



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 11, 2014

6:00 PM

Town Hall, 363 N. Main Street

MEETING CALLED TO ORDER

Mayor Turner called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 4 - Mayor Dave Turner, Councilmember Scott Deitz, Councilmember Doug Hammerstrom and Councilmember Heidi Kraut
Absent: 1 - Vice Mayor Meg Courtney

AGENDA REVIEW

Mayor Turner asked how many people were in attendance about water rates and how many in support of the Chief. After a show of hands he stated that he would move Public Comment first on the agenda and then second will be the public hearing on water rates.

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

Mayor Turner noted that Chief Mayberry asked for a leave of absence, which was approved. The City Council wants to see the Chief come back as he has done a lot of things to improve the community.

1. Brad Gardner spoke in support of Police Chief Scott Mayberry stating that under Chief Mayberry's guidance Fort Bragg has the most stable Police Department that it has had in many years. He stated that the City can not have an effective Police Department when the management of that department isn't allowed to manage the department. He suggested that the Council look at the policies the City Manager has in place.
2. Teresa Spade, former Assistant Planner, stated that she is at least the second planner to quit the position for the same reason. She stated that she did not believe she had the support she needed when she went to Human Resources for help. She suggested that it wouldn't hurt to look into the Human Resource policies regarding hiring, promotion and support of City staff.
3. Mike Cimolino, spoke in support of Chief Mayberry and noted that it is hard to get anything done without the support of the higher ups. He also emphasized that transparency is important and noted that the Council is only given certain information. He challenged the City Council to talk to City employees and the people at the aquatic center because there has been a lot of turnover there as well.
4. Roberta Mayberry thanked the community for being at the meeting tonight and for supporting Scott. She asked the City Manager and Assistant City Manager to pay attention as people are speaking. She stated that she and Scott came home because they saw a department that was

completely annihilated and they felt they needed to be here for a reason. She stated that 3½ years of disrespect has been given to her husband. After the death of Ricky DeFiorentino, Lieutenant Naulty had to take leave and Scott was left to run a department that was 50% down because City government doesn't move quickly enough to hire staff to fill vacancies. Scott decided to take medical leave and that fact was publically announced in violation of his rights. She noted that on Monday, after giving notice of medical leave, he received an e-mail stating that Mr. Willis would be filling in and that his e-mail would be shut off. He walked into the Police Department at 6:05 p.m. and his name was off the door and his desk. She stated that Scott no longer feels comfortable running the department because he has been undermined so many times. Giving him the respect he deserves isn't a priority. She reported that Scott did go to two Councilmembers about a year ago but nothing happened. It would be really awesome for the Council to support whoever comes in next.

5. Madeleine Melo spoke in support of Chief Mayberry and requested the City Council hold a closed session meeting within 30 days to meet with City employees to hear what they have to say. She suggested that this meeting should only include the City Council and their legal advisor and no management employees except the City Clerk if required. Former employees who left the City within the past four years should also be invited to attend this meeting. The Council has somehow seemed to not hear the issues the community has heard. She stated that the Council needs to honor this request so that the honest, ethical, hardworking employees this town deserves will be retained.

6. Judy Valadao asked the City Council to do the difficult work to explore and find the truth about City practices and the environment of City workers. She provided a packet of additional information to the City Council.

7. Brad Gardner read a statement from Chief Mayberry stating that, with great sorrow, he announced his departure from the Police Department and retirement from law enforcement. After 30 years in three different departments it is time to close this chapter.

8. Gene Mertle stated that it is a shame what happened. The Council should not listen to one or two people who work for and control the City and the Council when making decisions without researching it first.

9. Paul Truett from Willits spoke in support of Chief Mayberry stating that it is difficult to find leadership that is passionate about what they do and also listens to people. He stated that it is a shame that Scott received so much negativity that he left his position.

10. Linda Collins spoke in support of Chief Mayberry stating that he has done so much in the 3½ years he has been the Police Chief here.

11. Marvin Parrish stated he was on the Planning Commission and almost jumped into the City Council race when Jere Melo was murdered but didn't feel he could be effective. He stated that in his experience with City Hall he believes that the Council is driven by non-elected officials. He stated he doesn't have the energy for that fight.

12. Connie Belli, principal of the alternative school in Fort Bragg, stated that Scott Mayberry is the only Police Chief who made an effort to get to know her students. He and other officers came up and talked to them. He encouraged them to start a basketball team and at the end of the school year the Police Department played a game against the students and had a barbecue. She stated that the students turned their life around because of that interaction.

13. Rushell Piver, community member and mother, spoke in support of Chief Mayberry saying that her child has been clean and sober for two years now thanks to the help they received from Scott. Scott's resignation is a huge loss to the community.

14. Janea Mayberry spoke in support of her father and thanked everyone who spoke.

Mayor Turner thanked everyone for sharing and stated that he is sad to hear about Chief Mayberry's resignation.

The crowd asked what he was going to do about it and called for a new City Manager.

Mayor Turner recessed the meeting at 6:47 p.m.; the meeting was reconvened at 6:56 p.m.

4. PUBLIC HEARING

4A. [14-253](#) Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution Amending Water Rates for the Fort Bragg Water Works

City Manager Ruffing reviewed the Agenda Item Summary prepared for this item with the City Council.

Discussion: The following was noted during discussion of this item:

* Rates will be reviewed annually and can be adjusted down if it is found that less money is needed to cover expenses. The rates will not go up until another rate analysis study is completed after the four year period this increase covers.

* The rates cover operating expenses and capital projects that need to be completed during the four-year period. If grants are found for some of the work that could result in lower rates later in this time period or as part of the next study. Operating costs won't go down but capital project cost can depending on grants and financing.

Mayor Turner opened the public hearing at 7:10 p.m.

1. Derek Hoyle reminded the Council and City staff that a lot of people live under the poverty level and the increase in the water rates puts a burden on them. He suggested the City look at water saving systems and use of gray water and be aggressive about conserving water.

2. Madeleine Melo noted that everyone is trying to be green and have their own gardens but it is almost impossible in the City because they can't afford to water the vegetables. She suggested the Council look at how to get water to citizens for their gardens without having a high water bill.

3. Robert Schlosser, commercial property owner at 435 N. Main Street, stated that his bill is \$185 per month for just two toilets and sinks. Staff noted that the sample rates presented to Council this evening are for water only and do not include the sewer bill. Schlosser stated that the water rate went up 300% since 2008 when the recession hit. Small businesses are hurting and cannot afford these increases. He suggested the City freeze the water rates rather than accelerating them for small businesses.

4. Tina Thompson, B&C Grocery, noted that they just had increases in employee rates and everything is going up. These fees will be passed on to the consumer and the community cannot afford it. She stated that the Council is going to run small businesses out of town.

5. Raylene Mertle, noted that this is a small community and she felt the rates have gone up too high. The community is very deprived - unemployed, disabled, seniors on fixed income - and this is really going to hurt them. It is going to become a matter of whether to buy medicine or pay for water and she didn't think that the senior citizens should be put into that position. She suggested lower rates for people on a fixed income.

Mayor Turner closed the public hearing at 7:20 p.m.

Discussion: The following was noted during continued discussion of this item:

* The water rates need to be set at a level to cover the cost of providing the water.

* State law does not allow the City to set a lower rate for those on a fixed income; Prop 218 requires that the cost of providing service be spread among all customers.

* After the last increase City staff provided a lower rate for small businesses that use less than 1 unit of water per month.

* The higher increase is in the variable rate that fluctuates depending on use; this will encourage conservation.

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

Aye: 4 - Mayor Turner, Councilmember Deitz, Councilmember Hammerstrom and Councilmember Kraut

Absent: 1 - Vice Mayor Courtney

Enactment No: RES 3730-2014

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

2. STAFF COMMENTS

City Manager Ruffing announced the following:

- 1) This Thursday from 5:30 - 7:00 p.m. in Town Hall, Mendocino County Chief Executive Officer Carmel Angelo will provide a budget presentation for coastal residents.
- 2) There will not be a City Council meeting on August 25th while the City Council takes a summer recess. The next meeting will be September 8th.
- 3) The City will receive a \$250,000 grant for the Chestnut Street Multi-Use Trail Project; that funding along with the \$750,000 federal appropriation will give the City adequate funding to improve this area for children walking and bicycling to school.
- 4) The City's application for North Coast Regional Partner priority grant funding is making it's way through the process. The State will take action in September. This grant will be in the amount of \$700,000 for construction of the Summers Lane Reservoir. Staff hopes to get everything lined up to start construction next year.

Interim Police Chief Willis thanked the Police Department employees and the community for their support in making the National Night Out a success again this year. There were 14 businesses and neighborhood watch groups participating and it was well attended.

3. MATTERS FROM COUNCILMEMBERS

Mayor Turner reported on the following:

- 1) There was a good turnout at the Mendocino College community gathering last Monday. The College was amazed by the community interest. They were unfortunately unable to get people registered because of the AT&T issue.
- 2) He had previously been told that Fort Bragg was out on a limb in terms of the AT&T fiber optics but that Mendocino was on a loop but when they tried to connect they were told it wasn't available. If they would have been connected then Fort Bragg wouldn't have been out of service. He assigned this issue to the Technology Ad Hoc Committee to figure out the best way to get AT&T to get that operational.
- 3) The City Council had a little fun on Saturday at the City's 125 Anniversary Party where they reenacted the first City Council meeting. It was thought that the records had been lost but Councilmember Hammerstrom and the City Clerk found them.
- 4) The City Council had a ground breaking ceremony at 5:00 p.m. on the Coastal Restoration and Trail Project. This is a \$10 Million project which will be a boost to the local economy.

Councilmember Deitz thanked the neighborhood watch groups that participated in National Night Out. He stated that he enjoyed putting a shovel in the ground for the Coastal Trail project, a

project that will change the town and give the community coastal access. He thanked Marie Jones for all her work on this project.

Councilmember Hammerstrom reported on the following:

- 1) He thanked Marie Jones for her work on the Coastal Trail project.
- 2) He noted that his neighborhood had a National Night Out party and thanked Chief Mayberry for starting that initiative and all the neighborhoods that participated.
- 3) He thanked everyone who came out to help celebrate at the City's 125 anniversary picnic and noted that there will be more celebrations during Paul Bunyan Days. He thanked the City Council, City Manager and City Clerk for participating in the reenactment and noted that the City Clerk knew right where the records were located. He concluded by thanking the Rotary and Interact members who volunteered to cook and serve at the picnic.

Councilmember Kraut noted the following:

- 1) She was not here for the last meeting but extended her thanks to all the people who volunteer in the City.
- 2) Broadband of Mendocino County has an online survey to connect the financial loss to the community during the AT&T outage and push for redundancy. The survey is at mendocinobroadband.org.
- 3) She checked out a couple of National Night Out parties and thanked everyone who participated.
- 4) The Promotion Committee and Historical Society put a lot of time and energy into the City's Anniversary party this weekend; she thanked them and the Rotary volunteers. City Manager Ruffing noted that they served more than 500 hotdogs.
- 5) The Food Policy Council for Mendocino County has been working on a County food action plan for the last several years. It includes all of the ways food, farms, governments and organizations can interact to sustain food availability. They are interested in making a presentation to the City Council either at the end of September or in October.

5. CONDUCT OF BUSINESS

5A. [14-263](#) Receive Report Regarding Town Hall Remodel Project and Provide Direction to Staff

Assistant City Manager Feth-Michel briefly reviewed the Agenda Item Summary prepared for this item with the City Council. Robert Schlosser, Architect, explained changes they are proposing to emphasize and accentuate the architecture of the building.

Discussion The following was noted during discussion of this item:

- * Acoustical panels with fiberglass cores absorb more sound than the current wall coverings.
- * Marmoleum is 100% recycled material and is a sustainable product.
- * Alternates will be included in the bid documents so that items can be added or subtracted to stay within budget.
- * Wiring will be placed under the floor to eliminate visual clutter and trip hazards.

Public comment was received from: Ryan Perkins, member of the Fort Bragg School Board, recommended the City Council think how to get the most bang for the buck. He recommended the Council look at AV equipment and acoustics first as it is important for people to be able to hear.

Council concurred with bidding the motorized shades, alcove cabinets and acoustic panels on lower walls as bid alternates. The dais will be bid separately from the construction bid. The Mayor photographs will be placed around the room similar to the current configuration but they will be tightened up and labels will be fixed so they are legible; staff will also create historical information about each time period.

This Staff Report was referred to staff for completion of plans and specifications in order to bid the project.

5B. [14-260](#) Receive Report Regarding Recruitment Process for City Attorney and Provide Direction to Staff

City Manager Ruffing reviewed the Agenda Item Summary prepared for this item with the City Council.

Discussion: The following was noted during discussion of this item:

* Amend Item #3 of the Scope of Services to add "on an as-needed basis" so that the City Attorney would only attend City Council and Planning Commission meetings when necessary.

* It was suggested that the Request for Proposals (RFP) ask for prices for various types of work so that the City can pick and choose the necessary services. City Manager Ruffing stated that would work for specialized legal counsel but she recommended a monthly rate for general counsel.

* Include verbiage requesting the proposer explain how they anticipate billing for their services.

* Include estimated hours the City anticipates the Attorney to provide service each month.

Public comment on this agenda item was received from: Ryan Perkins stated that the way the proposal is written would lead one to conclude that a local firm that hasn't handled all these issues over the years wouldn't be considered. He suggested asking for the organizations and networks the attorney is involved with that could fill that need. The conflict of interest aspect is another issue he felt should not be overemphasized.

Discussion: The following was noted during continued discussion of this item:

* The Council suggested rewriting Item #4 of the Scope of Services to request a list of services the attorney doesn't currently provide and describe how he/she would provide that service through organizations and networking.

Councilmembers Hammerstrom and Deitz were appointed to an Ad Hoc Committee to review the amended Scope of Work and do the preliminary review of applicants.

7. CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Councilmember Hammerstrom, seconded by Councilmember Kraut, to approve the Consent Calendar. The motion carried by the following vote:

Aye: 4 - Mayor Turner, Councilmember Deitz, Councilmember Hammerstrom and Councilmember Kraut

Absent: 1 - Vice Mayor Courtney

7A. [14-254](#) Approve Response to Mendocino County Grand Jury Report of June 2, 2014 Entitled "Crosswalks - Are You as Safe as You Think?"

This Grand Jury response was approved on the Consent Calendar

7B. [14-256](#) Adopt City Council Resolution Adopting the City of Fort Bragg Business Retention and Expansion (BRE) Program

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3731-2014

- 7C. [14-255](#)** Adopt City Council Resolution Authorizing the City Manager to Execute a Memorandum of Understanding between the City of Fort Bragg and the Noyo Harbor District Regarding Transfer of 10,000 Cubic Yards of Dredge Sands to the City of Fort Bragg for the Coastal Restoration & Trail Project in Exchange for a Tipping Fee of \$9.00 per Cubic Yard
- This Resolution was adopted on the Consent Calendar.**
- Enactment No: RES 3732-2014
- 7D. [14-257](#)** Adopt City Council Resolution Approving Eighth Amendment to Professional Services Agreement with GHD, Inc. for the Main Street Re-Alignment Project and Budget Amendment 2015-03 (Amount not to Exceed \$25,500; Account No. 240-4837-0319)
- This Resolution was adopted on the Consent Calendar.**
- Enactment No: RES 3733-2014
- 7E. [14-264](#)** Adopt City Council Resolution Establishing a Compensation Plan and Terms and Conditions of Employment for Mid-Management Employees and Amending FY 2014/15 Budget to Appropriate \$3,240 for Additional Costs
- This Resolution was adopted on the Consent Calendar.**
- Enactment No: RES 3734-2014
- 7F. [14-268](#)** Adopt City Council Resolution Modifying the CalPERS Employer Paid Member Contributions for Mid-Management Employees
- This Resolution was adopted on the Consent Calendar.**
- Enactment No: RES 3735-2014
- 7G. [14-262](#)** Authorize Cancellation of August 25, 2014 City Council Meeting
- Cancellation of the August 25, 2014 meeting was approved on the Consent Calendar.**
- 7H. [14-266](#)** Adopt City Council Resolution Declaring Surplus Property (Servers)
- This Resolution was adopted on the Consent Calendar.**
- Enactment No: RES 3736-2014
- 7I. [14-269](#)** Approve Letter of Support for Assembly Concurrent Resolution No. 159 Designating a Portion of State Route 1 as Deputy Sheriff Ricky Del Fiorentino Memorial Highway
- This Council Letter was approved on the Consent Calendar.**
- 7J. [14-265](#)** Approve Minutes of July 28, 2014

The Minutes were approved on the Consent Calendar.

8. CLOSED SESSION

ADJOURNMENT

Mayor Turner adjourned the meeting at 9:00 p.m.

DAVE TURNER, MAYOR

Cynthia M. VanWormer, MMC, City Clerk

IMAGED (_____)