



# City of Fort Bragg

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## Meeting Minutes City Council

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Monday, November 9, 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 6:03 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. [15-465](#)** Recognition of Volunteers Serving on the Planning Commission, Fort Bragg Promotion Committee, Fort Bragg Fire Protection Authority, Noyo Harbor Commission, Mendocino County Library Advisory Board and Neighborhood Watch Coordinator

Mayor Turner expressed the Council's appreciation and gratitude for community volunteers serving on various commissions and boards.

**Mayor Turner and the City Councilmembers recognized volunteers serving the City of Fort Bragg and presented each with a certificate of appreciation.**

#### **2. STAFF COMMENTS**

City Manager Ruffing announced that City offices will be closed for Veterans Day on November 11. She invited community members to a planning workshop for Bainbridge Park on November 17 at 4:00 PM at the Veterans Building. A ribbon cutting ceremony for the South Coastal Trail will take place Tuesday, December 1 at 12:30 PM.

#### **3. MATTERS FROM COUNCILMEMBERS**

Mayor Turner commented on the City of Trails workshop, the Noyo Day of the Dead trail blessing ceremony, and the November 3 downtown businesses meeting.

Vice Mayor Peters reported on the Coastal Commission workshop he recently attended in Half Moon Bay. He announced that the Public Safety Committee will meet on Thursday to discuss Bainbridge Park and Bicycle safety.

Councilmember Cimolino congratulated the Mayor's son on his recent marriage.

Councilmember Deitz said the Fire Board is preparing for the rainy season by filling 1,000

sandbags. He announced the Holiday Lights Parade will be on December 5 this year and the Food Drive starts on December 6.

Councilmember Hammerstrom reported on Mendocino Council of Governments and Local Agency Formation Commission meetings. He mentioned the League of California Cities' financial health tool and reported on the recent Finance and Administration Committee meeting.

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

Judy Valadao said Neighborhood Watch Group is looking for more members and asked interested persons to contact her or the Police Department to obtain the necessary paperwork. Jay Rosenquist read the names of the Neighborhood Watch block captains and thanked those persons for participating in the program.

### **5. PUBLIC HEARING**

- 5A. [15-457](#)** Receive Report and Conduct Public Hearing for Disclosure of Accomplishments and Closeout of Activities Funded by Community Development Block Grant (CDBG) 12-CDBG-8388

Special Projects Manager Owen reported that the Community Development Block Grant (CDBG) expenditure period for Grant 12-CDBG-8388 ended on September 30 and the grant requirements include holding a public hearing at the conclusion. Owen summarized the three major activities funded by this grant: Harrison Street House Rehabilitation Project, Homeless and Mental Health Intervention Program (HMHIP), and Microenterprise Assistance Program. She noted that fire sprinklers were installed at Harrison House among other major rehab items and that the HMHIP and microenterprise programs assisted many local people needing help. Owen recommended evaluation of smaller projects in the future, because they are just as much work as the larger projects.

Discussion: Mayor Turner inquired as to whether several small projects could be grouped together as one major project. Owen responded that is not possible, as these grants are tied to individual addresses.

**Mayor Turner opened the public hearing at 6:46 PM.**

- Ann Rennacker suggested the City research grants for tiny houses, similar to the ones in Point Arena, as housing for the homeless.
- Charles Bush of the Senior Center expressed his thanks for assistance with the new kitchen project. The Center delivered 6,000 meals to seniors in the first month. He stated that \$35,000 may be considered small, but to those it helps, it is huge.

**Mayor Turner closed the public hearing at 6:53 PM.**

Discussion: Councilmember Hammerstrom noted that even though these type of projects are a lot of work for staff, it is very helpful for small organizations in town. The Mayor thanked Special Projects Manager Owen for helping find and bring money into Fort Bragg.

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

- 6A. [15-464](#)** Receive Oral Update on Stage 3 Water Emergency and Consider Adoption of City Council Resolution Confirming the Continued Existence of a Local Drought Emergency in the City of Fort Bragg

Public Works Director Varga gave a report on the current water situation, stating that even considering recent rain, Fort Bragg is not out of the woods yet. The City pulls some 550,000

gallons a day of raw water from three sources. The Community is still taking the emergency seriously and has been very good about conserving water, using an average of 470,000 gallons per day. Varga reported that meters are being read more frequently since October 1 and that the City reduced its water consumption 28% during October 2015 compared to the same period in 2014. Water is being trucked from the C.V. Starr Community Center well to the raw water ponds at the treatment plant. That well and the School District well produce about 40 gallons per minute each, giving the City access to 80 gallons per minute. Director Varga also reported that the City is investigating other wells around town looking for usable water. He cautioned that even though levels have elevated a little, the area is still very much on the dry side and Public Works is monitoring the situation very closely. City Manager Ruffing advised that the Council needs to adopt a resolution confirming the continued existence of the local drought emergency so the City can receive emergency funding from the State. This declaration needs to be renewed every 30 days. Ruffing said that staff was seeking Council direction that the City Manager and Public Works Director can monitor the situation and have the authority to downgrade the emergency to a Stage 1 when the water levels have recovered sufficiently.

Discussion: Vice Mayor Peters asked about deleting the weather forecast clause in the resolution considering the recent rain. Varga responded that the rain has not been significant enough to warrant lifting the emergency and he recommended that paragraph be left in the resolution. Councilmember Cimolino asked if the City would ever go to Stage 2, instead of downgrading from Stage 3 to Stage 1. Varga said sometimes the weather jumps from one extreme to the other, but that downgrading to Stage 2 is definitely a possibility. Vice Mayor Peters asked if the Council would need to convene a special meeting to remove the Stage 3 emergency declaration. Discussion was held regarding delegating authority to City staff or calling a special meeting of the Council to downgrade the emergency declaration.

Public Comment was received from:

- Marvin Parrish voiced his concern about ensuring the public remains aware of the water emergency. He stated that his restaurant, Eggheads, is continuing to use disposable flatware to continue to meet the requirements of a Stage 3 emergency.
- Derek Hoyle asked if local wells would be checked for contamination. Public Works Director Varga said that for now, well water is deposited in the raw water pond for treatment, but in the future, well water would be treated at the well.

Discussion: Much discussion was held on the lowering of the emergency stage from 3 to either 2 or 1, and whether that duty should be carried out by the Council or City staff. The general consensus was that there are benefits to following a formal process to release the emergency, and that the Council should call a special meeting to downgrade from Stage 3 to a lower stage based on staff's determination and recommendations.

**Mayor Turner recessed the meeting at 7:32 PM; the meeting reconvened at 7:42 PM.**

**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 3865-2015

**6B. [15-468](#)**

Receive Report and Consider Adoption of City Council Resolution Approving an Agreement for Exchange of Real Property (Including Escrow Instructions) with Georgia-Pacific, LLC and the Fort Bragg Municipal Improvement District No. 1 for the Exchange of Certain Parcels in the Vicinity of the Wastewater Treatment Plant and Noyo Center

City Manager Ruffing explained that her report pertained to agenda items 6B and 6C for the City of Fort Bragg and the Municipal Improvement District No. 1 (MID) respectively. Ruffing has worked with Georgia-Pacific (G-P) to reach an agreement allowing public access to the South portion of the Coastal Trail through the Cypress Street intersection. This arrangement enhances public safety, as the entrance to the trail will be through a signalized intersection. The City is also obtaining other G-P property near the Elm Street parking lot and the former G-P runway. In exchange for a little over eight acres of land, the City and MID would extinguish five existing easements of approximately 6.8 acres. After Council approval, the exchange will be made in a 14-day escrow and the City expects to own the property before the opening of the South Coastal Trail on December 1.

Discussion: The Council discussed the various easements being transferred. Vice Mayor Peters commented that it was a good deal, as the City will be transferring 6.8 acres of unused easements and will get eight acres of usable land in return. This is a land swap; no money is being exchanged between the parties.

Public Comment on this item was received from:

- George Reinhardt questioned whether this exchange is a good deal, as easements are still needed for underground pipes and burial sites. He said it felt like a short period of time to assess the exchange, and he would like to see a clear understanding between the City and Georgia-Pacific to assist them with their exit plan from Fort Bragg. He hopes that the City will give the community more time to process and consider important decisions in the future.
- Rex Gressett said there is a gap in public awareness about what is happening at the G-P Site, and City government has transparency problems. He wants more community input into future plans for the mill site.
- Derek Hoyle said he trusts that the Council has fully investigated the property/easement exchange and that it is a good deal for the City.
- Eric Dwyer commented that this looked like a good deal for the City and wondered why G-P would make such a deal, though he can understand the advantage of removing easements for future development.
- Ann Rennacker is concerned about the toxic cleanup of the G-P mill site and hopes it will be cleaned up to a high standard.

Discussion: Councilmember Hammerstrom spoke about the nuisance value of easements which may devalue property or make it hard to market. Vice Mayor Peters pointed out that when the mill closed in 2002, the main comments from the community were about public access and that is what the Coastal Trail provides. This deal makes sense because the City is moving forward with that purpose, namely public access to the Coastal Trail property. Councilmember Cimolino gave the history of the "floating" easement, saying the location of it changed on a whim and it was not really worth anything. He went on to say that getting better access and use out of the land is a great deal and he has researched the matter thoroughly and feels comfortable making this deal. Cimolino also noted that this was not a last-minute transaction but has been in negotiations for some time, although many of those negotiations were held in closed session and were not public. Councilmember Deitz and Mayor Turner both support the property exchange as well, making Council approval of it unanimous.

**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 3866-2015

- 6C. [15-472](#)** Receive Report and Consider Adoption of Municipal Improvement District No. 1 Resolution Approving an Agreement for Exchange of Real Property (Including Escrow Instructions) with Georgia-Pacific, LLC and the City of Fort Bragg for the Exchange of Certain Parcels in the Vicinity of the Wastewater Treatment Plant and Noyo Center

Please see Agenda Item 6B.

**A motion was made by Councilmember Hammerstrom, seconded by Councilmember Cimolino, that this ID 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 ID 376-2015

- 6D. [15-467](#)** Receive Report Regarding Town Hall Community Meetings and Provide Direction to Staff

City Manager Ruffing summarized this agenda item, stating that staff is seeking direction from Council regarding free Town Hall meetings for members of the public. Town Hall will be made available for community meetings once a month on the second Tuesday, or if a City Council meeting is set on that date, then the following Tuesday. Reservations are on a first come, first served basis; individuals or groups can only reserve one meeting date at a time. The standard rental fee is waived and the City will cover liability insurance for these meetings. A refundable \$100 security/cleaning deposit will be required. The meeting coordinator's identity and purpose of the meeting are required on the application.

Discussion: It was noted that all other regular use requirements for Town Hall rentals will apply.

Public comment on this agenda item was received from:

- Ann Rennacker hopes that the meetings which have been held on the second Tuesday for the last six months can continue, as there have not been any problems so far.
- John Fremont described the nature of the Community Forums he has been conducting for six months at Town Hall. He said the first come, first served requirement puts a crimp in this group's meeting plans.
- Rex Gressett talked again about transparency in government and censorship.
- Derek Hoyle is concerned that this once a month meeting will be monopolized by one group and hopes that is not the case.
- Jay Rosenquist inquired as to the advance sign-up time to hold meetings in Town Hall. City Manager Ruffing said there is no limit and individuals or groups can sign up months in advance.

Discussion: After extensive discussion on the rental of Town Hall, the Council decided to give the new system a try to see if it works out, and if it does not, to bring it back to the Council with suggestions on something different. It was also generally agreed that the words "open to the public" should be inserted in the language on the application form.

**Staff was directed to change the language in Section III of the City Facility Use Application Form (entitled "Town Hall Community Meetings") by inserting the words "open to the public" after the term "Community Meetings" in paragraphs A and A.1.**

- 6E. [15-470](#)** Receive Report, Accept County Certification of Signatures Affixed to the Initiative Measure Prohibiting Social Service Organizations in the Central Business District, and Consider Adoption of City Council Resolution

### Calling a Special Election Pertaining to the Measure

City Manager Ruffing reported on the ballot measure, giving its history and an update on its current status. She summarized the two actions before the Council as follows: (1) Accept the County's certification of signatures on the petition; and (2) Choose whether to adopt the ordinance, call for a special election, or order a staff report. Ruffing said staff recommends moving forward with a special election and consolidating it with the June 7 primary election. The cost would be approximately \$3,000 for a consolidated election as compared with the cost of the last two special elections, which cost \$18,000 and \$23,000. The Council should decide whether or not to submit an argument for or against the measure.

Discussion: Whether or not to order a report was briefly discussed by the Council, with Councilmember Cimolino expressing concern over the cost of such a report. The timing for the special election was discussed in detail, and City Manager Ruffing explained the City Attorney's legal analysis interpreting Election Code section 1405(a). Since it is legally possible to hold a special election on the initiative measure within 180 days prior to the June 7, 2016 statewide primary election, the special election may be consolidated with the primary. Vice Mayor Peters noted that this could potentially save \$20,000 of City money that could be spent on something other than the initiative. He also pointed out that there would be a better turnout of voters at a primary election rather than a special election held in March or April.

Public comment on this agenda item was received from:

- Rex Gressett agreed with Vice Mayor Peters that having the measure on the ballot in June might yield a wider voter turnout. He said it is clear Linda Ruffing dragged her feet on this matter and he has never seen such delays in government. Gressett made the statement that there is a ton of case law in favor of retroactivity.
- Jay Rosenquist wants the special election sooner than June. She also wanted to have all the signatures on the petition counted.
- Eric Dwyer said this is a contentious issue which he would like to be over and done with.
- Katie Turner Carr hopes that this measure is consolidated with the June election, as she would hate for her tax dollars and the City's tax dollars to be spent on a special election.

Discussion: Councilmember Hammerstrom suggested amending page 2, Section 1, paragraph C of the resolution to include the full text of the measure. As the full text is not extensive, the Council agreed the entire text should be included in the voter information pamphlet. Councilmember Cimolino said this has not been good for the City and he would like to see it behind him, but he recommends waiting until June because he cannot justify spending an additional \$20,000 of taxpayer money on the initiative. Mayor Turner agrees with consolidation of the measure on the June ballot, as he thinks it is worth it to save money. The rest of the Council concurred.

The Council collectively decided not to write an argument for or against the initiative.

Councilmember Deitz said that the Council has made its position known in the past and will do so in the future, so community groups should have a chance to submit the arguments. Vice Mayor Peters questioned how much sway the Council's advice on how to vote on this issue would have with the public. Councilmembers Hammerstrom and Cimolino were against writing an argument. The general consensus was to let others do it.

Further public comment was received from:

- Hilary White requested that the Council write an opinion, as all five Councilmembers voted not to put the measure on the ballot and their reasons for doing that should be stated again for the voting members of the public.
- Jerry Thomas recommended that the Council obtain a written finding regarding this issue from the City Attorney. Mayor Turner stated that the Council decided not to order a report, as the City Attorney has previously prepared an analysis.

**A motion was made by Councilmember Deitz, seconded by Vice Mayor Peters, to accept the County's Certification of Signatures Affixed to the Initiative Measure**

**Prohibiting Social Service Organizations in the Central Business District. The motion carried by the following vote:**

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

**A motion was made by Vice Mayor Peters, seconded by Councilmember Deitz, that this Resolution be adopted as amended, revising Section 1, paragraph C to state, "That the full text of the Measure shall be printed in the Voter Information Pamphlet." The motion carried by the following vote:**

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

Enactment No: RES 3867-2015

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

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

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

Councilmember Hammerstrom noted that the title of agenda item 7B. should read, "Adopt City Council Resolution..." instead of "Consider Adoption of City Council Resolution..."

**A motion was made by Councilmember Hammerstrom, seconded by Vice Mayor Peters, 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. [15-471](#)** Adopt Joint City Council/Successor Agency Resolution Approving Professional Services Agreement with TRC Solutions, Inc. for Services Related to Oversight of the Mill Site Remediation Process in Accordance with the Polanco Redevelopment Act and Authorizing City Manager/Agency Director to Execute the Same (Amount not to Exceed \$75,000; Account No. 110-4190-0319)

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

Enactment No: RES 3868-2015

- 7B. [15-473](#)** Adopt City Council Resolution Establishing: 1) Mobile Vending Locations in the Central Business District; 2) an Application Fee for Mobile Vending Units; 3) An Annual Mobile Vending Renewal Permit Fee; and 4) a Maximum of Three Mobile Vending Permits for Carts and Three Mobile Vending Permits for Vehicles at Any One Time in Fort Bragg

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

Enactment No: RES 3869-2015

- 7C. [15-474](#)** Receive and File Minutes from June 23, 2015 Community Development

## Committee Meeting

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

7D. [15-458](#)

Approve Minutes of Special Meeting of October 14, 2015

These Minutes were approved on the Consent Calendar.

7E. [15-466](#)

Approve Minutes of October 26, 2015

These Minutes were approved on the Consent Calendar.

7F. [15-469](#)

Approve Minutes of Special Meeting of October 29, 2015

These Minutes were approved on the Consent Calendar.

**8. CLOSED SESSION****ADJOURNMENT**

Mayor Turner adjourned the meeting at 9:40 PM.

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DAVE TURNER, MAYOR

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June Lemos, City Clerk

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