



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, June 22, 2015

6:00 PM

Town Hall, 363 N. Main Street

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

- B. [15-221](#)** Recognition of Sage Statham for his Service on the Fort Bragg Planning Commission, May 29, 2012 - May 31, 2015

The City Council recognized Sage Statham for his service on the Planning Commission during the last three years. Councilmember Deitz presented Statham with a plaque and thanked him for doing a stellar job on the Commission, noting that he will continue to be on the City's Technology Committee. Statham expressed his thanks for the opportunity to serve on the Planning Commission and said he now has a full appreciation for the work of a volunteer board.

- A. [15-210](#)** Recognition of Assistant City Manager Ginny Feth-Michel upon her Retirement for her Service to the City of Fort Bragg; January 5, 2010 - June 30, 2015

Mayor Turner and City Manager Ruffing announced the retirement of Assistant City Manager Feth-Michel and presented her with a plaque commemorating her five years at the City of Fort Bragg. Feth-Michel's auditing skills were noted, along with her invaluable help when the City acquired the C.V. Starr Community Center. City Manager Ruffing stated that Feth-Michel oversaw many projects for the City, including the Town Hall remodel project and compliance with the Affordable Care Act and Pension Reform Act, noting that her creative problem solving has saved the City thousands of dollars. Feth-Michel said she was grateful to work with everyone at the City and was impressed that the City Councilmembers come to every meeting fully prepared.

2. STAFF COMMENTS

City Manager Ruffing announced that Mendocino Superior Court Judge Richard Henderson issued an order denying the Petitioner's request for a preliminary injunction in the case of Concerned Citizens of Fort Bragg v. City of Fort Bragg, et al. The denial was based on a two-pronged

evaluation: (1) Likelihood of Petitioner prevailing on the merits; and (2) Balancing of interim harm sustained by Respondents/Real Party in Interest if the injunction were granted with harm sustained by Petitioner if the injunction were denied. A Case Management Conference is set for June 26 at 11:00 AM; court trial is scheduled for October 5, 2015. Ruffing will distribute the judge's order to each Councilmember and offered to arrange a closed session to discuss the next steps in the lawsuit.

Ruffing reported that the Concerned Citizens of Fort Bragg (CCFB) are pursuing a ballot initiative to change the zoning code to prevent social services from being established in the Central Business District. The petition seeks to retroactively apply this zoning restriction to any organizations that were not in existence as of January 1, 2015. Ruffing explained that the proponents submit a proposed ordinance, the City attorney prepares a title and summary of the ordinance, the proponents assemble a petition and then collect signatures. If they are successful in gathering the number of signatures required in the prescribed time frame, the ordinance will be brought before the City Council who can adopt the ordinance or schedule a special election for a vote of the citizens. A report seeking direction will be brought to the next City Council meeting in July.

Ruffing mentioned the following upcoming meetings: (1) Special Finance & Administration Committee meeting to review changes to City's purchasing ordinance, July 23, 1:30 PM, City Hall conference room; (2) Personnel Committee meeting, immediately following the Finance & Administration Committee meeting, City Hall conference room; (3) Community Development Committee meeting to discuss vacation rentals, July 23, 3:00 PM, City Hall conference room; (4) Public Education and Government (PEG) Volunteer Program Committee meeting regarding public access television, July 23, 6:00 PM, Mendocino TV studios, 303 N. Main St.; (5) Department of Toxic Substances Control meeting regarding Mill Site remedial action cleanup plan, July 9, Town Hall; (6) Mendocino County Board of Supervisors regular meeting, July 21, 9:00 AM, followed by a joint special meeting at 1:30 PM with City Council to consider the final Environmental Impact Report for the Central Coast Transfer Station.

3. MATTERS FROM COUNCILMEMBERS

Mayor Turner announced that the Fire Board purchased a new water tender to replace the old one that was leaking. He said Fire Chief Orsi reported that Parlin Forks crews are gathering firewood on Noyo Beach for the Fire Department to do some training exercises. This will remove a lot of the wood prior to the Fourth of July events. Mayor Turner met with the founder of the Tinkering School regarding offering classes through the Industrial Arts Center. He also reported that Paul Clark has stepped down from the Airport Land Use Commission and Leonard Swithenbank has been nominated to take his place. Holly Madrigal was nominated to the Railway Authority. The mayor reported that Mike Sweeney advised him that garbage collection rates will go down, offset by lower fuel costs.

Vice Mayor Peters commented on an email he received regarding editorial commentary during Mendocino TV's broadcast of public meetings. He requested a closed session to discuss the next steps in the CCFB lawsuit. Peters also asked for an update on the Hare Creek Center project. He reported that Mendocino Transit Authority has a meeting this week regarding the budget and that the Bicycle Master Plan will be discussed at the July 16 meeting of the Public Works Committee.

Councilmember Cimolino attended the June 11 Economic Development & Finance Corporation (EDFC) board meeting. Funding is available for businesses that install electric vehicle charging stations. Cimolino stated he is seeking a position on a committee that is currently discussing a proposed biomass power generation plant for the Covelo valley. Other plant locations are being

discussed as well, and he feels a station on the coast would create jobs for locals. He also reported that the EDFC is opening an entrepreneur hub in Ukiah at the Methodist Church to facilitate new business and ideas to create jobs. He reported that the Skunk Train may be moving their depot to an abandoned factory by the railroad tracks on Main Street in Willits, which might bring more visitors to Fort Bragg. Cimolino was asked by the EDFC manager if the City Council would be interested in seeing a presentation from that organization regarding loans to small businesses in the county.

Councilmember Deitz attended a swearing-in celebration for new Fort Bragg Police Officer Brandon McGregor. Officer McGregor is from Fort Bragg and four generations of his family were at the ceremony. Disaster preparedness will be reviewed at the next Safety Committee meeting. He reported that he had a good time at the car show last weekend.

Councilmember Hammerstrom commented on an article in last week's paper regarding the fire sprinkler ordinance and the need to protect the downtown core from fire disaster.

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

1. Ross Koski said that checking backpacks, ice chests and bags at Fourth of July checkpoints at Noyo Beach is a violation of Fourth Amendment rights and is an illegal and unconstitutional act. He warned the City Council and the Police Department that performing such searches could bring legal recourse.
2. Keith Rutledge thanked the City for its efforts in approving the HELP H2O water program, saying that the timing is perfect. He reported that the program office is set up on East Redwood Avenue in the current MPIC offices.
3. Mark Johnson said that the compensation schedule for City Manager is not included in Agenda Items 7D & 7E. Regarding the Closed Session agenda item, he said he thinks it would be better if the entire City Council participated in negotiations rather than just one individual and asked for full disclosure on what the compensation will be.
4. Evan Dick said the Old Coast Hotel project was unethical and the entire social service industry is not healthy. He recommended attracting businesses that give jobs to the community.
5. Richard Mack spoke about the challenges he has faced due to injuries and stated that the privatization of the mental health industry has made it a for-profit industry. He feels locked out of services because of his cannabis use.

4. PUBLIC HEARING

5. CONDUCT OF BUSINESS

5A. [15-215](#) Receive Report and Consider Approval of Fort Bragg Promotion Committee Annual Report and Fiscal Year 2015/16 Marketing Plan

Housing and Economic Development Coordinator Owen reported that the Chamber of Commerce has overseen administration of the Promotion Committee since 2010. Prior to that, City staff administered this committee, however it required a lot of staff time. Owen reported that the Finance and Administration Committee recommends continuation of administration by the Chamber. The updated scope of work includes suggestions from the community, staff and Promotion Committee, addressing structure, transparency, and accountability measures. Answering questions regarding tasks from the Council, Owen noted that the committee's mantra has been "promote activities, don't develop and implement the activities." Activity implementation not only requires more funding, but it also takes away from the promotion of activities. Owen introduced Tom Yates as a

representative of the Chamber of Commerce board of directors, who stated that the contract with the Promotion Committee has the full support of the Chamber board. David Foucheaux, chairman of the Fort Bragg Promotion Committee, introduced the other committee members and gave the Council a short slide show presentation. Julia Conway reported on the Promotion Committee's Facebook presence which has been tied in with the City's promotional website, FortBragg.com.

Discussion: All Councilmembers expressed support for the program and approval of the contract. It was noted that the emphasis on social media and technology is a great help in promoting the City of Fort Bragg as a vacation destination. Vice Mayor Peters asked if the contract includes language that the services and activities performed by the Promotion Committee will benefit all Fort Bragg businesses, regardless of whether or not they are members of the Chamber of Commerce. Both City Manager Ruffing and Housing and Economic Development Coordinator Owen confirmed that the Resolution and the Professional Services Agreement state that these services are provided to all businesses in Fort Bragg.

A motion was made by Councilmember Hammerstrom, seconded by Vice Mayor Peters, that the Fort Bragg Promotion Committee FY 2015/16 Marketing Plan and Budget be approved. The motion carried by the following vote:

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

5B. [15-211](#) Receive Report and Consider Adoption of Resolutions Approving FY 2015/16 City of Fort Bragg and Fort Bragg Municipal Improvement District No. 1 Budgets, Establishing FY 2015/16 Appropriations Limit, and Approving FY 2015/16 Capital Projects Budget

City Manager Ruffing gave a broad overview of the FY 2015/16 budget, mentioning projects such as the Coastal Trail and the Summers Lane Reservoir, the overhaul of the City's governmental website, the resolved litigation involving Georgia-Pacific and Office Max, and the Noyo Center for Marine Science, among other budget items. She stated that for the first time in many years, the Fort Bragg Police Department is fully staffed. There is \$3 million in reserves, which is a solid and reasonable reserve for a city the size of Fort Bragg. Ruffing encouraged people to read the summary budget table which is a good overall view of the City's budget. She noted that while transient occupancy tax is slightly up, sales tax is staying about the same, mostly due to Internet sales. The City Manager thanked the management team for working so hard to put the balanced budget together, with special thanks to Finance Director Rosana Cimolino, Senior Government Accountant Victor Damiani, and Assistant City Manager Ginny Feth-Michel.

All Councilmembers thanked staff for their hard work on the budget.

No public comments were received on this agenda item.

A motion was made by Vice Mayor Peters, seconded by Councilmember Deitz, that the City Council Resolution approving the FY 2015/16 City of Fort Bragg Budget 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 3813-2015

A motion was made by Councilmember Hammerstrom, seconded by

Councilmember Cimolino, that the City Council Resolution (RES 3814-2015) approving and adopting the Annual Appropriation Limit for FY 2015/16 be adopted. The motion carried by the following vote:

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

A motion was made by Councilmember Cimolino, seconded by Councilmember Hammerstrom, that the Improvement District Resolution (RES ID 374-2015) approving the FY 2015/16 Municipal Improvement District No. 1 Budget be adopted. The motion carried by the following vote:

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

A motion was made by Councilmember Deitz, seconded by Vice Mayor Peters, that the City Council Resolution (RES 3815-2015) approving the FY 2015/16 Capital Projects Budget be adopted. The motion carried by the following vote:

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

5C. [15-183](#) Receive Report and Provide Direction to Staff Regarding Coastal Trail Murals

Community Development Director Jones recapped her staff report regarding murals on the Coastal Trail restrooms, saying she had met with local muralists Jonathan Palmer and Benny Bones to get designs and cost estimates for wrap-around style murals for the restrooms. She suggested starting with just one restroom at the Elm Street location and recommended hiring Mr. Palmer, who uses a marine based paint and not spray-paint as used by Mr. Bones. Jones mentioned that there was some money remaining in this year's Community Development departmental budget for professional services that could be used for one restroom mural.

Discussion: Councilmembers discussed both artists, the importance of using materials that will not lose their vibrancy and color, and the cost of painting the murals.

Public comment on this agenda item:

- Hilary White is familiar with Jonathan Palmer's work. She thinks it is high quality and the City will not be disappointed with it.
- Eric Dwyer supports one mural, but perhaps not three. He said the City should make sure that the marine paint is not lead based paint.
- Katie Turner, herself an artist, said she would be very happy to see more murals in Fort Bragg and supports doing at least one on the Coastal Trail restrooms.

Further Discussion:

Turner concurred with Jones and members of the public that Palmer's art should be used, and only one restroom should have a mural at this time, with a second or third mural to be discussed at a future date. Vice Mayor Peters stated that he had received negative comments in regard to the cost of the artwork and recommended contracting with Bones whose price for one mural works out to about \$1,000. Councilmember Cimolino preferred the Palmer designs and the use of a

paintbrush rather than spray paint for the mural. Councilmember Deitz said he hopes there are more projects in the City that will support Bones, but he recommended using Palmer's art. Councilmember Hammerstrom also supported the selection of Palmer as mural artist. The subject matter of the mural was also discussed.

Staff was directed to hire Jonathan Palmer to paint one mural on the Elm Street restroom on the Coastal Trail. The mural will depict local wildlife and images of the lumber mill and logging industry.

- 5D. [15-202](#)** Receive Report and Provide Direction to Staff Regarding Cypress Street Access to Noyo Headlands Park and Consider Adoption of City Council Resolution Amending the FY 2014/15 Budget to Appropriate \$134,300 From Fund 250 (Special Sales Tax for Street Repairs) for Construction of Cypress Street Extension (Budget Amendment #2015-29; Amount Not to Exceed \$134,300; Transfer from Fund 250 to Fund 407-Coastal Trail Capital Project)

Community Development Director Jones explained the accounting complications that occurred with the Coastal Trail project, saying that approximately \$300,000 in construction costs were charged to closed accounts. That discrepancy has now been corrected, and there are enough funds available to complete the project, but without any extra left over. Georgia-Pacific has dedicated property to the City to extend Cypress Street all the way to the runway. This will be an important access, and the resolution proposes to use street sales tax to pave the road from Cypress Street's Highway 1 intersection to the runway.

Discussion: There was general agreement of the Councilmembers that the funds should be taken from the MCOG D-1 fund instead of the street sales tax fund to pave Cypress Street from Highway 1 to the runway. The consensus was that the street tax should be used to repair the town's streets instead of using it for the trail project.

No public comments were received on this agenda item.

Further discussion: Vice Mayor Peters recommended amending the resolution as follows: (1) Change "Fund 250" to "Fund 223" wherever it appears in the resolution; and (2) Change "Special Sales Tax for Street Repairs" to "D-1 Fund" wherever it appears in the resolution.

A motion was made by Vice Mayor Peters, seconded by Councilmember Deitz, that this Resolution 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 3816-2015

- 5E. [15-203](#)** Receive Report and Consider Introducing, by Title Only, and Waive Further Reading of Ordinance 915-2015 Repealing and Replacing Chapter 9.68 of Title 9 (Public Peace, Safety and Morals) of the Fort Bragg Municipal Code

Community Development Director Jones said the proposed ordinance includes all the changes discussed at the last meeting regarding the prohibitions against trespass into rare plant areas, removal of beach glass, fireworks, and digging within City parks.

Discussion: The Council generally discussed the ban on digging, fireworks and removal of beach glass. Councilmembers asked if metal detectors were also prohibited. Director Jones said the intent of the ordinance is to make scavenging by digging or use of metal detectors illegal, as there are a number of historic sites that need to be protected. The subject of appropriate signage for the Coastal Trail regarding these prohibitions was discussed.

Public comment on this agenda item was received from: Eric Dwyer and Terry Vaughn.

A motion was made by Vice Mayor Peters, seconded by Councilmember Cimolino, that Ordinance 915-2015 be introduced, waiving further reading. The motion carried by the following vote:

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

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 Hammerstrom, seconded by Councilmember Deitz, 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. [15-178](#)** Adopt City Council Resolution Consenting to Inclusion of Properties within the City's Jurisdiction in the Ygrene Statewide SB 555 California Home Finance Authority (CHF) Community Facilities District No. 2014-1 (Clean Energy) to Finance a Property Assessed Clean Energy (PACE) Program and Approving Associate Membership in the Joint Exercise of Powers Authority Related Thereto

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3817-2015

- 7B. [15-212](#)** Adopt City Council Resolution Consenting to Inclusion of Properties within the City's Jurisdiction in the Ygrene Statewide AB 811 California Home Finance Authority (CHF) Property Assessed Clean Energy (PACE) Program and Approving Associate Membership in the Joint Exercise of Powers Authority Related Thereto

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3818-2015

- 7C. [15-214](#)** Adopt City Council Resolution Approving Professional Services Agreement with the Mendocino Coast Chamber of Commerce (Chamber) to Carry Out Fort Bragg Promotional Activities and

Authorizing City Manager to Execute Same Upon Execution by Chamber
(Amount Not to Exceed \$72,570; Account 110-4391-0319)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3819-2015

- 7D. [15-219](#)** Adopt City Council Resolution Establishing a Compensation Plan and Terms and Conditions of Employment for Exempt At-Will Executive Classifications and Amending FY 2015/16 Budget to Appropriate \$5,000 of Additional Costs

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3820-2015

- 7E. [15-220](#)** Adopt City Council Resolution Modifying the CALPERS Employer Paid Member Contributions for Exempt At-Will Executive Classifications

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3821-2015

- 7F. [15-213](#)** Approve Parcel Map for Minor Division #1-10; Thomas D. Pryor & Patricia Pryor (Owner/Applicants); Amy Wynn (Agent); 1411 E. Oak Street; APN 020-490 & 39; Minor Subdivision of 80,227 Square Feet (sf) into Four Parcels of 12,000 sf, 6,000 sf, 6,000 sf, and 56,227 sf

This Consent Calendar item was approved on the Consent Calendar.

- 7G. [15-224](#)** Approve Letter of Support for Rural Communities Housing Development Corporation (RCHDC) Application to the North Coast Resource Partnership's 2015 Integrated Regional Water Management Grant Program

This Council Letter was approved on the Consent Calendar.

- 7H. [15-230](#)** Approve Letter of Support for SB 508 (Beall)-Rationalizing State Transit Funding Eligibility Criteria

This Council Letter was approved on the Consent Calendar.

- 7I. [15-208](#)** Approve Minutes from Special Meeting of June 8, 2015

These Minutes were approved on the Consent Calendar.

- 7J. [15-209](#)** Approve Minutes of June 8, 2015

These Minutes were approved on the Consent Calendar.

Mayor Turner recessed the meeting at 8:56 PM; the meeting was reconvened to closed session at 9:07 PM.

8. CLOSED SESSION

8C. [15-223](#)

CONFERENCE WITH LABOR NEGOTIATOR:
Pursuant to Government Code Section 54957.6
City Negotiator: Mayor Dave Turner
Employee Classification: City Manager

Mayor Turner reconvened the meeting to open session at 9:34 PM and reported that direction was given to Labor Negotiator.

ADJOURNMENT

Mayor Turner adjourned the meeting at 9:35 PM.

DAVE TURNER, MAYOR

June Lemos, Administrative Assistant

IMAGED (_____)