



# 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*

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Monday, March 14, 2016

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 6:00 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. [16-081](#)** Proclamation Acknowledging Lynda Bengtsson-Davis, Mateo Ortiz, and Rob Buch for their Work in Completing the Downtown Wi-Fi Project

Mayor Turner asked Scott Deitz to present the Proclamation for the completion of the Downtown Wireless project to Lynda Bengtsson-Davis, Mateo Ortiz, and Rob Buch. Davis, Ortiz, and Buch were called to the podium. Deitz reviewed their various qualifications which made them appropriate for the task and named them as an integral part of the Technology Committee. The technology future for our community is based on the success of this committee. Mendocino Coast Network (MCN) was recognized for their administration of the network free of charge, which made the project possible.

Lynda Bengtsson-Davis thanked Rob, Mateo, and MCN which provided the cloud based service and allowed this project to be possible. Rob spoke about the specific details of the project launch, the limitations intentionally implemented to limit certain bandwidth, and the future for potential range expansion of the network. Mateo expressed his gratitude for working as part of a great team.

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

City Manager Ruffing, showed her appreciation for Victor Damiani, Director of Finance, for his excellent work on the budget and corresponding report at the Special City Council Meeting on Thursday, March 10. Ruffing mentioned two upcoming events at Town Hall; Tuesday, March 22, there will be a World Water Day Celebration and Friday, March 25, the City will host City Dialogue. City Dialogue is a round table style discussion forum where City Department representatives will be available to talk about what's going on in the City and answer questions from the public.

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

Mayor Turner reported that a tsunami preparedness workshop will be held Wednesday, March 23 from 12-2 PM at the Fort Bragg Police Department as part of Tsunami Awareness Week. There will be a test of the emergency alert system, the tsunami sirens, and aircraft flyover with a loud speaker. Mayor Turner reported on a good turnout at the Downtown Watch meeting and many of the recommendations introduced will be implemented. Mayor Turner noted that the primary feedback from his recent visits with local hospitality facilities was the need for promotion.

Vice Mayor Peters reported on his conversations with the lodging industry and categorized the local hospitality facilities into various categories. Peters compiled information which will be presented to Council, tentatively March 28, to aid in deciding to include an increased Transient Occupancy Tax on the November ballot. Peters announced that Mendocino Transit Authority (MTA) interviewed numerous qualified candidates for the General Manager position and is in the final selection stage.

Councilmember Cimolino shared several citizen encounters which made him reconsider the way in which information is disseminated from meetings, to staff and Councilmembers. 1) Speed bump removal on Cedar and the public intention to raise concerns at a Council Meeting, 2) Water causing issues to the foundations of houses in proximity to green alleys, 3) Citizens who are concerned about their privacy being violated by potential cameras in downtown and drone use on the Coastal Trail, 4) Concern that City Council agenda items are not publicized ahead of time, 5) Is there a summary report about City expenditures which would show if the City is shopping locally, and 6) Lack of participation at the mid-year budget review and the difficulty in hearing what was being said on the conference call. Cimolino expressed the importance of information sharing, as the public expects Council and City staff to be in the know.

Councilmember Deitz encouraged more participation at subcommittee meetings, as this forum allows for more open discussion and public comment at the design phase. Councilmember Deitz reported that the budget was televised and made available on the website for live stream.

Councilmember Doug Hammerstrom reported on a reception at the Mendocino Odd Fellows Hall which benefits Noyo Center for Marine Science and encouraged others to go and see the exhibit.

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

- Judy Valadao spoke about the Downtown Watch meeting and the proposed cameras. Valadao expressed concerns about the need for cameras. Valadao asked about the Giving Garden, program skills, and CDBG monitoring.
- Rex Gressett commended Councilmember Cimolino for speaking about information dissemination and his citizen encounters. Gressett gave his opinion about City transparency, self-promotion of bureaucrats, and the City's takeover of the Public, Education and Government (PEG) Access Television network.
- Jay Rosenquist asked for clarification about City Dialogue. Rosenquist stated that there was a date error on the February 22 City Council video. Rosenquist asked for an update on the open position at CV Starr Center. Rosenquist promoted Yes on Measure U and provided additional information for supporting the measure.
- Rosalee Taylor expressed her gratitude to Council and the Mayor. Taylor spoke about encouraging increased attendance at the Council meetings, a broken light fixture at the corner of Bush and West Streets, and keeping the water topic on high alert.

- Evan Dick expressed concerns that the Bike Trail around the City was being reconsidered and spoke in opposition to the City using eminent domain to acquire property for this trail. Dick stated his concerns about the suffering businesses whose agenda is not being served. Dick spoke against the increasing presence of vagrants and he wants a Grand Jury investigation on several City of Fort Bragg employees.
- Richard Nash reported that he has complained to various agencies about his civil rights being violated, by denying access to medical marijuana. Nash promoted marijuana legalization and his Green and Silver Company.

## **5. PUBLIC HEARING**

None.

## **6. CONDUCT OF BUSINESS**

### **6A. [16-091](#)      Receive Report Regarding Various Water-Related Topics and Provide Direction to Staff**

Public Works Director Varga presented the staff report and clarified that no action will be required by Council on this item. Varga reviewed rainfall data over the last four months and clarified that despite these increased rainfall totals, this region remains in a moderate drought according to climatologists. The exceptionally wet weather will make this water year above average but it will not be enough to completely undo the impacts of the extended drought conditions. Varga described the impacts of the increased rainfall on existing flows for current City water sources.

Varga reviewed the emergency preparedness strategies. If the 2016 water year presents any interruptions in flows or repeats of last year, the Summers Lane reservoir will meet a portion of the City's water needs. Water conservation measures like HELP H2O which provides financial assistance, public outreach, and information on water saving measures, and the City's work toward streamlining permits for greywater systems are additional methods being used to safeguard the water supply. Director Varga provided a fiscal update from the Stage 3 Water Emergency spending last fall; of the \$50,000 allocated for emergency drought funds \$27,000 was spent and reimbursed as of January 2016. The drilling of test wells is expected to cost \$40,000 and will not be a reimbursable expense from the emergency fund.

Varga reported on the Summers Lane Reservoir implementation schedule and holding capacity, and concluded that it will be completed and partially filled this summer. The goal of the reservoir is to supplement City water, not to replace existing sources. Varga explained that the reservoir will be filled by diverting flows from Waterfall Gulch and the goal is to fill the reservoir to 40% by August 31, a capacity which could supplement City water for approximately four months using 2015 estimates. Councilmember Peters asked if the timeline was realistic. Varga expressed his confidence in task completion, clarifying that the job is not technologically demanding, the necessary permits have been acquired and the remaining work is a dig and fill operation.

Varga identified the two primary goals of the five year Water Enterprise Capital Improvement Projects as the completion of the Summers Lane Reservoir of \$1.5M and the \$1M replacement of an old City water storage tank from 1955 with a glass lined tank. Funding for the replacement tank is anticipated from CDBG block grant and these funds will be available in early 2017.

Varga reported that the City is evaluating other water acquisition options which include groundwater wells which produce at least 200 gallons per minute and desalination technologies. Research needs to be done to determine if groundwater will be injected directly into the system or

whether it will need to go through the treatment plant first. Current drilling and groundwater testing has been postponed due to weather constraints. Desalination projects along the central California coast were reviewed in order to estimate costs and determine feasibility for the City. Varga stated the cost for the City to construct a desalination plant would be approximately \$1-2M with an additional \$50,000/year electricity cost; these estimates do not include other major concerns like environmental mitigation, permitting, regulatory compliance, and the possibility of lawsuits.

Varga presented information about consideration of City acquisition of Pudding Creek reservoir. Varga pointed out that this information was compiled by Community Development Director Jones, and she deserves the credit for the report. Varga reviewed reservoir capacity; historically it held 200 acre-feet (AF) and currently due to sedimentation is holding approximately 34 AF. Georgia Pacific (GP) does not want to keep the reservoir and has considered removing the dam; initial responses show some regulatory support. Varga summarized that using the reservoir does present a number of challenges; 1) Water rights, quality, and storage capacity, 2) dam reliability, and 3) dredging.

- 1) GP's License 6449 for Pudding Creek is a year round diversion of 1 cubic feet per second (cfs) and storage of 200 AF from October to December. GP's water right (S009771) is an uncapped diversion right but is potentially susceptible to a claim of abandonment. GP also holds license 9143 which allows diversion from the Noyo to Pudding Creek at the same point of diversion as the City. This water right authorizes 475 AFY to be used on the mill site for industrial use. The transfer of water rights is simple, however changing the use from industrial to municipal will require a tremendous amount of funding and work by a water attorney. Salt water intrusion is another concern, as the tide rises, saltwater flows under the dam and into the reservoir. The heavy saltwater lays on the bottom which allows fresh water to be collected off the top and this affects the placement location of the freshwater intake.
- 2) Pudding Creek Dam is not registered with Department of Dam Safety since it is less than 6 feet, thus the City would need to hire a structural engineer before making any determination about acquisition.
- 3) The land under the dam is the property of Hawthorne Timber Company and the City would need to acquire it before conducting any work on the reservoir. Historically there have been dramatic decreases in the available capacity of the reservoir, evidenced by the photos in the staff report. Dredging the reservoir would be a way to recover the lost volume. Dredging would require an EIR and a lengthy permitting process with no guarantee of success.

Varga pointed out the cost and time estimate table in the staff report which summarizes total costs for getting the reservoir online are \$12M-\$37M and it will take five years to complete. It is important to compare these costs to the Summers Lane Reservoir which was about \$1M.

Varga reiterated the current water related priorities are completing the groundwater test wells, performing pump tests under demanding conditions, continuing to investigate other potential water sources, getting Summers Lane Reservoir up and running, and securing funds for the new water tank.

Discussion: Councilmembers discussed potential risks and benefits of purchasing the various GP water rights. Staff clarified that the primary problem facing the City water system is one of storage which necessitates the use of a water ponding area. Councilmembers asked about the cost of buying the dam without alterations for use as a water supply, the possible costs associated with relocating the City pipe which currently crosses Pudding Creek Dam, special dispensation uses for

streambeds, effects of dredging on water temperature and endangered species, and potential environmental impacts associated with the dam removal.

Public comment on this agenda item:

- George Reinhardt expressed concerns about the return of salinity issues in the future. Reinhardt recommended staff research solar powered water purification. He spoke against desalination in this community, expressed interest in daylighting the Mill Site creeks, and encouraged increased attendance at committee meetings.
- Eric Clark spoke in opposition of acquiring Pudding Creek for a water source stating that the water quality is in jeopardy evidenced by many years without a good fish spawn.
- Rosalee Taylor expressed her concerns about City water leaks, water quality, and source.
- Judy Valadao refuted Mr. Clark's statement about the absence of fish in Pudding Creek stating fish can be seen in the stream from the Skunk Train.

Discussion:

Mayor Turner expressed his disappointment with the report. Councilmembers had asked that staff provide a cost estimate to just acquire the dam; the extraneous costs could come later. Mayor Turner inquired about the real cost to GP for removal of the City water line and the dam. Mayor Turner clarified the purpose of the Pudding Creek water study was to evaluate potential long term uses like recreation or Mill Site development. Mayor Turner expressed his reluctance to dismiss the acquisition of Pudding Creek Dam and requested that staff perform additional research on the subject.

Vice Mayor Peters expressed his optimism about Summers Lane and local well testing. Peters expressed his concerns about the financial ramification of the Pudding Creek acquisition, clarifying the potential costs of the dam are equivalent to the implementation of two small desalination plants. Peters spoke in favor of desalination as the future of the City's water development needs.

Councilmember Cimolino recommended pursuing acquisition of the Pudding Creek, not dredging, and using reservoir to supplement water storage needs. Cimolino recommended the City increase expectation for well production from 200gpm to 400gpm. Cimolino requested clarification on the processes involved with the replacement of the old water tank. Cimolino expressed his support in the Pudding Creek acquisition with deferred extraneous costs.

Councilmember Deitz requested additional information about the current condition of the dam, asked how time sensitive this decision is, and if dam acquisition could be used as a negotiating tool. Deitz recommended the City evaluate public preference, City's future development goals, and the long term liability of the Pudding Creek acquisition as key factors in decision making. Deitz recommended well drilling as a top priority.

Councilmember Hammerstrom expressed concerns about the ongoing costs associated with dredging Pudding Creek as sedimentation will recur. Hammerstrom recommended the Pudding Creek acquisition report be taken to Public Works and Facilities committee to increase public opportunity for input and emphasized water requirements for Mill Site development as crucial in the decision making process. Hammerstrom expressed his preference towards brackish water treatment instead of desalination.

Additional comments were made with regard to environmental impacts of utilizing Pudding Creek as a water source, disaster preparedness, and timeframes associated with obtaining additional information and securing funds.

City Manager Ruffing summarized Council recommendations as follows:

1. Determine the current condition of Pudding Creek Dam, the minimum requirements to

- make it sustainable, and the cost of ongoing maintenance;
- 2. Consider the long term community vision;
- 3. Evaluate build-out scenarios to determine potential water needs for Mill Site development;
- 4. Estimate costs of dam removal and relocation of the City's water line; and
- 5. Investigate the probability for draw down on Pudding Creek and use as a stand alone reservoir.

Council directed staff to address items raised during discussion, bring data to Public Works and Facilities Committee, and then back to City Council.

#### **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 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. [16-073](#)** Adopt Resolution Confirming the Continued Existence of a Local Drought Emergency in the City of Fort Bragg  
**This Resolution was adopted on the Consent Calendar.**  
Enactment No: RES 3890-2016
- 7B. [16-079](#)** Accept Certificate of Completion for Green Alley Phase II Project, City Project 2015-03, and Direct City Clerk to File Notice of Completion  
**This Certificate of Completion was approved on the Consent Calendar.**
- 7C. [16-085](#)** Receive and File Minutes from the December 9, 2015 Public Safety Committee Meeting  
**These Committee Minutes were received and filed on the Consent Calendar.**
- 7D. [16-083](#)** Receive and File Minutes from the January 11, 2016 Special Finance and Administration Committee Meeting  
**These Committee Minutes were received and filed on the Consent Calendar.**
- 7E. [16-086](#)** Receive and File Minutes from the January 21, 2016 Public Works and Facilities Committee Meeting  
**These Committee Minutes were received and filed on the Consent Calendar.**
- 7F. [16-084](#)** Receive and File Minutes from the January 29, 2016 Special Finance and Administration Committee Meeting  
**These Committee Minutes were received and filed on the Consent Calendar.**

7G. [16-080](#) Approve Minutes of February 22, 2016

These Minutes were approved on the Consent Calendar.

## **8. CLOSED SESSION**

Mayor Turner recessed the meeting at 8:18 PM; the meeting reconvened to closed session at 8:27 PM.

8A. [16-072](#)

### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**

Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of California Government Code Section 54956.9:  
Number of potential cases: 1

Mayor Turner reconvened the meeting to open session at 9:31 PM and reported that no reportable action was taken.

## **ADJOURNMENT**

Mayor Turner adjourned the meeting at 9:31 PM.

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DAVE TURNER, MAYOR

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Chantell O'Neal, Administrative Assistant

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