



# 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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Tuesday, October 11, 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:** 4 - Vice Mayor Lindy Peters, Councilmember Michael Cimolino, Councilmember Scott Deitz and Mayor Dave Turner  
**Absent:** 1 - Councilmember Doug Hammerstrom

### AGENDA REVIEW

#### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

- 1A. [16-405](#)** Introduction of Fort Bragg Police Department's New Police Canine, Takoda

Officer McGregor introduced Police K-9 Takoda who finished his training in April of this year. Chief Lizarraga presented Takoda with Badge No. K-1 and remarked how proud the Police Department is to have Takoda on the team.

- 1B. [16-418](#)** Receive Demonstration from Finance Technician Jenny Hanzlik Showing How to Use the City's Website to Review Up to 10 Years of Past Water Usage Data for a Customer Account

Finance Director Damiani presented an online demonstration about how to obtain ten years' worth of water bill records using the City's official website, [city.fortbragg.com](http://city.fortbragg.com).

#### 2. STAFF COMMENTS

City Clerk Lemos spoke about the November election and how to register to vote. Chief Lizarraga commented on the new Police Cadet program and the upcoming Neighborhood Watch meeting. City Manager Ruffing stated that Friday is an In-Service day and City Hall will be closed.

#### 3. MATTERS FROM COUNCILMEMBERS

Mayor Turner reported that the Noyo Harbor Commission has two openings available, one City appointed position and one position, the Chair of the Commission, jointly appointed by the City Council and the Board of Supervisors. The Mayor formed an ad hoc committee consisting of

Councilmember Cimolino and Mayor Turner to work with the County in recommending an appointee for the joint chair position. He also appointed an ad hoc committee regarding Skunk Train matters. Those members will be Vice Mayor Peters and Mayor Turner.

Vice Mayor Peters reported on his recent attendance at the League of California Cities annual convention. He also spoke about new Mendocino Transit Authority routes and the world championship abalone cook-off in Noyo Harbor.

Councilmember Deitz spoke about a letter from a local business owner he recently received. He read a statement regarding the Mendocino Coast Hospitality Center, saying that it is time to heal the wounds and work together for the good of the community.

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

- Annemarie Weibel made comments on the Hare Creek Center project and the Environmental Impact Report.
- Ann Rennacker requested that Item 7A on the Consent Calendar be pulled for further discussion.
- Rex Gressett spoke against the operation of the Mendocino Coast Hospitality Center.

#### **5. PUBLIC HEARING**

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

- 6A. [16-407](#)** Receive Annual Report from Mendocino Coast Humane Society Executive Director Chuck Tourtillott Regarding Animal Shelter Operations

Humane Society Executive Director Chuck Tourtillott gave a FY 15/16 Animal Shelter report. Public Comment on this item was received from: An unidentified woman, Rex Gressett, and Simon Smith.

**This Report was accepted.**

- 6B. [16-410](#)** Receive Report and Consider Adoption of City Council Resolution Endorsing Measures AA and AB to Increase Fort Bragg's Transient Occupancy Tax

City Manager Ruffing presented the staff report on this agenda item, recounted its history, and itemized what would be accomplished with the additional tax monies received from the increase, should the voters approve this measure in November.

Public Comment on this item was received from:

- Peter O'Donohue, Sue Boecker, Ann Rennacker and Simon Smith spoke in support of the Measures.

Discussion: The Council was unanimous in its support for Measures AA and AB, noting that it will benefit the entire community.

**Mayor Turner recessed the meeting at 7:24 PM; the meeting was reconvened at 7:31 PM.**

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

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

**Absent:** 1 - Councilmember Hammerstrom

Enactment No: RES 3943-2016

**6C. [16-411](#)** Receive Report Regarding Possible Modifications to the Order of City Council Agendas and Provide Direction to Staff

Administrative Services Director Schneider gave the staff report on this agenda item.

Public Comment was received from:

- Ed Oberweiser, Annemarie Weibel, David Gurney, Rex Gressett, and Sue Boecker spoke in support of moving the Consent Calendar to the beginning of the agenda.
- Simon Smith was in favor of leaving the Consent Calendar where it is.

Discussion: The Councilmembers were in general agreement that moving the Consent Calendar forward in the agenda would be a benefit to members of the community who wanted to comment on Consent items earlier in the evening instead of waiting until the end of the Council meeting. For items that are removed from the Consent Calendar, the consensus was that the Mayor would have the discretion as to whether these matters would be heard immediately following the rest of the Consent Calendar or removed to the end of the Conduct of Business agenda. The Council requested that new agenda wording be drafted that would make it clearer to the public that the second Public Comment period would only be held if the first thirty-minute Public Comment period was not sufficiently long enough for everyone who wished to speak to do so.

**Council directed staff to prepare a Resolution regarding a new agenda order as follows: Call to Order, Pledge of Allegiance, Roll Call, Agenda Review, Mayor's Recognitions and Announcements, Public Comments on Non-Agenda, Consent Calendar, and Closed Session Items (30 Minutes), Staff Comments, Matters from Councilmembers, Consent Calendar, Public Hearing, Conduct of Business, Public Comment (30 minutes, if necessary), Closed Session, Adjournment.**

**6D. [16-406](#)** Receive Report Regarding Draft Ordinance to Modify Chapter 6.14 [Licensing of Tobacco Sellers] and Chapter 6.18 [Smoking Pollution Control and Health Protection Regulations] of the Fort Bragg Municipal Code and Provide Direction to Staff

Administrative Services Director Schneider summarized the staff report, stating that this ordinance would update Fort Bragg's tobacco regulations to reflect new California laws.

Public Comment was received from Sue Boecker.

Discussion: The Council supported updating the tobacco regulations and instructed staff to return with an ordinance for introduction at the next City Council meeting.

**This matter was referred to staff to prepare an Ordinance for introduction at the Council meeting of October 24, 2016.**

**6E. [16-385](#)** Receive Report and Provide Direction to Staff Regarding Proposed Amendments to Article 2 and Article 10 of the Fort Bragg Municipal Code Title 18, Inland Land Use and Development Code (ILUDC)

Community Development Director Jones and Associate Planner Perkins jointly presented the staff report on this agenda item to the Council.

Public Comment on this item was received from Annemarie Weibel, Rex Gressett, Lynelle Johnson, Scott Menzies, Simon Smith, Ann Rennacker, and Carol White.

Discussion: After much discussion on the many changes to the Inland Land Use and Development Code (ILUDC), the Council gave staff directions for modifications to the land use tables and the

definitions section of the ILUDC. Staff was directed to have the City Attorney review these changes and to bring this agenda item back for further discussion once the changes were made. The topic of vacancy taxes for empty storefronts in the Central Business District was referred to the Community Development Committee.

This matter was referred to staff for further modifications before returning to Council for discussion.

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

**7. CONSENT CALENDAR**

Vice Mayor Peters asked that Item 7A be removed from the Consent Calendar for further discussion.

It was moved by Vice Mayor Peters, seconded by Mayor Turner, to continue the meeting past 10:00 PM. The motion carried by a unanimous vote.

**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 7A. The motion carried by the following vote:

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

**Absent:** 1 - Councilmember Hammerstrom

**7B. [16-408](#)** Adopt by Title Only and Waive Reading of Ordinance No. 925-2016 Authorizing the Implementation of a Community Choice Aggregation Program

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

Enactment No: ORD 925-2016

**7C. [16-399](#)** Approve Minutes of Special Meeting of September 12, 2016

**These Minutes were approved on the Consent Calendar.**

**7D. [16-415](#)** Approve Minutes of September 12, 2016

**These Minutes were approved on the Consent Calendar.**

**7E. [16-401](#)** Approve Minutes of Special Meeting of September 19, 2016

**These Minutes were approved on the Consent Calendar.**

**7F. [16-404](#)** Approve Minutes of September 26, 2016

**These Minutes were approved on the Consent Calendar.**

**ITEMS REMOVED FROM CONSENT CALENDAR**

**7A. [16-414](#) Adopt City Council Resolution Modifying Authorized Positions in FY 2016/17 Budget to Remove Water Projects Coordinator Position and Add Associate City Engineer Position**

Public Works Director Varga explained to the Council that the Water Projects Coordinator had given notice that she would be leaving the City at the end of the month. Rather than recruiting to fill this part-time position, the City can save money by hiring an Associate City Engineer or Engineering Technician instead of contracting out the engineering work to outside agencies. This was not brought forward as a budget amendment because the City would be saving money. Public Comment on this agenda item was received from Ann Rennacker.

Discussion: After a brief discussion, the Councilmembers were in agreement that the City would benefit from doing engineering projects in-house and that this resolution should be adopted.

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

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

**Absent:** 1 - Councilmember Hammerstrom

Enactment No: RES 3944-2016

**8. CLOSED SESSION**

**Mayor Turner recessed the meeting at 10:12 PM; the meeting reconvened to Closed Session at 10:22 PM.**

**A. [16-417](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION; Initiation of litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9; Number of potential cases: One (1)**

**Mayor Turner reconvened the meeting to Open Session at 10:52 PM and reported that no reportable action was taken in Closed Session.**

**ADJOURNMENT**

**Mayor Turner adjourned the meeting at 10:52 PM.**

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DAVE TURNER, MAYOR

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June Lemos, City Clerk

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