



CITY OF FORT BRAGG

416 N. FRANKLIN, FORT BRAGG, CA 95437
PHONE 707/961-2823 FAX 707/961-2802

COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: April 23, 2015
TO: Public Works & Facilities Committee
FROM: Tom Varga, Public Works Director
AGENDA ITEM TITLE: **Receive Report and Make Recommendations to City Council Regarding Ordinance 911-2014 Repealing and Replacing Chapters 14.08 through 14.40 of Title 14 (Water and Sewer) of the Fort Bragg Municipal Code**

ISSUE:

The Fort Bragg Municipal Improvement District #1 (District) has been working to implement a source control program as required by the District's National Pollutant Discharge Elimination System (NPDES) permit. In order to establish the necessary legal authorities to monitor and enforce source control standards, restrict discharges of toxic materials to the collection system, and inspect facilities connected to the system, changes need to be made to Fort Bragg Municipal Code Title 14 (Water and Sewers).

SUMMARY:

District staff has previously worked with Freshwater Environmental Services to update the Sewer Use Ordinance and Enforcement Response Plan and provide NPDES compliance support satisfying specific requirements of the Source Control Provisions required under the District's NPDES permit in effect since May 2012. The Public Works and Facilities Committee reviewed the proposed amendments at their meetings of November 21, 2013; April 17, 2014; and July 7, 2014. The City Council in its capacity as the District Board of Directors considered Ordinance 911-2014. At each of these meetings, community response identified different issues to be addressed before finalizing the Ordinance.

At the November 21, 2013 Public Works and Facilities Committee meeting, the original proposal was presented. The Committee directed staff to address concerns regarding impacts to restaurants, clarity in terminology, and the addition of a Frequently Asked Questions (FAQ) sheet.

The proposed changes, along with the Frequently Asked Questions, were placed on the March 24, 2014 City Council agenda for discussion and possible introduction of the Ordinance. Prior to that meeting, concern was raised about the lack of opportunity for public input. At the request of staff, the Mayor referred the item back to the Committee for further discussion and public input.

At the April 17, 2014, Public Works and Facilities Committee meeting the revisions were brought back for further consideration and public input. The Committee directed staff to revise the

Ordinance so City staff performed sewer lateral inspections during sewer main rehabilitation projects rather than upon sale of property, to add video inspection of pipes, and to focus the program on commercial properties (especially grease traps), and to emphasize education over fines/penalties.

At the July 17, 2014 Public Works and Facilities Committee meeting, the third draft of the Ordinance was presented for review and public input. A redlined version of the code modifications was included to aid in the review. Further refinements were directed with an eye toward simplifying the revisions.

At the September 8, 2014 City Council meeting, the District Board considered the Ordinance and attendant code changes. Following public input and Council discussion, the Ordinance was sent back to Committee to work with staff for additional modifications. These changes included: in the unlikely event that any City actions involving criminal charges should be required that they be directed through Council first, provide an option for the City to perform sewer lateral testing, provide appropriate financial assistance to owners for repairs, and clarify standards for when repairs would be required.

Subsequently, it was found that these chapters of Title 14 had been sufficiently modified over time and needed some clean-up editing. Significant changes to content beyond source control matters area:

§ 14.32.020 PLANS, PROFILES, AND SPECIFICATIONS REQUIRED. The requirement for submitting the plans and specifications to the Board for consideration is recommended for deletion. Staff does not move forward with a proposed project until the Board has thoroughly examined, vetted, considered public input, and directed staff to proceed. The Board, through the Municipal Code, sets the performance standards for public sewers. Plans, specifications, etc. for individual projects do nothing more than implement these standards and the Board's direction.

§ 14.32.060 GRADE STAKES. The requirements involving the setting of grade stakes is recommended for deletion. This is a construction detail. It is also fully regulated by the State Professional Land Surveyors Act.

§ 14.32.070 COMPLIANCE WITH LOCAL REGULATIONS. This section is recommended for deletion. It is redundant as it is already more extensively covered in Chapter 14.24 – Permits & Fees.

RECOMMENDATION:

Receive report and public input regarding changes to Chapters 14.08 through 14.40 of Title 14 (Water and Sewer) of the Fort Bragg Municipal Code. Staff would then like direction on any final corrections to the proposed changes. These will be included in a revised Ordinance that will go to the full Council for introduction after review and approval by the City Attorney.

ATTACHMENTS:

1. FAQ sheet
2. Red-lined code sections