Execute the Certificate of Acceptance

**This Resolution was adopted on the Consent Calendar.**

Enactment No: RES 3864-2015

**7C. [15-454](#)** Receive and File Minutes From September 17, 2015 Public Works & Facilities Committee Meeting

**These Committee Minutes were received and filed on the Consent Calendar.**

**7D. [15-441](#)** Approve Minutes of October 7, 2015 Special Meeting

**These Minutes were approved on the Consent Calendar.**

**7E. [15-446](#)** Approve Minutes of October 13, 2015

**These Minutes were approved on the Consent Calendar.**

**7F. [15-447](#)** Approve Minutes of October 14, 2015 Special Meeting (AB1234)

**These Minutes were approved on the Consent Calendar.**

**8. CLOSED SESSION**

**ADJOURNMENT**

Mayor Turner adjourned the meeting at 9:15 PM.

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DAVE TURNER, MAYOR

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June Lemos, City Clerk

IMAGED (\_\_\_\_\_)