



City of Fort Bragg

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Meeting Minutes City Council

Monday, November 23, 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

Mayor Turner appointed Councilmembers Deitz and Cimolino to serve on an ad hoc committee to work together with the Mendocino Coast Recreation and Parks District on the C.V. Starr Community Center compensation and classification study as well as the Center's budget. Vice Mayor Peters and Councilmember Hammerstrom were selected as representatives of the City for League of California Cities division meetings, with Peters being the voting delegate and Hammerstrom the alternate voting delegate.

2. STAFF COMMENTS

City Manager Ruffing announced the promotion of Senior Government Accountant Victor Damiani to Finance Director. Ruffing noted that City Hall will be closed Thursday and Friday for the Thanksgiving holiday. The Coastal Trail ribbon cutting ceremony is at 12:30 PM on Tuesday, December 1. The Holiday Lights Parade and tree lighting ceremony is scheduled to start at 6:00 PM on Saturday, December 5 at the Guest House lawn. Ruffing said a Special City Council workshop will be held the first week in January to be focused only on water supply issues.

3. MATTERS FROM COUNCILMEMBERS

Mayor Turner mentioned his attendance at various events recently, including a Veterans Day ceremony, Food Forest fundraiser dinner, Bainbridge Park workshop, Chamber of Commerce mixer and Public Works Committee meeting.

Vice Mayor Peters spoke about alternative water sources discussed at the last Public Works Committee meeting, the Bainbridge Park situation discussed by the Public Safety Committee, and community participation at City Council meetings.

Councilmember Cimolino reported on the PEG steering committee meeting, asking for members of the public to contact him at City Hall if they would like to be on this committee. He also spoke about the Coalition for Gang Awareness and Prevention (CGAP) survey and asked that people visit

<http://www.cgap-fortbragg.org/> and complete the CGAP survey. The Latino Coalition will meet on December 1 for health training on how to get the most out of doctor appointments.

Councilmember Deitz went to an open house at Mendocino College campus. He said the transfer from College of the Redwoods to Mendocino College will be complete in the fall of 2017; he encouraged folks to sign up for classes. He reported on his attendance at Bainbridge Park workshop.

Councilmember Hammerstrom also attended the Bainbridge Park meeting and expressed his appreciation to the community for getting involved in the discussion. He reported that Fort Bragg will be hosting a group of Otsuchi students in January.

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

- Mayor Turner asked speakers not to make personal attacks on staff members and to restrict comments to City business.
- Charles Brandenburg expressed embarrassment at the recent personal attacks by two media outlets, and asked that people be more chivalrous.

5. PUBLIC HEARING

6. CONDUCT OF BUSINESS

- 6A. [15-492](#)** Receive Report and Consider Signing On to Argument in Opposition to Measure U "Prohibiting Social Service Organizations in the Central Business District"

City Manager Ruffing reported that Go Fort Bragg has submitted an argument against Measure U and asked that the Council sign on to their argument. As the deadline is in two days, this matter is brought forward for the Council's consideration. Ruffing read the argument to the Councilmembers and said that staff recommends that the Council approve a motion to sign on to the argument.

Discussion: Vice Mayor Peters summarized what happened at the last City Council meeting, saying that in a discussion about the ballot measure, the Councilmembers agreed they did not want to write an argument against the initiative for a variety of reasons, but that they would be open to deciding on whether or not to sign on to an argument prepared by others. Some discussion was held as to whether or not it would harm or help the argument against the initiative if the Council were to sign on. Ruffing noted that since every Councilmember has weighed in on this matter, and as it is a matter of great importance to the community, she has recommended that the Council take action to sign on to the argument against Measure U.

Public Comment was received from:

- Simon Eliot Smith recommended that the Council submit their own argument against the measure instead of signing on to the one prepared by Go Fort Bragg, as the Council has a fiduciary duty to explain to the public that this measure will cost them money.
- Annie Liner of Mendocino Coast Children's Fund (MCCF) said this year MCCF has finally moved to an office in the downtown which allows them to meet with families, school districts and others up and down the coast. If the measure is passed, they would lose this space.
- Carol White said the City Council should tackle this head-on, sort fact from fiction, and protect Fort Bragg from harm. She thinks the Council should prepare its own argument against the measure, but if they will not, the least they can do is sign on to the Go Fort Bragg argument.
- Linda Jupiter supports having the City Council sign on to the argument against Measure U. She

said besides being downright illegal and mean spirited, it would affect the Fire Department, Police Department and Town Hall.

- Larry Knowles supports the language in the draft argument from Go Fort Bragg and hopes the Council will sign on.
- Charles Brandenburg said the City wouldn't have to enforce the ordinance against all social services; only turn out the Hospitality Center at the Old Coast Hotel. He is against the initiative at this time and thinks some of the City Attorney's arguments should be included in the argument against the initiative. He mentioned he plans to run for City Council in the next election solely for the purpose of getting the Hospitality Center people out of the Old Coast Hotel.
- Rex Gressett said this secret deal was rammed down people's throats and it is tax-wise and morally debatable. He said the City Attorney should be disbarred and that the co-opted City Council and City management are shameful.
- Scott Menzies, co-author of the Go Fort Bragg argument against, said they would prefer if the Council wrote its own argument against the measure, as they feel it is the Council's responsibility to protect the City from a measure that could get the City sued. He asked the Council to please sign on to Go Fort Bragg's argument if they are not going to write their own.
- Mayor Turner summarized two letters received from Rick Moon, Executive Director of Parents and Friends, and Kristy Tanguay Cole, both in opposition to Measure U.
- Ann Rennacker said it is unfortunate that although the Mendocino Coast Hospitality Center is the intended target of the measure, the ban would affect all social services anywhere in the downtown. She thinks the people who signed the petition were unaware of what they were signing, and she hopes the Council will sign on to the argument against.
- Douglas Chouteau said the Central Business District (CBD) is a small area and there are many other places outside the CBD that could be used for social service organizations. He said this should not be looked at as an attempt to stop organizations that help other people, but as a preservation of the City's historic downtown.

Discussion: Much discussion was held about the argument against the initiative prepared by Go Fort Bragg. City Attorney Zutler said that the argument does comply with the requirements of the Elections Code. Vice Mayor Peters said the argument was short and to the point. He also noted that the City cannot be selective about who to enforce this against if the measure is passed. Councilmember Cimolino said the initiative is detrimental to the Downtown and to the community itself. The cost of litigation based on the passing of the initiative was discussed. Councilmember Deitz is against having a special meeting of the Council to write an argument against, but thinks that Go Fort Bragg has written an excellent argument and is willing to sign on. Councilmember Hammerstrom said the language of the argument captured the issues the Council has discussed and he recommends signing on. The Mayor said Go Fort Bragg has done a good job of writing the argument and that it has punch to it. He feels it is very important for the City Council to take a stand because if it passes, the City could end up paying \$30,000 to \$100,000 on attorneys fees and court costs. Mayor Turner stated that he feels the Council has a responsibility to let people know that, and he is in favor of signing on to the argument.

A motion was made by Councilmember Hammerstrom, seconded by Vice Mayor Peters, that the Fort Bragg City Council sign on to the Argument Against Measure U as presented in the staff report. The motion carried by the following vote:

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

Mayor Turner recessed the meeting at 7:36 PM; the meeting was reconvened at 7:45 PM.

- 6B. [15-486](#)** Receive Update on Animal Care and Shelter Services and Dog Licensing Program and Consider Adoption of City Council Resolution Approving a Professional Services Agreement with Mendocino Coast Humane Society for Provision of Animal Care and Shelter Services and Dog Licensing Program and Authorizing City Manager to Execute Same (Amount Not To Exceed \$15,750 in FY 2015-16; Account No 110-4200-0314)

Administrative Services Director Schneider summarized the staff report regarding continuing an agreement with the Mendocino Coast Humane Society to provide animal care and sheltering services. The cost, which has remained unchanged since 2010, will increase by \$125 monthly, from \$2,500 to \$2,625. This amount will remain the same throughout the term of the agreement. Chuck Tourtillott, Executive Director of the Humane Society, gave a presentation to the Council outlining services and citing statistics.

Discussion: Councilmembers and staff discussed the history of animal care and sheltering services in Fort Bragg and in the County of Mendocino; the licensing revenue and fees for services rendered; and clearing of underbrush at the shelter for fire protection purposes.

Public Comment was received from:

- Ann Rennacker spoke on the cost of spaying and neutering services, saying that local veterinarians charge \$500 for these procedures. Mr. Tourtillott responded that the Humane Society performs low cost spay and neuter services as well as vaccines, deworming treatments, etc.

Discussion: Vice Mayor Peters said his hat is off to the Humane Society and they deserve to get a little more money for the services they provide to the City.

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 3870-2015

- 6C. [15-487](#)** Receive Update on Downtown WiFi Project and Consider Adoption of City Council Resolution Approving a Memorandum of Understanding Between the City of Fort Bragg and Mendocino Community Network for Implementation of the Downtown WiFi Project and Authorizing City Manager to Execute Same

Administrative Services Director Schneider provided a background of the downtown WiFi project and explained how the free service would work. Mendocino Community Network (MCN) would provide configuration and tech support services; the City's IT Department would install the equipment.

Discussion: Vice Mayor Peters commented that Sage Statham of MCN was formerly a Planning Commissioner and asked if that presented a conflict. City Attorney Zutler said that if he is not benefiting from the agreement, it is not a conflict but she would make another review of the contract to be sure there is no conflict of interest. The splash screen for the new WiFi was discussed, with the intended purpose to help promote local businesses.

Public Comment: Rebecca Jarrett noted that the Fort Bragg Business Directory on the fortbragg.com website is not well maintained and suggested that someone be appointed to do regular updates for the site.

Discussion: Councilmember Deitz said the Technical Committee will continue to work on these matters to try to improve the internet services and websites to find better ways to promote Fort

Bragg business.

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 3871-2015

6D. [15-483](#) Receive Report and Provide Direction to Staff Regarding Memorandum of Agreement between City of Fort Bragg, Municipal Improvement District No. 1, and Noyo Center for Marine Science

City Manager Ruffing reported that the Noyo Center for Marine Science is transitioning to an independent non-profit organization with its own board of directors. The proposed Memorandum of Agreement (MOA) captures the agreements and understandings between the City and the Noyo Center on a variety of matters, including work products and concepts, grants, property matters, blue whale skeleton storage and display, onsite educational programs, use of the visitor center (chalet), indemnifications, insurance, etc. Ruffing asked the Council for feedback, questions or clarifications so the MOA could be finalized for approval at the December 14 meeting.

Discussion: Councilmember Deitz asked if costs borne by the Municipal Improvement District would be reimbursed by the general fund; Ruffing responded yes, they would. She also provided information on grants, financial reporting, and fiscal management.

Public Comment:

- David Alden, Noyo Center Board President, spoke about auditing, qualifying for grant funds, fundraising, and the enthusiastic support the Center has been receiving from the community.
- City Manager Ruffing said that North Coast Brewery is producing a new beer called Stellar IPA after the stellar sea lion. Profits will go to three organizations supporting marine mammals, including the Noyo Center for Marine Science.
- Ann Rennacker expressed disappointment that the local college lost its marine science program, but is thrilled that the City is supporting the Noyo Center project.

Discussion: Mayor Turner said the Noyo Center for Marine Science will be instrumental in getting a marine science program back at the college. He thanked Mr. Alden and staff for becoming involved in this visionary program. The general consensus of the Council was that there were no problems with the language in the MOA and this could come back for approval on the next Consent Calendar.

Council directed staff to include the Noyo Center Memorandum of Agreement on the next Consent Calendar.

6E. [15-485](#) Receive Oral Update on City's Water Emergency and Consider Lowering the Stage 3 Emergency to a Stage 1 or 2

Public Works Director Varga gave a brief report and update on the water situation, citing statistics about water usage and the development of alternate water sources. He recommended a reduction from Stage 3 to Stage 2 water emergency.

Discussion: Mayor Turner asked about high tides. Councilmember Deitz inquired about supply and use of water.

Public Comment was received from:

- Ann Rennacker gave her opinion that there is a problem with dewatering the Noyo River. She spoke about the Hare Creek Center and the Highway 20 Transfer Station.
- Eric Dwyer encouraged the Council to reduce the water emergency to a Stage 2, as he would like to irrigate landscape and wash away spiders.

- Virginia Bridges said the idea of going down to a Stage 2 does not feel secure to her.
Discussion: Councilmember Hammerstrom clarified that irrigation is still prohibited in a Stage 2 water emergency. He believes that it is not yet time to downgrade the emergency, noting that although the community has stepped up their conservation efforts, easing off from a Stage 3 to a Stage 2 might make residents and businesses back off in their efforts. The delegation of authority regarding downgrading water emergencies was discussed. Varga noted that a Stage 2 declaration is appropriate at this time. Vice Mayor Peters said he is concerned that the wrong message would be sent out to the community if the Council moves down a stage. After much discussion, the Council felt it is not yet time to downgrade the stage and no action should be taken on this date. Staff was asked to give a further update and report at the next Council meeting.

This Staff Report was not acted on.

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

7. CONSENT CALENDAR

Councilmember Deitz requested that Item 7A be removed from the Consent Calendar.

Approval of the Consent Calendar

A motion was made by Vice Mayor Peters, seconded by Councilmember Cimolino, 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

7B. [15-488](#) Readopt Master Traffic Resolution 1271-15/A

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 1271-15/B

7C. [15-477](#) Receive and File Minutes from August 12, 2015 Special Finance and Administration Committee Meeting

These Committee Minutes were received and filed on the Consent Calendar.

7D. [15-490](#) Receive and File Minutes from September 9, 2015 Special Finance and Administration Committee Meeting

These Committee Minutes were received and filed on the Consent Calendar.

7E. [15-482](#) Approve Minutes of November 9, 2015

These Minutes were approved on the Consent Calendar.

7F. [15-489](#) Approve Minutes of Special Meeting of November 17, 2015

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

- 7A. [15-478](#) Adopt City Council Resolution Approving a Professional Service Agreement with Walk & Bike Mendocino for Safe Routes to School Education, Evaluation, and Encouragement Activities and Authorizing City Manager to Execute Same (Amount Not to Exceed \$40,800: Account No. 323-4930-0635 \$14,800; Account No. 322-4930-0635 \$26,000)

Councilmember Deitz asked questions about the grant monies involved in the project and wanted to know if expending the \$40,800 grant would formally close out the contract. Ruffing responded that two separate funding sources are being used, and if one funding source is expended first, it can get closed out independent of the fact that the contract would remain open with other funding still in place. Varga noted that there will be an audit to check the project to ensure the funds are spent appropriately.

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

Enactment No: RES 3872-2015

8. CLOSED SESSION

Mayor Turner recessed the meeting at 9:25 PM; the meeting was reconvened to closed session at 9:40 PM.

- 8A. [15-484](#) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9: *California River Watch v. County of Mendocino, Solid Waste of Willits, Inc. and City of Fort Bragg*, United States District Court, Northern District of California, Case No. 3-15-C-03263-YGR

Mayor Turner reconvened the meeting to open session at 9:58 PM and reported that direction was given to counsel.

ADJOURNMENT

Mayor Turner adjourned the meeting at 9:58 PM.

DAVE TURNER, MAYOR

June Lemos, City Clerk

IMAGED (_____)