



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, May 23, 2016

6:00 PM

Town Hall, 363 N. Main Street

AMENDED

MEETING CALLED TO ORDER

Mayor Turner called the meeting to order at 6:04 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 moved Agenda Item 6A after Item 6D.

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

- 1A.** [16-207](#) Presentation from Will Thomson Regarding Fort Bragg's Sister City - Otsuchi, Japan

Mayor Turner announced that Fort Bragg's sister city, Otsuchi, Japan, sent the City a surfboard in thanks for the beach glass recently given to Otsuchi. Will Thomson reported that he will leave for Otsuchi in one week to implement an early English education program there. Vice Mayor Peters gave Thomson a Giants baseball cap and program to present to Otsuchi's Mayor.

- 1B.** [16-194](#) Proclamation Declaring June 4, 2016 as National Trails Day

Vice Mayor Peters read a proclamation declaring June 4, 2016 National Trails Day.

2. STAFF COMMENTS

City Manager Ruffing provided an update on the Transient Occupancy Tax ballot measure. Police Chief Lizarraga briefed the Council on the recent K-9 Foundation fundraising event. Administrative Services Director Schneider provided details on the June 4 Coastal Trail Celebration event.

3. MATTERS FROM COUNCILMEMBERS

Vice Mayor Peters announced that a Mendocino Transit Authority trolley will be available for the June 4 Coastal Trail Celebration event. He reported on the recent Public Safety Committee meeting regarding raccoons and cats in Noyo Harbor. Vice Mayor Peters spoke in opposition to

Measure U.

Councilmember Cimolino spoke on cats in the harbor, the spaghetti feed fundraiser for the K-9 Foundation, the broadband situation in Mendocino County, a recent Economic Development and Financing Corporation meeting, and the possibility of the new wool mill opening a blanket factory in Fort Bragg. He advised voters to research Measure U carefully.

Councilmember Deitz reported that the Community Development Committee will review the Promotion Committee's marketing plan and make recommendations to Council. He commented on the Fire Department appreciation dinner held last weekend. Councilmember Deitz stated he will vote against Measure U.

Councilmember Hammerstrom commented that he cast a No vote on Measure U and encouraged everyone to join him.

Mayor Turner said the City is fortunate to have firefighters voluntarily serving the community. He stated he is voting No on Measure U.

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

- Jim Britt remarked on the administration of the Giving Garden portion of the Mendocino Coast Hospitality Center grant.
- Rex Gressett spoke in support of Measure U.
- Kaitlin Alexander of the Visit Fort Bragg Committee spoke about efforts to promote the City of Fort Bragg.
- Sue Bocker described the toxic nature of dioxins.
- Ann Rennacker spoke against the use of asset forfeiture funds to purchase three electric motorcycles as set forth in Agenda Item 7C.

5. PUBLIC HEARING

6. CONDUCT OF BUSINESS

- 6B. [16-189](#)** Receive Report and Consider Adoption of City Council Resolution Approving a Forgivable Loan Agreement with Mendocino Food & Nutrition, Inc. for the Food Bank Solar Project Using Program Income Funds through Community Development Block Grant #14-CDBG-9881 and Authorizing City Manager to Execute Same (Amount Not to Exceed: \$75,000; Account No. 315-5030-0630)

Special Projects Manager Owen presented the staff report on the CDBG grant for rooftop solar installation project at the Fort Bragg Food Bank, and recommended approval of a forgivable loan agreement with Mendocino Food & Nutrition, Inc. She stated that several minor corrections needed to be made to the loan agreement, including use of Post Office box for notifications, correction of the legal name of the entity, and amending item 3(2)(b) on page 4 to note that the facility provides emergency food to the poor.

Public Comment: None.

Discussion: Timing of the grant expenditures was discussed.

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 3901-2016

6C. [16-203](#) Receive Report Regarding Capacity Fees for Overtime Brewery Project and Provide Direction to Staff

Mayor Turner recused himself, citing a business interest located adjacent to the applicant's project. He turned the gavel over to Vice Mayor Peters and left the chamber at 7:12 PM.

City Manager Ruffing provided a background on the project and reported on her meeting with applicants about application obstacles and communication breakdowns. She requested that the focus of the meeting be on the amount of capacity fees and a payment plan. Public Works Director Varga gave the staff report and responded to questions from Councilmembers regarding connection fees, calculations, and credits for prior use.

Public Comment was received from:

- David Simons, on behalf of applicant, said that the new brewery would provide jobs to locals. He indicated that if informed of the high fees at an earlier date, they might have changed strategies or possibly abandoned the project. He requested a payment plan for the impact fees.
- Sam Waldman urged the Council to reduce the fees so the project will be allowed to happen.
- Heidi Kraut, Planning Commissioner, stated there is overwhelming public support for the project and that applicant has responded to all requests from the City. She urged Council to help the applicant build a successful business.
- Bailey Oakes spoke about the desperate need for new jobs in the community.
- Rex Gressett said all fees should be eliminated if the City is to grow, stating that this is the most business unfriendly place in California.
- Sue Bocker urged the Council to help the applicants.
- Hilary White suggested that the City's Municipal Code and internal communications should be discussed by the Council. She requested that the City revisit the "business liaison" position and offered to be on the team.
- Brian Storms noted that the City's economic development strategy should encourage the growth of small businesses, saying that Overtime Brewery is a small local business, part of a new "beer tourist" movement, and a continually growing industry that the City should embrace.
- Sarah Logan remarked that tourists want to go to places that have more than one brewery and it would be in the best interests of the City to support this project to help tourists stay in town longer.
- Kyle Burns noted that craft beer is not about drinking, but about appreciating beer. He urged the Council to approve a reduction in fees.
- Naka Hassell said the Overtime Brewery would enhance the attraction of the area for tourists. The permitting process was difficult when she wanted to open a taxi service.
- Amy Wynn recommended the utilization of a liaison to help improve the application process for new businesses. She said having another brewery in town will be another pearl in the necklace and asked the Council to consider a reduction in fees.
- Simon Smith added support to Overtime Brewery, saying it is time to reevaluate the Municipal Code to look at how these fees are assessed.
- Eric Dwyer said it is within the Council's authority to waive the fees and that it would not set a precedent, noting that a \$60,000 fee is easy for large corporations to pay, but for "mom and pop" organizations, it is a lot of money.

Discussion: The Councilmembers generally agreed that the policy addressing new business in the City needs to be a separate issue for discussion at a future date. The Council agreed to a

reduction of \$7,500 off the impact fees for the Overtime Brewery and that the City should allow amortized payments.

The City Council directed as follows: The fee calculation for the capacity fees will use the retail/brewery calculation, \$30,000 for capacity fees. The drainage fees would be waived because of prior use of the property. The City would contribute \$7,500 from the Waste Management Community Benefit Fund toward the capacity fees. In addition, the higher credit of the two prior uses would be used. Staff is given authority to negotiate the payment plan set out in the staff report.

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

Abstain: 1 - Mayor Turner

- 6D. [16-205](#)** Receive Overview of Operable Unit E Removal Action Work Plan (OU-E RAW) from City's Environmental Consultant Glenn Young and Provide Direction to Staff

Vice Mayor Peters recessed the meeting at 8:31 PM; the meeting reconvened at 8:43 PM. Mayor Turner rejoined the meeting at 8:43 PM.

The Council received a PowerPoint presentation from Glenn Young, who has worked over ten years on the mill site remediation project. Young noted that the Council is being asked to approve the Removal Action Plan (RAW) before the Department of Toxic Substance Control takes action. Public Comment on this agenda item was received from: George Reinhardt, Sheila Dawn Tracey, Ann Rennacker, Hilary White, Katie Turner and Eric Dwyer.

A motion was made by Councilmember Hammerstrom, seconded by Councilmember Cimolino, to continue the meeting past 10:00 PM. The motion passed unanimously.

Discussion: The dioxin threshold for sediments established by DTSC was discussed. It was noted that the RAW does not address sediments in Pond 8. The Council questioned whether residual contamination in the area where the fuel line was removed previously might impact creek daylighting. As the volume of sediments in Pond 8 is over 60,000 cubic yards, removal would require 3,000 truckloads. Councilmembers also discussed whether building the Coastal Trail would inhibit cleanup of Pond 8. The Council reiterated its vision (and that of the community) that supports the daylighting of creeks on the mill site and that cleanup efforts should not impede future daylighting. The general consensus of the Council was to support the removal actions under the RAW, with the caveat that the Remedial Action Plan will be the final word on the cleanup of Operable Unit-E.

The Council expressed support for the removal actions under the Removal Action Workplan.

- 6A. [16-201](#)** Receive Report Regarding Coastal Trail Phase 2 Design Decisions and Active Transportation Program (ATP) Grant Application and Provide Direction to Staff

Community Development Director Jones delivered her staff report regarding the Phase 2 design of the Coastal Trail. Jones answered questions regarding storm drain interceptors, parking lot location, paving, circulation and signage.

Public Comment on this agenda item was received from: Sheila Dawn Tracey, George Reinhardt, David Gurney, Eric Dwyer and Mike Grady.

Discussion: The Council discussed the efforts to obtain funding for Phase 2 of the Coastal Trail project. All Councilmembers were in agreement that Lee Welty's design should be used.

City Council provided direction to staff as follows:

- Construct trail alignment A-B-D with Proposition 84 funds in 2017. This trail alignment will connect Otsuchi Point to the old mill road around the Mill Pond. Provide for Oak Street access to the Georgia-Pacific parking lot located at the end of Alder Street and Oak Street for the short term, until such time as the City can afford to complete improvements to the parking lot in the lowland area and the street access from Alder Street.
- Try to construct B-C alignment with D1 funds next year if possible.
- Construct the parking lot, restroom, and welcome plaza as feasible with grant funds or D1 funds as they are obtained.
- Construct trail alignments D-E-F and A-E with ATP funds in 2020, if the City is successful in securing these funds.
- Proceed with Lee Welty for the design and engineering of the entire project.
- Include public art and signage in the project.

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

7. CONSENT CALENDAR

Councilmember Hammerstrom requested that Item 7C be removed from the Consent Calendar for further discussion.

Approval of the Consent Calendar

A motion was made by Vice Mayor Peters, seconded by Councilmember Deitz, to approve the Consent Calendar, with the exception of Item 7C. The motion carried by the following vote:

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

- 7A. [16-204](#) Adopt City Council Resolution Approving a Professional Services Agreement with KASL Consulting Engineers for Preparation of Plans and Specifications for the 2016 Streets and Alleys Rehabilitation Project and Authorizing City Manager to Execute Same (Amount Not to Exceed \$93,950; Account No. 414-4870-0731)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3902-2016

- 7B. [16-193](#) Adopt City Council Resolution Approving a Professional Services Agreement with The Sign Shop for Construction of a City of Fort Bragg Welcome Sign and Authorizing City Manager to Execute Same (Amount Not to Exceed \$17,217.06; Account No. 110-4840-0375)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3903-2016

- 7D. [16-208](#) Approve City Council Letter in Support of Active Trails Program Grant to Repave the MacKerricher Haul Road from Ward Avenue to the Pudding Creek Trestle

This Council Letter was approved on the Consent Calendar.

7E. [16-199](#) Approve Minutes of May 9, 2016

These Minutes were approved on the Consent Calendar.

7F. [16-200](#) Approve Minutes of Special Meeting of May 16, 2016

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

7C. [16-198](#) Adopt City Council Resolution Amending Resolution 3968-2016 Authorizing Expenditure of Asset Forfeiture Funds and Amending the FY 2015-16 Budget to Purchase Three Fully-Equipped Police Electric Motorcycles (Amount Not to Exceed \$70,000; Transferred from Asset Forfeiture Account # 167-7999-0799 to Fleet Services Internal Service Account #522-4550-0742).

Chief Lizarraga provided background and clarification regarding the use of electric motorcycles by the Fort Bragg Police Department.

A motion was made by Councilmember Hammerstrom, seconded by Vice Mayor Peters, that Resolution 3968-2016 be adopted as amended. The motion carried by the following vote:

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

Enactment No: RES 3968-2016 AMENDED

8. CLOSED SESSION

ADJOURNMENT

Mayor Turner adjourned the meeting at 11:10 PM.

DAVE TURNER, MAYOR

June Lemos, City Clerk

IMAGED (_____)