



# 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, June 8, 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 6:00 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

Mayor Turner removed Item 7E from the Consent Calendar to allow for public comment.

### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

### 2. STAFF COMMENTS

### 3. MATTERS FROM COUNCILMEMBERS

Mayor Turner attended the Partnership Scholarship graduation ceremony at Caspar Community Center on May 31. Nine students from Mendocino County were acknowledged for their mentoring, cultural enrichment and academic support activities.

Vice Mayor Peters will give information to staff regarding letters of support from the Council on funding for world transportation agencies and landscaping/water conservation. He reported on the first meeting of the Junior Giants at the C.V. Starr Community Center.

Councilmember Cimolino thanked the community for attending a recent spaghetti feed fundraiser.

Councilmember Deitz said he would like to discuss vacation rentals at the next Community Development Committee meeting. Deitz stated that he is in unanimous agreement with the rest of the City Councilmembers in opposing the attempted recall of Mayor Turner, adding that nothing illegal or unethical has been done by the mayor. He reported that he went to the City Dialogue forum last week which was well attended.

Councilmember Hammerstrom attended meetings of the Mendocino Council of Governments and Local Agency Formation Commission of Mendocino County last week; both passed budgets. He reported on a study regarding Electrical Vehicle charging stations in areas around the county.

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

1. Douglas Chouteau spoke in opposition to a shopping mall at Hare Creek and said he thinks the Council is taking the city in a wrong direction.
2. Charles Brandenburg said the entire town is against the decisions of the City Council and the community wants the city to go in a different direction. He served new recall papers on Mayor Turner.
3. Rex Gressett read a statement saying that corporations form alliances with City management to package and sell their projects to the people of the City.
4. Scott Menzies stated that he speaks for himself and he does not agree with people who say they speak for the entire town.

Mayor Turner expressed his thanks to the citizens who support him. On Saturday, June 6, he talked to over 200 people and reported that 89% were against a recall and 11% supported it.

## **4. PUBLIC HEARING**

### **4A. [15-180](#) Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution to Adopt Program Guidelines for Community Development Block Grant (CDBG) HELP H2O Program**

Housing & Economic Development Coordinator Owen reported on the Community Development Block Grant (CDBG) program entitled HELP H2O (Home Energy Link Program) which is designed to help income-qualified City residents with one-time-only matching payments for residential water utility bills and to provide water conservation assistance in an effort to improve water conservation. She asked that the Council approve the guidelines which will then go to CDBG for approval; once the package is cleared, the program can be launched. The program operator will be Renewable Energy Development Institute (REDI) out of Willits; a local office will be set up on East Redwood Avenue where the EDD office is located.

Discussion: The Council asked questions and discussed the program's rules and regulations, including the appeals process, income level requirements, program subsidies and the timing of approvals so as to avoid water shut-offs while the panel reviews applications.

**Mayor Turner opened the public hearing at 6:35 PM.**

George Reinhardt supports the program, saying he wished there were more programs like this. He said REDI is a very responsible organization and an innovator in energy. He encouraged the Council to endorse the program.

**Mayor Turner closed the public hearing at 6:37 PM.**

Discussion: All five Councilmembers spoke in support of the program. Further discussion was held regarding educating people on how to conserve water, who would hear appeals, and exceptions. Section 4.6 of the guidelines entitled "Exceptions/Special Circumstances" requires City Council and Department approval regarding exceptions to the program guidelines. Owen explained that 4.6 exceptions would be quite unusual.

**A motion was made by Vice Mayor Peters, seconded by Councilmember Cimolino, 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 3809-2015

## **5. CONDUCT OF BUSINESS**

### **5A. 15-201 Approval of Councilmember Deitz's Nomination of Heidi Kraut to Serve on the Fort Bragg Planning Commission**

Councilmember Deitz nominated Heidi Kraut to serve on the Planning Commission to take the place of Sage Statham who has moved out of the City limits to be closer to his work in Mendocino. Deitz thanked Commissioner Statham for his work on the Planning Commission and reported that he will continue to serve on the Technology Committee. Councilmember Deitz enumerated Heidi Kraut's background, accomplishments and community service and asked the Council to vote in favor of her appointment to the Planning Commission.

Heidi Kraut thanked the Council for inviting her and said she was excited to be involved in the discussion and to participate in the critical decisions that will be made in the next few years for the short- and long-term benefit of the City.

**A motion was made by Councilmember Deitz, seconded by Councilmember Hammerstrom, that Heidi Kraut be appointed to the Fort Bragg Planning Commission. The motion carried by a unanimous vote.**

### **5B. 15-200 Receive Recommendation from Public Safety Committee and Provide Direction to Staff Regarding Preparation of a "Social Host Ordinance" to Address Underage Drinking**

City Manager Ruffing introduced the Social Host Ordinance which would allow law enforcement to issue citations to individuals who host underage drinking parties. She asked for direction on five items: (1) Should the City prepare an ordinance? (2) Should parents of juveniles be held responsible, whether or not they knew of a party where alcohol is present? (3) Should the ordinance allow for the recovery of police costs? (4) Should the ordinance require administrative penalties? and (5) Should the ordinance provide a definition of "loud and unruly gatherings?"

Substance abuse prevention advocate Amanda Durigan of Safe Passage introduced three students, Alyssa Angley, Iliana Mendez and Fernanda Varelas, who spoke about parties and parents who allow teenagers to drink at home, thinking it is safer than elsewhere. The students gave a presentation on student drinking, citing statistics on binge drinking and the dangers it leads to. They asked the City Council to consider the ordinance.

Discussion: One purpose of enacting this ordinance is so that civil penalties, rather than criminal ones, would apply to persons who supply alcohol to minors. Under the Social Host Ordinance, penalties for violation would range from \$300 for a first violation to \$750 for a third violation. The additional deterrent of billing the responsible individuals for the costs of police response was also discussed. The Council agreed that this ordinance would give the Fort Bragg Police Department one more tool with which to enforce penalties for underage drinking.

Public Comment on this agenda item was received from: Carla Leach, Joseph Shaw, Holly Hawkins and Eric Dwyer, who all spoke in support of the Social Host Ordinance. The students were commended for taking a stand against teenage drinking.

Discussion: In response to the request for direction on the five issues, the City Council agreed as follows: (1) Staff should prepare an ordinance for adoption by the Council; (2) Parents should be held responsible for events organized by juveniles where alcohol is possessed and consumed by minors, regardless of whether the parents knew of the event; (3) The ordinance can provide for the recovery of police costs, but the police force can use discretion on whether or not to include recovery costs with the fine; (4) The ordinance should include administrative penalties; and (5) "Loud and unruly" does not need to be defined as part of this ordinance, as there is already a noise ordinance in the Fort Bragg Municipal Code.

**Staff was directed to prepare an ordinance for introduction at a future City Council meeting to include the agreed-upon policies as indicated above.**

- 5C. [15-191](#)** Receive Report and Provide Direction to Staff Regarding Ordinance Amending Chapters 15.05 (International Fire Code and California Fire Code) and 15.06 (Automatic Fire Sprinkler and Alarm Systems) of the Fort Bragg Municipal Code

**Mayor Turner recessed the meeting at 7:47 PM; the meeting reconvened at 7:55 PM.**

Community Development Director Jones summarized the staff report regarding fire sprinkler ordinance amendments. She explained why adoption of the previous ordinance was invalid and said that the triggering amount was raised from \$50,000 to \$75,000 in commercial remodel costs in a three-year period. CDBG grant funding for sprinkler installation (forgivable deferred interest and low interest loans) may become available in 2017 or 2018, but only to address code violations for business and property owners without sprinkler systems. Requiring sprinklers in the core downtown area will reduce risks to lives and property and lower firefighting costs associated with responding to Fire Department service calls.

Discussion: City Councilmembers discussed at length the challenges with implementing a requirement to install sprinklers in the downtown core. All Councilmembers expressed concern about fire danger and risk to life and property; however, a majority of the Councilmembers said that current economic conditions would make implementation of a requirement at this time a severe hardship for downtown business owners and instead directed staff to secure funding to assist downtown business owners to sprinklerize their buildings, and at that time, bring the item back to include the requirement for sprinkler installation.

Public Comment on this agenda item was received from Eric Dwyer.

**Staff was directed to secure grant funding and bring the ordinance back to Council for a first and second reading, with a requirement to install sprinklers at a future date.**

## **6B. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS (Continued, If Needed)**

### **7. CONSENT CALENDAR**

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

**A motion was made by Councilmember Deitz, 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. [15-184](#)** Adopt Municipal Improvement District Resolution Accepting the Bid of Humboldt Fence Company as the Lowest Responsive Bid, Awarding the Contract for the Wastewater Treatment Facility West Fencing Project, District Project No. 2015-01, Authorizing the District Manager to Execute Contract (Amount Not to Exceed \$28,895; Account No. 714-4713-0741)
- This Resolution was adopted on the Consent Calendar.**
- Enactment No: RES ID 373-2015
- 7B. [15-197](#)** Adopt Municipal Improvement District Resolution Approving a Professional Services Agreement with HDR, Inc. for Design Services for Wastewater Treatment Plant Upgrade Project and Authorizing District Manager to Execute Same (Amount Not to Exceed \$699,993; Account No. 716-7001-0310)
- This Resolution was adopted on the Consent Calendar.**
- Enactment No: RES ID 372-2015
- 7C. [15-186](#)** Receive Recommendation from Finance and Administration Committee and Approve Joint City Council and Improvement District Resolution Amending the FY 2014/15 Budget to Authorize Various Transfers Necessary to Close Grant and Capital Project Funds
- This Resolution was adopted on the Consent Calendar.**
- Enactment No: RES 3810-2015, RES ID373-2015
- 7D. [15-188](#)** Adopt City Council Resolution Approving FY 2015/16 C.V. Starr Community Center Operating and Capital Improvement Budget
- This Resolution was adopted on the Consent Calendar.**
- Enactment No: RES 3811-2015
- 7F. [15-185](#)** Reject Claim of Lorena Ruth Shea
- This Consent Calendar item was approved on the Consent Calendar.**
- 7G. [15-160](#)** Approve Minutes from Special Meeting of May 19, 2015
- These Minutes were approved on the Consent Calendar.**
- 7H. [15-187](#)** Approve Minutes of May 26, 2015
- These Minutes were approved on the Consent Calendar.**
- 7I. [15-204](#)** Receive and File Minutes from April 23, 2015 Public Works and Facilities Committee Special Meeting
- These Committee Minutes were received and filed on the Consent Calendar.**

**ITEMS REMOVED FROM CONSENT CALENDAR**

- 7E. [15-199](#) Adopt City Council Resolution Authorizing the Fort Bragg Police Department to Establish Security Checkpoints at Noyo Beach to Address Public Safety Needs During the Independence Day Fireworks Event

Councilmembers generally agreed that this ordinance would help police officers enforce laws already on the books with regard to fireworks and public intoxication to provide a safer environment for families to enjoy the Fourth of July event.

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

Enactment No: RES 3812-2015

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

**Mayor Turner adjourned the meeting at 8:52 PM.**