



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, July 27, 2015

6:00 PM

Town Hall, 363 N. Main Street

MEETING CALLED TO ORDER

Mayor Turner called the meeting to order at 6:03 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

- 1A. [15-286](#)** Presentation of Proclamation Recognizing August 4, 2015 as National Night Out

Vice Mayor Peters presented a Proclamation to Police Chief Lizarraga declaring August 4, 2015 National Night Out. The Chief invited Fort Bragg residents to come to Bainbridge Park on August 4 from 5 to 7 PM to visit and get to know your neighbors. Informational displays, games and food will be provided.

2. STAFF COMMENTS

City Manager Ruffing introduced Scott Schneider as the City's new Administrative Services Director. Schneider will oversee the Human Resources, Information Technology and City Clerk departments. Ruffing announced that Administrative Assistant June Lemos was appointed Acting City Clerk and will be designated City Clerk in the fall when the incumbent City Clerk retires. The public is invited to participate in the assembling of two sea lion skeletons in the Noyo Center's Articulation Workshop being held through August 2 in the old gym behind City Hall. The articulated skeletons will be revealed at a reception on Saturday, August 1 at 4:00 PM in the gym.

3. MATTERS FROM COUNCILMEMBERS

Mayor Turner reported on the joint meeting with the Board of Supervisors, stating that the decision on the Central Coast Transfer Station had to be put off due to the last minute receipt of a letter with questions that needed to be answered. He said the next meeting should be held in Fort Bragg, as the proposed project is located in this area. Mayor Turner suggested a teleconference between the two chambers if the Board of Supervisors was unable to travel to Fort Bragg for the meeting.

Vice Mayor Peters concurred that the next joint meeting should be held in Fort Bragg as the project

affects people living here. He mentioned the National Night Out event, saying it helps to know your neighbors in case of emergency. Peters reported that the County Registrar of Voters office verified signatures on the ballot initiative petition and that the petitioners did not get the required number of voters (313 valid signatures were needed; 312 were verified as valid). Vice Mayor Peters announced that there would be no MTA board meeting in July.

Councilmember Cimolino reported on the Coalition for Gang Awareness and Prevention's Gang Reduction Intervention Partnership program for ninth graders. He passed along a compliment to Officer Tae Song from a local resident who was stopped by Officer Song, saying he was polite and very helpful. Councilmember Cimolino said people have commented to him that the Council agenda was not published early enough for them to digest all the information. He received comments from someone concerned about the architecture of the Old Coast Hotel. He also received letters from two people (who both lived outside of the City of Fort Bragg) wanting to change the name of Fort Bragg.

Councilmember Deitz agreed that the Highway 20 Transfer Station meeting should be held in Fort Bragg. He stated that Kathy Silva will distribute material for emergency preparedness at National Night Out, including information on the Cascadia Subduction Zone.

Councilmember Hammerstrom thanked Kate Erickson for her comments regarding the suggestion that Fort Bragg change its name. He encouraged people to visit the old gym this week to see the sea lion skeleton assembly. He also concurred that the meeting on the Highway 20 Transfer Station should be held in Fort Bragg.

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

- Charles Brandenburg said he is meeting with the County Registrar of Voters regarding the ballot initiative petition to see if one more signature can be validated. If not, they will refile the petition and get more signatures. He requested that the City Council sponsor the initiative and put it on the November ballot.
- Eric Dwyer commented on the Noyo Center and the Council's agenda items for this evening.
- David Gurney read a statement regarding development on Todd Point and the Mill Site.
- Rex Gressett suggested that the City Council put forward an initiative on the Old Coast Hotel on the November ballot.

4. PUBLIC HEARING

5. CONDUCT OF BUSINESS

- 5A. [15-288](#)** Receive Report and Public Works & Facilities Committee Recommendations and Provide Direction to Staff Regarding Amendments to Chapter 14.06 (Water Conservation) of Title 14 (Water and Sewer) of the Fort Bragg Municipal Code

Public Works Director Varga gave a report on the drought situation in California. He said the Public Works & Facilities Committee has reviewed the proposed ordinance, which refines the current regulations. Staff would like to bring the ordinance forward for introduction on August 10, adoption on August 24, with an effective date of September 23. Varga clarified the use of the term "water," and summarized the changes to the provisions.

Discussion: In response to a question from Councilmember Deitz, Varga reported that the average water usage per capita per day is approximately 50 gallons. Regarding the exemption for painting contractors in Section 14.06.050A.1(b)(1), Councilmember Hammerstrom suggested including homeowners as well as contractors. Councilmembers asked questions about declaring the various stages of water emergency and restrictions for heavy water users, such as fisheries and breweries. Penalties for minor and major offenses during a water emergency were discussed.

Public Comment on this agenda item was received from Rex Gressett and a member of the public named "Russ."

Further Discussion: Vice Mayor Peters spoke about the benefits of desalination plants, saying the technology is improving and the cost is decreasing. Councilmember Deitz thanked the Public Works & Facilities Committee for their work on the ordinance and approved of the proposed policy. The Council discussed wells and underground water.

This Staff Report was referred to staff for revisions to the proposed Ordinance.

5B. [15-268](#) Receive Report and Consider Introducing, by Title Only, and Waive Further Reading of Ordinance 911-2015 Repealing and Replacing Chapters 14.08 through 14.40 of Title 14 (Water and Sewer) of the Fort Bragg Municipal Code

Public Works Director Varga provided the Council with a summary of his staff report on this agenda item.

Discussion: Extensive discussion was held on the source control program, including testing and repairs to public pipe, infiltration projects, laterals, connections, blockages and failures of pipes. Several suggestions were made for clarification of the language of the ordinance. Councilmember Cimolino questioned whether property owners should have to incur the extra cost of hiring a civil engineer to make simple repairs to pipe on their own property when a plumber can do the job, though he agreed with the need for licensed contractors doing work in the public right-of-way.

Public Comment:

- David Gurney alleged that Director Varga said Homeland Security had investigated chlorine gas leaks in Fort Bragg. Gurney wanted to know how many times Homeland Security had been to Fort Bragg, what they were looking for, how serious the leaks were and if they have been fixed.
- Mayor Turner asked Varga if Homeland Security has ever been to Fort Bragg. Varga responded that no government organization has investigated Fort Bragg. He stated that chlorine gas has been used, because it is effective, but the City is converting to a sodium hydrochloride system which is easier and safer to handle. City Manager Ruffing added that the City has not had any chlorine gas leaks at the Waste Water Treatment Facility.
- Eric Dwyer commented on the use of contractors by private property owners.

Further Discussion: Councilmember Deitz said the City should disseminate information to the public about the availability and use of grey water. It was generally agreed that this agenda item should be referred back to staff for further review and revisions to the ordinance.

This Ordinance was referred to staff for revisions.

Mayor Turner recessed the meeting at 8:04 PM; the meeting reconvened at 8:14 PM.

- 5C. [15-289](#)** Receive Recommendation of Finance & Administration Committee and Consider Introducing, by Title Only, and Waive Further Reading of Ordinance 917-2015 Amending Chapter 3.20 (Purchasing, Procurement and Leasing) of the Fort Bragg Municipal Code

City Manager Ruffing reported that the Finance & Administration Committee and City Attorney's office have reviewed proposed Ordinance 917-2015 which repeals the existing purchasing ordinance, replacing it with one that is simpler. The primary change is that it allows the City Manager to sign contracts up to \$25,000 (currently \$5,000) and provides purchasing procedures for purchases under \$45,000. The ordinance also allows the City Manager to delegate all or a portion of the duties of the purchasing officer to the Administrative Services Director and/or the Finance Director.

Discussion: Brief discussion was held regarding the handling of exceptions, procedures for cooperative purchasing, and the benefit to local contractors.

A motion was made by Councilmember Cimolino, seconded by Councilmember Deitz, that this Ordinance be introduced. The motion carried by the following vote:

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

Enactment No: ORD 917-2015

Following discussion of Agenda Item 5D, **a motion was made by Councilmember Hammerstrom, seconded by Councilmember Deitz, to reconsider Agenda Item 5C. The motion carried by a unanimous vote.**

A conflict was noted between Ordinance 917-2015 and 918-2015 regarding public projects (Section 3.20.030A and Section 3.22.040A). To correct this discrepancy, the Council directed staff to amend Section 3.20.030A to state: "Any Public Project described in Chapter 3.22, unless the public project is under \$45,000 and informal bidding procedures are not used."

The Council also directed staff to add the following clause to Section 3.20.040G, "Contracts of less than \$25,000 which are approved by the City Manager shall be reported to the Finance and Administration Committee."

City Attorney Zutler confirmed that the above amendments to the ordinance were not significant enough to warrant a second introduction and could be introduced as amended.

A motion was made by Councilmember Deitz, seconded by Councilmember Hammerstrom, that this Ordinance be introduced 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: ORD 917-2015

- 5D. [15-290](#)** Receive Recommendation of Finance & Administration Committee, Consider Adoption of City Council Resolution Reconfirming Election to Become Subject to the Uniform Construction Cost Accounting Act Procedures, and Consider Introducing, by Title Only, and Waive Further Reading of Ordinance 918-2015 Adding Chapter 3.22 (Informal Bidding

Procedures) to the Fort Bragg Municipal Code

City Manager Ruffing reported that Ordinance 918-2015 establishes informal bidding procedures pursuant to the Uniform Public Construction Cost Accounting (UPCCA) procedures, explaining that two actions are required of the Council: Adoption of a resolution reconfirming the election to become subject to the UPCCA and introduction of the ordinance. This ordinance relaxes the statutory competitive bidding procedures for certain public projects and creates a different definition for public projects that is narrower than the contracts code. This policy addresses the inefficiency of having to bid small projects. The City can use the informal bidding process established in this ordinance for projects up to \$175,000.

Discussion: The public bidding process was discussed, including participation by local contractors.

A motion was made by Mayor Turner, 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 3835-2015

Further Discussion:

To clarify the City Manager's contract authority, the Council directed staff to add a subparagraph E to Section 3.22.040 as follows: "3.22.040E. The City Manager's authority to approve contracts shall be limited to a maximum of twenty-five thousand dollars (\$25,000).

A motion was made by Councilmember Deitz, seconded by Councilmember Hammerstrom, that this Ordinance be introduced as amended (Enactment No. ORD 918-2015). The motion carried by the following vote:

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

Enactment No: RES 3835-2015

- 5E. [15-228](#)** Receive Report and Introduce, by Title Only, and Waive Further Reading of Ordinance 916-2015 Repealing and Replacing 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

Councilmember Hammerstrom indicated that action should not be taken on Ordinance 916-2015 until the Council had rejected Ordinance 914-2014. It was generally agreed among the Councilmembers that both ordinances would be put on the next meeting's agenda for consideration and action.

This Ordinance was referred to staff.

- 5F. [15-257](#)** Receive Report and Provide Direction to Staff Regarding Mobile Vending Regulations

Community Development Director Jones gave a brief report on mobile vending regulations, noting that staff disagrees with the Community Development Committee and the Planning Commission regarding vending within parks, specifically on the Coastal Trail. She said that food vending on the trail might be in contradiction with deed restrictions placed on the property by the Coastal Conservancy. Jones said there are enough private sector and commercial kitchens available for food truck operation in Fort Bragg and the City would need to work with the County regarding locations for discharge of waste.

Discussion: The Councilmembers discussed Environmental Health regulations, hand-washing requirements, restroom facilities, trash, sales tax, number of permits to allow, and operation of food trucks near schools.

Public Comment on this agenda item was received from Eric Dwyer, George Rinehardt and Katie Turner.

Further Discussion: The Councilmembers and staff engaged in extended dialogue about where food trucks could operate and the potential negative impacts of mobile vending, including the loss of shoppers and restaurant customers in the downtown area and the accumulation of trash near the vendors.

A motion was made by Vice Mayor Peters, seconded by Councilmember Hammerstrom, to continue the meeting past 10:00 PM. The motion passed by a unanimous vote.

Staff was directed to draft an ordinance for consideration.

This Staff Report was referred to staff.

5G. [15-280](#) Receive Report and Provide Direction to Staff Regarding the Regulation of Vacation Rentals in Fort Bragg

Because of the lateness of the hour, this agenda item was continued to the next meeting of the City Council.

This Staff Report was continued to the meeting of August 10, 2015.

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 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. [15-287](#) Adopt City Council Resolution Approving Professional Services Agreement with KASL Consulting Engineers Inc for Design and Engineering of the Chestnut Street Corridor Project and Authorizing City Manager to Execute Same (Amount Not to Exceed: \$77,600; ATP Grant Fund No. 413-5009-0319)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 3836-2015

7B. [15-291](#) Approve City Council Letter to California Legislative Black Caucus Responding to Request that Council Rename Fort Bragg

This Council Letter was approved on the Consent Calendar.

7C. [15-284](#) Approve Minutes of July 13, 2015

These Minutes were approved on the Consent Calendar.

8. CLOSED SESSION

ADJOURNMENT

Mayor Turner adjourned the meeting at 10:30 PM.

DAVE TURNER, MAYOR

June Lemos, Acting City Clerk

IMAGED (_____)