



City of Fort Bragg

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Meeting Minutes City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT
NO. 1 AND THE FORT BRAGG REDEVELOPMENT
SUCCESSOR AGENCY*

Monday, August 10, 2015

6:00 PM

Town Hall, 363 N. Main Street

MEETING CALLED TO ORDER

Mayor Turner called the meeting to order at 6:03 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

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

- 1A. [15-304](#)** Receive Presentation from Mendocino Coast Clinic's Executive Director Paula Cohen Regarding "National Health Center Week"

In recognition of National Health Center Week, Paula Cohen, Executive Director of the Mendocino Coast Clinic, gave the Council a presentation on the services to the community that the Clinic provides.

2. STAFF COMMENTS

City Manager Ruffing invited the public to view the Stellar Sea Lion skeleton suspended from the ceiling at Town Hall and the California Sea Lion skeleton on display at City Hall. The two sea lions will eventually be placed in the Noyo Center visitor center.

Chief Lizarraga reported that the National Night Out event at Bainbridge Park was very successful last Tuesday, with an estimated 150 people in attendance.

3. MATTERS FROM COUNCILMEMBERS

Mayor Turner met with Assemblyman Jim Wood regarding various projects in town, the Mill Site, and the Noyo Center. He reminded people to look at the new schedule of classes for Mendocino College and to register for some courses to support the college.

Vice Mayor Peters thanked staff for arranging to have the joint Board of Supervisors/City Council meeting regarding the Central Coast Transfer Station in Fort Bragg on August 17. He asked fellow Councilmembers to approve an agenda item to discuss putting the pending ballot initiative regarding social services in the Central Business District on an upcoming ballot. The Councilmembers agreed to add this item to the agenda for September 14. Peters requested that

Public Works clear the weeds and brush covering the paver stones in the pergola next to Town Hall.

Councilmember Cimolino is making the rounds of local businesses to ask owners how business is doing and what the business community would like to see the City and County do to promote Mendocino County.

Councilmember Deitz recognized the firefighters who are currently fighting fires in Lake County. He recently walked the Coastal Trail with Senator Mike McGuire who was impressed with the trail. Deitz said he has been asked by the Broadband Alliance to do a presentation on the downtown WiFi.

Councilmember Hammerstrom commented on Dr. Diane Harris's termination from North Coast Family Healthcare. Although he disagrees with changing the name of Fort Bragg, Hammerstrom said the issue of race should be discussed and suggested creating a monument to the United States Colored Troops who defeated Braxton Bragg's unit in the Civil War. Vice Mayor Peters said he would prefer it be a living monument, such as trees, to give the monument more meaning. Hammerstrom and Peters volunteered to serve on an ad hoc committee to pursue this matter.

6A. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS

- A member of the public named "Russ" suggested the town be renamed "Sweet Forgiveness."
- Rex Gressett complimented the Council on putting the ballot initiative regarding social services in the downtown on a future agenda.
- Scott Menzies stated the proposed ballot measure harms the civil rights of a targeted group, people who need social services. By banning social services in the Central Business District (CBD), the City would in effect be saying that those people who need social services are not worthy of being in the CBD. Menzies said that is bigotry.

4. PUBLIC HEARING

5. CONDUCT OF BUSINESS

5A. [15-310](#) Receive Report and Consider Adoption of City Council Resolution Declaring a Stage 1 Water Emergency

Public Works Director Varga reported on the need for a Stage 1 Water Emergency declaration in light of the ongoing drought conditions. He said the goal at this time is a 20% reduction in water use. Varga reported on river levels, current status of leak investigations, and water saving measures.

Discussion: The following points were noted during discussion on this item:

- The heavy amount of tourists in Fort Bragg during the month of July may have contributed to higher water usage.
- The effects of a Stage 1 Emergency include: Hotel operators and other lodging establishments are required to provide guests with the option of not having towels laundered daily; Residents cannot use water to spray off driveways or sidewalks; No car washing without a shut-off nozzle; Restaurants are not to serve water unless asked.
- Alternate landscaping at the Guest House Museum to replace the lawn was discussed, with most Councilmembers in favor of maintaining the green lawn.

A motion was made by Vice Mayor Peters, seconded by Councilmember Hammerstrom, 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 3837-2015

- 5B. [15-311](#)** Receive Report and Consider Introducing, by Title Only, and Waive Further Reading of Ordinance 919-2015 Amending Chapter 14.06 (Water Conservation) of Title 14 (Water and Sewer) of the Fort Bragg Municipal Code

Public Works Director Varga reported that the Council's requested changes from the last meeting have been incorporated into the proposed ordinance, and he briefly summarized the revisions.

Discussion: Councilmembers considered the following matters with regard to the proposed ordinance:

- Maintenance of the C.V. Starr Community Center swimming pool;
- Trucking of water to the Water Treatment Plant;
- Exceptions for emergencies to address health and safety needs.

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

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

Mayor Turner recessed the meeting at 7:32 PM; the meeting was reconvened at 7:38 PM.

- 5C. [15-315](#)** Receive Report and Consider Introducing, by Title Only, and Waive Further Reading of Ordinance 911-2015 Repealing and Replacing Chapters 14.08 through 14.40 of Title 14 (Water and Sewer) of the Fort Bragg Municipal Code

A summary of the revisions to Ordinance 911-2015 was given to the Council by Public Works Director Varga, with the recommendation that the ordinance be introduced.

Discussion: Councilmember Cimolino asked questions regarding Section 14.28.070, Sewer Too Low, saying that if the owner uses an inferior quality of material, the City has to spend a lot of money to bring the lift station into good working order. Varga noted that per the code, those expenses are to be borne by the property owners and that the CC&Rs generally lay out those restrictions as well. Varga recommended that Community Development Department include those kind of requirements in the Development Permits. Councilmember Deitz noted that progress has been made in recent years regarding the City helping owners out with expenses of inspections.

A motion was made by Vice Mayor Peters, seconded by Councilmember Cimolino, that this Ordinance be introduced. The motion carried by the following vote:

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

- 5D. [15-298](#)** Receive Report and Consider Adoption, by Title Only, and Waive Further Reading of Ordinance 914-2014 Repealing and Replacing Chapters 15.05 (International Fire Code and California Fire Code) and 15.06 (Automatic Fire Sprinkler and Alarm Systems) of the Fort Bragg Municipal Code

Community Development Director Jones summarized her staff report, noting that the previous adoption of Ordinance 914-2014 was handled incorrectly and that staff recommends that the Council reject this ordinance.

Discussion: Councilmember Hammerstrom stated he strongly opposes the recommendation that this ordinance be rejected and that the community was not provided sufficient information about the benefit of sprinklers. Vice Mayor Peters said that downtown business owners were against the sprinkler requirement for financial reasons. Peters said the changes to the ordinance were done in an open forum and with transparency. Mayor Turner concurred with Vice Mayor Peters. Councilmember Deitz said he did not feel this ordinance was compromised; rather, making things mandatory sometimes does not work because business owners would be forced to close their doors if they could not pay for fire sprinklering. This would result in more empty buildings in the downtown area, which creates an even bigger fire hazard.

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

Aye: 1 - Councilmember Hammerstrom

No: 4 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz and Mayor Turner

After the vote to adopt Ordinance 914-2014 failed, Councilmember Hammerstrom asked for clarification by requesting the Council vote on a motion to reject Ordinance 914-2014.

A motion was made by Mayor Turner, seconded by Vice Mayor Peters, that this Ordinance be rejected. The motion carried by the following vote:

Aye: 4 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz and Mayor Turner

No: 1 - Councilmember Hammerstrom

- 5E. [15-299](#)** Receive Report and Consider Introducing, by Title Only, and Waive Further Reading of Ordinance 916-2015 Repealing and Replacing Chapters 15.05 (International Fire Code and California Fire Code) and 15.06 (Automatic Fire Sprinkler and Alarm Systems) of the Fort Bragg Municipal Code

Community Development Director Jones recapped the staff report for this agenda item, noting that the purpose of the ordinance is to: (1) Increase the remodel valuation from \$50,000 to \$75,000; (2) Change the valuation calculation to include all remodel costs; (3) Not require CBD businesses to connect to the sprinkler main; and (4) Standardize approval process. Staff recommended the Council introduce and adopt Ordinance 916-2015 based on Council's direction to staff.

A motion was made by Vice Mayor Peters, seconded by Councilmember Cimolino, that this Ordinance be introduced. The motion carried by the following vote:

Aye: 4 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Deitz and Mayor Turner

No: 1 - Councilmember Hammerstrom

5F. [15-300](#) Receive Report and Provide Direction to Staff Regarding Regulation of Vacation Rentals in Fort Bragg

Community Development Director Jones explained that vacation rentals are currently not an allowed use in the City of Fort Bragg. The City is considering a change to this regulation, as recent internet platforms such as Airbnb.com have become very popular and make it easy for property owners to rent out their homes as vacation rentals. She enumerated the pros and cons of legalizing vacation rentals and summarized the recommendations of the Community Development Committee, the Planning Commission, and City staff.

Discussion:

- Vice Mayor Peters thinks Airbnb.com is a convenient way to book rooms at vacation destinations and is particularly popular with the generation of people who use mobile phones and internet, bringing newer, younger people with money to visit Fort Bragg. He believes allowing vacation rentals would encourage more downtown guests in general.
- Mayor Turner suggested allowing ten permits for vacation rentals in the first year, with the owners required to obtain a Minor Use Permit, without Planning Commission approval.
- Councilmember Deitz said this proposal initiated with the Community Development Committee as a way to help revitalize the downtown and provide a unique experience to visitors.
- Councilmember Hammerstrom asked for clarification on revocation of the permit after violations of the Municipal/Penal Codes. Jones responded that Community Development Department and Police Department respond promptly to complaints and after three verified complaints, the vacation rental permit would be revoked.
- Councilmember Cimolino recommended only using 2nd and 3rd floor space in the Central Business District, and not ground floor rear units, as this may impact retail. The Council consensus was that vacation rentals should only be allowed on 2nd and 3rd floors over retail/commercial businesses in the CBD.

This Staff Report was referred to staff for preparation of a proposed Ordinance.

6B. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (Continued, If Needed)

7. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Vice Mayor Peters, seconded by Councilmember Hammerstrom, 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. [15-302](#) Adopt by Title Only and Waive Further Reading of Ordinance 917-2015 Amending Chapter 3.20 (Purchasing, Procurement and Leasing) of the Fort Bragg Municipal Code

This Ordinance was adopted on the Consent Calendar.

Enactment No: ORD 917-2015

7B. [15-303](#) Adopt by Title Only and Waive Further Reading of Ordinance 918-2015 Adding Chapter 3.22 (Informal Bidding Procedures) to the Fort Bragg

Municipal Code to Establish Procedures for Informal Bidding for Public Projects Under the Uniform Public Construction Cost Accounting Act

This Ordinance was adopted on the Consent Calendar.

Enactment No: ORD 918-2015

7C. [15-309](#)

Adopt City Council Resolution Accepting the Bid of Wylatti Resource Management as the Lowest Responsive Bid, Awarding the Contract for the Summers Lane Timber Harvest, City Project 2015-02, to Wylatti Resource Management and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$119,954.81; Account No. 651-6001-0731)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3838-2015

7D. [15-294](#)

Adopt City Council Resolution Authorizing Certain Positions with the Power to Invest Funds on Behalf of the City and to Open and/or Close Accounts with Financial Institutions

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3839-2015

7E. [15-316](#)

Receive and File Minutes from May 21, 2015 Public Works & Facilities Committee Meeting

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

7F. [15-317](#)

Receive and File Minutes from June 10, 2015 Public Safety Committee Special Meeting

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

7G. [15-306](#)

Approve Minutes of Special Joint Meeting of Mendocino County Board of Supervisors and Fort Bragg City Council of July 21, 2015

These Minutes were approved on the Consent Calendar.

7H. [15-308](#)

Approve Minutes of July 27, 2015

These Minutes were approved on the Consent Calendar.

8. CLOSED SESSION

ADJOURNMENT

Mayor Turner adjourned the meeting at 8:57 PM.

DAVE TURNER, MAYOR

June Lemos, Acting City Clerk

IMAGED (_____)