



# 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, April 9, 2018

6:00 PM

Town Hall, 363 N. Main Street

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### AMENDED

### CALL TO ORDER

Mayor Peters called the meeting to order at 6:00 PM.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present:** 5 - Mayor Lindy Peters, Vice Mayor Will Lee, Councilmember Michael Cimolino,  
Councilmember Bernie Norvell and Councilmember Dave Turner

### AGENDA REVIEW

#### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

#### 2A. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR & (3) CLOSED SESSION ITEMS (30 Minutes)

##### (1) Non-Agenda Items:

- Charles Peavey appreciates the recent changes to City organization and said it looks like a move in the right direction.

##### (2) Consent Calendar Items:

- Ann Rennacker requested further discussion of the streambed alteration agreement, Item 5A.
- Rex Gressett said Item 5A should not be on the Consent Calendar and he does not like the Code of Conduct.
- An unidentified speaker agreed with Rex Gressett and said any development that affects the salmon is a huge mistake.
- Jacob Patterson said he did not mind the item being on the Consent Calendar.

##### (3) Closed Session Items: None.

#### 3. STAFF COMMENTS

City Manager Miller acknowledged Linda Hilliard of the Finance Department who is retiring after 30 years of service on April 12. City Hall will be closed for an in-service day on April 12. Miller reported that she and representatives of the City and Georgia-Pacific recently walked the Coastal Trail to discuss the future of the site, timeframes, etc. She noted that a Mill Site cleanup workshop will be held on May 24 at Town Hall at 6PM with the Department of Toxic Substances Control. City Manager Miller gave a brief report on the Waste Management rate increase letter, noting that a full staff report will be forthcoming at the next City Council meeting to address the issues of the rate

increase and retroactivity. Public Works Director Varga reported that the City will be analyzing approximately ten locations within the City limits that are traffic safety concerns. City Manager Miller acknowledged Administrative Services Director Schneider for receiving Human Resources Certified Professional certification. City Attorney Hildebrand reported on the partially burned residence at 119 E. Pine Street. Community Development Director Jones noted that a public meeting on the Environmental Impact Report for the Hare Creek Center will be held on April 19 at 6PM at Town Hall. Administrative Services Director Schneider reported that a second city-wide Coastal Trail celebration will be held on August 5 and requested that local nonprofits contact him if they wish to be involved in the event.

#### **4. MATTERS FROM COUNCILMEMBERS**

Mayor Peters reported on a recent MTA board meeting, where unmet needs in Fort Bragg and the possible addition of an Inglenook route were discussed. He also gave an update on the Sonoma Clean Power board meeting and said the Public Safety Committee will meet April 18 to discuss the roundabout on Fir and Harrison Streets. Vice Mayor Lee spoke on the June 5 ballot measure to increase a parcel tax to assist the Hospital District. He would like the Council to adopt a resolution or issue a proclamation in support of the measure. Vice Mayor Lee also requested that the Committee for Measure C come to the Council to give a presentation on the first or second meeting in May. Councilmember Cimolino attended a Safe RX Opioid Coalition meeting on April 3 and cited statistics on marijuana overdose deaths last year. Councilmember Norvell said the Mendocino Coast Hospitality Center ad hoc meeting will be on April 19 and he will bring the Council up to date on the issues after that meeting.

#### **5. CONSENT CALENDAR**

Mayor Peters removed Item 5A from the Consent Calendar for further discussion.

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

**A motion was made by Councilmember Turner, seconded by Vice Mayor Lee, to approve the Consent Calendar with the exception of Item 5A. The motion carried by the following vote:**

**Aye:** 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

**5B. [18-100](#)** Approve Minutes of March 26, 2018

**These Minutes were approved on the Consent Calendar.**

#### **ITEMS REMOVED FROM CONSENT CALENDAR**

**5A. [18-118](#)** Authorize City Manager to Execute Streambed Alteration Agreement with California Department of Fish and Wildlife for Waterfall Gulch to Hare Creek, Notification No. 1600-2016-0271-R1

City Manager Miller explained that the Lake and Streambed Alteration Agreement is not required to be presented to the Council before signing, but she chose to add it to the agenda for transparency's sake. This agreement has been in the works since 2016 and allows for 25 percent bypass, which is more than has historically been in effect. The City has had a Waterfall Gulch diversion for over eighty years. The \$700K in funds that are being held up for the Summers Lane Reservoir project will now be released after the signing of this agreement. All Councilmembers thanked the City Manager

and staff for bringing this matter to resolution.

Public Comment was received from:

- Rex Gressett said the matter has long been in dispute and the City deliberately kept the details secret but got its hand caught in the cookie jar.
- Ann Rennacker stated she was glad to hear of the agreement and that the City has agreed to release 25 percent of the water because she is concerned about salmon.
- John Fletcher said the City should take a long hard look at future development to determine where the water will come from.

Discussion: Councilmembers cleared up some statements made during public comment and agreed that this agreement is a good thing for Fort Bragg, so that the next time there is a drought, the City will be better prepared.

**A motion was made by Councilmember Norvell, seconded by Vice Mayor Lee, that the City Manager be authorized to execute the Streambed Alteration Agreement. The motion carried by the following vote:**

**Aye:** 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

## **6. PUBLIC HEARING**

## **7. CONDUCT OF BUSINESS**

- 7A. [18-099](#)** Receive Report and Consider Adoption of City Council Resolution Approving a Professional Services Agreement with SHN Consulting Engineers for Construction Management and Inspection Services for the Wastewater Treatment Plant Upgrade Project and Authorizing City Manager to Execute Same (Amount Not to Exceed \$1,105,500.00; Account Number 716-7001-0731)

Assistant Director of Public Works Smith presented the staff report on this agenda item and responded to questions from Councilmembers regarding how long the project will take, access to the project, possible change orders and cost overruns.

Public Comment was received from:

- Rex Gressett thinks the mill site owners should pay for the Wastewater Treatment Facility upgrade.
- John Fletcher gave kudos to the City for this project, saying an awful lot of work goes into this.
- Jacob Patterson expressed concern about change orders driving up the cost of a contract and recommends a flat fee instead of a time and materials contract.

Discussion: SHN representative Jason Island responded to questions from Councilmembers and noted that this is not a Time & Materials contract, but rather a Not to Exceed contract. He noted SHN has met its goals on many projects and they have done comparable projects, most notably in Willits, Mendocino and Eureka. The general consensus of the Council was that this facility is in dire need of an upgrade, the project is 15 years late, and the City cannot wait until new development comes along to undertake this much needed upgrade. This is one step toward moving forward to improve the City's infrastructure. Vice Mayor Lee recommended changes to the Non Discrimination language in the Professional Services Agreement (PSA), to delete the word "sex" and add the words "gender" and "sexual orientation." The Councilmembers approved of that change to the Agreement and all future PSAs.

**A motion was made by Councilmember Turner, seconded by Vice Mayor Lee, that this Resolution be adopted, subject to the amendment of the Non**

**Discrimination section of the Professional Services Agreement to include the terms "gender" and "sexual orientation" in the place of "sex." The motion carried by the following vote:**

**Aye:** 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

Enactment No: RES 4081-2018

**7B. [18-115](#)**

Receive Report and Consider Adoption of Municipal Improvement District Resolution Approving an Amendment to the Professional Services Agreement with HDR, Inc. to Provide Engineering Services During Construction for the Wastewater Treatment Plant Upgrade Project, City Project 2018-01, and Authorizing District Manager to Execute Contract Amendment (Amount of Increase Not to Exceed \$250,000; Total Amount of Contract Not to Exceed \$961,993; Account No. 716-7001-0731)

Assistant Director of Public Works Smith briefly summarized the staff report on this item and responded to questions from Councilmembers.

Public Comment: None.

**A motion was made by Councilmember Norvell, seconded by Vice Mayor Lee, that this ID Resolution be adopted. The motion carried by the following vote:**

**Aye:** 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

Enactment No: RES ID 403-2018

**7C. [18-103](#)**

Receive Report and Consider Adoption of City Council Resolution Approving a Forgivable Loan Agreement with Building Better Neighborhoods, Inc. for the Housing Rehabilitation Project at the Glass Beach Apartments Using Program Income Funds Through Community Development Block Grant #16-CDBG-11140 and Authorizing City Manager to Execute Same (Amount Not to Exceed \$75,000; Account No. 331-5052-0630)

Grant Assistant Gregory presented the staff report on this agenda item. Mayor Peters noted that the Council had previously authorized this project in July of 2016 when approving a list of supplemental CDBG projects.

Public Comment: None.

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

**Aye:** 5 - Mayor Peters, Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

Enactment No: RES 4082-2018

**7D. [18-111](#)**

Receive Annual General Plan Report (2017-2018)

Community Development Director Jones presented the staff report summarizing the Annual General Plan Progress Report and responded to questions from Councilmembers, who all complimented her on a good report.

Public Comment:

- Jacob Patterson stated that it was one of the best reports from a city that he has read. He suggested the Council ask that some of the local historic buildings be added to the Historic Building Registry.

Discussion: It was the general consensus of the Council to accept the report as presented.

**This General Plan Report was received and filed.**

**7E. [18-109](#)**

Receive Report and Consider Adoption of City Council Resolution Identifying Priority Projects for Funding by SB 1 Road Repair and Accountability Act for the 2018-2019 Fiscal Year

**Mayor Peters recused himself from hearing this agenda item, citing a conflict of interest, and left the chamber at 7:52 PM, leaving Vice Mayor Lee in charge of the meeting.**

Public Works Director Varga gave the staff report for this item and responded to clarifying questions from the Council. Councilmember Norvell said he would like to see these types of items go before a committee prior to coming to Council so that alternate actions can be suggested.

Public Comment was received from:

- Eric Dwyer wants to get rid of the traffic circle on Fir Street.
- Michelle Roberts urged the Council not to adopt the resolution for the proposed Maple Street project, stating that there are other streets in worse shape. She also noted that this project borders the former City Manager's property.
- Bob Burns spoke about problems with water runoff at his house.
- Jacob Patterson stated his opposition to adoption of the resolution and wants Council to approve other projects such as pothole repair.
- Ann Rennacker asked that the Council look at other projects like filling alley potholes.

Discussion: It was generally agreed that the Maple Street project should not be on the list of projects for SB 1 road repair funding. Council asked that the resolution be modified to remove the reference to Maple Street and replace it with the following language: NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby identify the following projects to be funded with Road Maintenance and Rehabilitation Account revenues for the fiscal year 2018-19: street and alley projects and traditional street maintenance projects.

**A motion was made by Councilmember Turner, seconded by Councilmember Norvell, that this Resolution be adopted as amended. The motion carried by the following vote:**

**Aye:** 4 - Vice Mayor Lee, Councilmember Cimolino, Councilmember Norvell and Councilmember Turner

**Recuse:** 1 - Mayor Peters

Enactment No: RES 4083-2018

**2B. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR & (3) CLOSED SESSION ITEMS (30 Minutes, If Necessary)**

**8. CLOSED SESSION**

**ADJOURNMENT**

**Vice Mayor Lee adjourned the meeting at 8:14 PM.**

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LINDY PETERS, MAYOR

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June Lemos, CMC, City Clerk

IMAGED (\_\_\_\_\_)