

Fort Bragg, California
January 14, 2008
Town Hall

The City Council of the City of Fort Bragg, meeting concurrently as the District Board of the Fort Bragg Municipal Improvement District No. 1 and Agency Board of the Fort Bragg Redevelopment Agency, met in regular session on the above date at the hour of 7:00 p.m. in Town Hall, southwest corner of N. Main and Laurel Streets (363 N. Main Street), Fort Bragg, with Mayor Doug Hammerstrom presiding.

PLEDGE OF ALLEGIANCE

ROLL CALL as acknowledged by Mayor Hammerstrom

Present: Councilmembers Dave Turner, Meg Courtney, Dan Gjerde, Jere Melo, and Mayor Doug Hammerstrom.

AGENDA REVIEW

MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

A. Proclamation Regarding Big Brothers Big Sisters Day, January 31, 2008

Mayor Hammerstrom read the proclamation and presented it to Wendy Wall and other representatives of Big Brothers Big Sisters. Ms. Wall thanked the Council and stated that a few hours a week can make a big difference in someone's life. She invited everyone to a benefit concert at Cotton Auditorium on January 20th at 3:00 p.m.; money will be used for the teen peer court program.

B. Wave Energy Forum

Mayor Hammerstrom reported that this Saturday at Dana Gray School from 9 a.m. to 4 p.m. there will be a forum on Wave Energy. It will be a comprehensive Forum covering all aspects of wave energy. He encouraged people to attend the event, noting that it will be free and lunch will be included.

1. PUBLIC HEARING

A. Receive Report, Conduct Public Hearing, and Consider Adopting Resolution Amending Parking In-Lieu Fees

City Manager Ruffing reviewed the Agenda Item Summary prepared for this item with the City Council.

Discussion: The following items were noted during discussion of this item:

- Vice Mayor Turner stated that he received a call from a constituent that believed they would be charged \$12,000 for any removed parking space; Ruffing confirmed that it would either be \$4,000 or \$8,000 depending on whether it was an existing building or new construction.

Mayor Hammerstrom opened the public hearing at 7:13 p.m.

1. Cynthia Ariosta asked who defines intensification of use and how a new business can determine if their business will be an intensification from the prior business. She also expressed concern with how this increased fee will affect the empty storefronts on Franklin Street in their ability to attract new small businesses. Ariosta's final question was what responsibility residents who have cars in the mixed used Central Business District have to pay for some of the parking?

Mayor Hammerstrom closed the public hearing at 7:15 p.m.

Discussion: The following items were noted during continued discussion of this item:

- The parking standards are defined in City's Land Use & Development Code (LUDC) based on type of land use and intensification of use would be calculated by the Community Development Department using those standards.
- New businesses moving into vacant storefronts on Franklin Street would not be required to pay the parking in-lieu fee unless there was an intensification of use. Most of the businesses going in and out of these storefronts are a continuation of existing uses
- Existing residential units in the Central Business District don't pay for parking but a number of the residents do purchase monthly parking permits from the City. New residential units are subject to

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parking requirements in the LUDC.

- Councilmember Gjerde noted that this isn't a fee on business but a fee on development. Unless someone is adding on to a business they won't be assessed the fee.

Moved by Gjerde, seconded by Courtney, to adopt City Council Resolution (3139-2007) amending parking in-lieu fees. #314

VOTE: Ayes: Councilmembers Turner, Courtney, Gjerde, Melo and Mayor Hammerstrom.

- B. Receive Final Grant Products and Conduct Public Hearing Regarding Closeout of Community Development Block Grants for Planning and Technical Assistance: (1) 04-PTAA-0317, which Funded (a) the City of Fort Bragg Public Facilities Master Plan and (b) the Strategic Plan for the Noyo Center for Science and Education at Fort Bragg; and (2) 05-PTAA-1444, which Funded (a) the Wastewater Treatment Facility Study and (b) the Detailed Project Program for the Noyo Center for Science and Education at Fort Bragg**

The Agenda Item Summary prepared for this item was reviewed with the City Council by City Manager Ruffing.

Mayor Hammerstrom opened the public hearing at 7:20 p.m.; seeing no one wishing to speak the public hearing was immediately closed.

Moved by Turner, seconded by Melo, to accept the final grant reports. #261-05/#187-05

VOTE: Ayes: Councilmembers Turner, Courtney, Gjerde, Melo and Mayor Hammerstrom.

2. CONDUCT OF BUSINESS

- A. Receive Oral Report from Mendocino County Staff Regarding Fort Bragg Animal Shelter**

Carmel Angelo, Director, Mendocino County Health & Human Services Agency, stated that the Animal Shelter has reopened this week to full service. Their new hours are Tuesday – Saturday from 10:00 a.m. – 4:00 p.m. She explained what the Health & Human Services Agency does and provided a snapshot of the services they offer in Fort Bragg, including environmental health services, sewage permits, building permits, well permits, alcohol & drug programs, public health center, social services, and mental health. In terms of animal control, their goal is to provide service in a timely and cost effective manner. Angelo noted that over the past five years there has been an increase in transfer of animals to rescue groups and adoptions and a decrease in euthanasia; this has been achieved through partnerships with the City of Fort Bragg, Humane Society, and Friends of Fort Bragg Animal Shelter. She reviewed the upgrades done to the facility last year and noted that they have increased staffing but have had some staffing challenges. The temporary, unexpected closure of the shelter last week was due to severe staffing shortages. Angelo noted that unfortunately the City was the last agency called regarding the closure so City staff and the City Council found out about the temporary closure from others rather than the County. She noted that they are trying to work on a plan to improve the shelter operation and develop emergency procedures to deal with these types of issues in the future.

Discussion: The following items were noted during discussion of this item:

- An earlier meeting between the Health & Human Services Agency staff and volunteers went well; the volunteers continue to be interested in shelter operations.
- Lines of communication need to be improved so that as many people can be involved in alleviating the situation as possible in the future; communication directly with the City should happen early in the process.
- County counsel is reviewing whether or not volunteers can do more in terms of the daily operation of the shelter such as cleaning cages and caring for the animals.

Public comment on this agenda item was received from: Steve Sapontzis, Jeanne Gocker, Carol Lillis, and Anna Mahoney.

Discussion: The following was noted during continued discussion of this item:

- Dedication of the volunteers is characteristic of people on the coast; many projects have been accomplished with the use of volunteers.
- Mayor Hammerstrom requested the City Manager meet with volunteers to get a sense of what the volunteers are proposing. Councilmember Melo stated that he plans to continue participating in the volunteer meetings as well.

#113

B. Receive Report and Provide Direction to Staff Regarding Federal Safe Routes to School Grant Application Options

Project Manager-Grants Owen reviewed the Agenda Item Summary prepared for this item with the City Council. She noted that the City hasn't received the grant guidelines yet but the application will be due about 12 weeks after the guidelines are distributed. In order to submit an application the City will need preliminary cost estimates and conceptual designs so there is a lot of planning and public meetings necessary between now and the deadline for submitting the application.

Discussion: The following items were noted during discussion of this item:

- Councilmember Gjerde noted that the Public Works Committee discussed the fact that Class II bicycle lanes only fit on streets that are a minimum of 43' wide; Sanderson and Dana are only 40' wide and the extension of Dana between Oak and Cedar is only 38' wide. He noted that other cities are using "sharros," which are shared bicycle and vehicle lanes; vehicles would need to go over the yellow line to avoid bicyclists so the yellow reflectors should not be placed on those streets.
- Gjerde stated that he liked the idea of getting nice bike racks and suggested ones similar to those in San Luis Obispo.
- Councilmember Courtney noted that the Public Works Committee also talked about putting a round-about at the intersection of Brandon/Corry and Fir to slow traffic in that area.
- Pedestrian Crossing warning should be put on Fir Street to slow traffic near the Middle School.
- Council and staff discussed the use of speed tables as a means of slowing traffic. In addition to Fir Street, it was suggested that a speed table be installed on South Sanderson Way at Willow to slow both the vehicles and encourage the bicyclists to stop before crossing the street.
- Class II bicycle lanes were suggested on Fir and Pine Streets as a means of reducing the street width and slowing traffic.
- This grant is highly competitive so the City needs to provide a compelling case, with a good solution, and include public and community involvement.
- It was suggested that staff and the traffic consultant first work with the list in the Agenda Item Summary and then look at additional speed tables and the round-about. The priority needs to be to make the grant application competitive.

#955

C. Receive Report and Consider Introduction of Ordinance Adding Chapter 4.06 to Title 4 of the Fort Bragg Municipal Code Regulating the Provision of Video Service by Holders of State Awarded Video Service Franchises

The Agenda Item Summary prepared for this item was reviewed with the City Council by City Attorney Gogna who noted that Councilmember Melo provided an e-mail raising issues that call for some additional revisions to the ordinance in front of the Council. The changes were noted as follows:

- Section 4.06.090(O) references parkways but no definition of parkways is given in the ordinance.
- Melo also questioned whether the conduit installation should be covered by sand; the Public Works Director stated that any conduit would need to meet the City's trench standards.
- Section 4.06.090(O)(5)(e) needs to be reworded to state that final resurfacing shall be completed "as soon as can be feasibly completed taking into consideration weather conditions and availability of materials" rather than within five (5) business days on all public rights-of-way.

Discussion: The following items were noted during discussion of this item:

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- Council expressed a preference to have utilities either underground or from alleys rather than from poles on the streets. Staff noted that the Land Use & Development Code (LUDC) requires undergrounding for new subdivisions but not for infill development. The ordinance notes that installation will be from existing poles but Council expressed a desire to use existing or new poles in the alleys rather than existing poles in the street.
- Permits will be required for connecting to overhead wires and installer will need to follow the City's general regulations.
- Telephone and electrical poles are regulated by the State so the City may not have much leeway in telling installers where they can be located.
- Adding "unless directed by the City" to Section 4.06.090(K) was suggested by Vice Mayor Turner.
- Ruffing clarified that the direction from Council is to make changes necessary to the ordinance in order to provide the City with the latitude to require new installation to occur on poles in alleys rather than streets.
- Minor typing error in Section 4.06.090(L), second to last sentence should say "At no time" rather than "At not time".

The ordinance will be amended and brought back to Council at the next meeting for introduction. #151

Mayor Hammerstrom recessed the meeting at 8:28 p.m., reconvening at

3. COMMENTS ON NON-AGENDA ITEMS

A. Staff Comments

Chief of Police Puthuff noted that they are fully staffed and the four new police officers are now out in vehicles with their field training officers. He thanked Vice Mayor Turner for assisting with training scenarios at this business.

B. Public Comments

1. John Freemont invited the Council to the concert to benefit the Teen Peer Court at Cotton Auditorium on Sunday at 3:00 p.m.; he stated that this is a way to extend compassion and concern to other less fortunate members of our community. He then referred to SB2, which became effective on January 1st, and requires all cities to provide at least one zoning category where emergency shelters can be located without discretionary review. This would ease developing a homeless shelter as many people trying to site a shelter have run into neighborhood resistance. Freemont stated that the homeless committee would be happy to meet with the City to determine what zoning category would be best.
2. Virginia Siewart stated that she serves on the Hospitality House Board of Directors, and is trying to serve the homeless beyond the Hospitality House, referencing a number of articles she wrote for the Advocate News. She stated a big issue is the homeless need for bathrooms. Many businesses won't allow them to use their restrooms and the City closes the bathrooms at Town Hall, Bainbridge Park and Pomo Bluffs Park at 4:00 p.m. and at City Hall at 5:00 p.m. Siewart suggested renting port-a-potties from Thompson Septic Service for \$100 per month and placing them at discrete places around town such as at Glass Beach and near the bridges.
3. Roy Falk thanked Siewart for raising this issue at the meeting Social Services held about opening a shelter on the north coast. He then stated that he is a member of the organization "Love in Action" which is a volunteer interfaith organization made up of number of churches devoted to finding a way to relieve some of the miseries of the homeless and poor while using existing facilities and services offered by the County and City. Social Services has asked Love in Action to be the lead agency in trying to find a temporary winter shelter. Public sanitation is among one of the issues facing residents, businesses and the homeless; Love in Action has identified a key contributor to this problem is that there are really only 3 public restrooms available. Falk

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recommend the City provide restrooms around the clock, everyday by either using the three existing public restrooms and keep them open 24-hours a day, 7-days a week or by providing port-a-potties.

4. Cynthia Ariosta reported on the on-going controversy downtown with V'Canto Restaurant noting that despite the recent Planning Commission motion to regulate the restaurant's hours they just received notice that the Department of Alcoholic Beverage Control (ABC) has scheduled a new hearing. The statement of issues to be determined is whether granting of such license would be detrimental to public welfare and morals. The hearing is scheduled for February 25th in Ukiah but the protestors have asked to move the hearing to Fort Bragg and change the date because their legal counsel is not available on that date.

4. CONSENT CALENDAR

Mayor Hammerstrom noted that Item No. 4E (Resolution Authorizing a Contract with Jesse S. Baloca) has been amended to include authorization of the First Amendment to the Contract as well. Councilmember Gjerde requested that Item 4F be pulled for discussion.

Moved by Gjerde, seconded by Melo, to accept the Consent Calendar, as revised, with the exception of Item 4F, with the actions noted namely:

- A. **Accept Engineer's Certificate of Completion for the Business District Alley Rehabilitation Project (City Project 2007-05) and Direct City Clerk to Record Notice of Completion. #298-07/B**
- B. **Accept Engineer's Certificate of Completion for the Pine & Harold Street Repairs (City Project 2007-08) and Direct City Clerk to Record Notice of Completion. #290-07/B**
- C. **Adopt Resolution (3140-2008) Authorizing City Manager to Execute Third Amendment to Contract with Leventhal Schlosser Architects to Increase Contract Amount by \$11,755 (Account No. 110-4392-0720). #750-06/B**
- D. **Adopt Resolution (3141-2008) Authorizing City to Accept Grant Funds from the California Pollution Control Financing Authority of the State of California, Under its Sustainable Communities and Loan Grant Program and Appointing a Designee to Administer the Grant on Behalf of the City. #330-07**
- E. **Adopt Resolution (3142-2008) Authorizing a Contract and First Amendment with Jesse S. Baloca to Provide Temporary Financial Consultant Services for an Amount Not to Exceed \$30,000 and to Amend the FY 2007-08 Budget to Transfer \$30,000 from Account No. 110-4150-0101 (Finance Department Salaries) to Account No. 110-4150-0319 (Professional Services). #248-08**
- F. **Item pulled for discussion.**
- G. **Reject Claim of Floyd E. and Peggie Higdon. #322-07**
- H. **Adopt Improvement District Resolution (ID 299-2008) Authorizing District Manager to Execute, Upon Execution by Consultant, a Professional Services Agreement with Wood Rodgers for Design of the Pudding Creek Force Main Replacement (Amount not to Exceed \$127,200; Account No. 135-4615-0731). #310-07/C**
- I. **Matters from Committee**

(1) Finance and Administration Committee

- (a) **Receive and File Minutes of October 3, 2007, wherein the following items were discussed: Approval of Warrants; 1) Review Promotion Committee Budget and Make Recommendation to Council; 2) Receive Report and Provide Direction to Staff Regarding Capital Equipment Disbursement to Mendocino Coast Television (MCTV); 3) Discussion of 2008 Mendocino Council of Governments (MCOG) State Transportation Improvement Program (STIP) Allocation; 4) Receive Report and Provide Direction to Staff Regarding Boatyard Traffic Impact Fees; 5) Discuss Concept of Memorial Bench Program and Provide Direction to Staff; Approval of**

August 6, 2007 and August 17, 2007 Minutes; Receive and Promotion Committee Minutes of August 2, 2007 and August 15, 2007; and 6) Matters from Committee Members/Staff. #284

(b) Receive and File Minutes from Special Meeting of October 25, 2007, with the following items of discussion: 1) Receive Report and Provide Direction to Staff Regarding Capital Equipment Disbursement to Mendocino Coast Television (MCTV); and 2) Matters from Committee Members/Staff. #284

(2) Public Works and Facilities Committee

(a) Receive and File Minutes of September 28, 2007, wherein the following items were discussed: Public Comments on Non-Agenda Items; Approval of July 12, 2007 Minutes; 1) Receive Presentation by Mendocino County Board of Supervisor Chair Kendall Smith Regarding Process for Allocating Prop 84 Funds to City Park Projects and Provide Direction to Staff; 2) Discuss Possible Establishment of a "Green Fleet" Policy; Matters from Committee Members and Staff. #230

(b) Receive and File Minutes from Special Meeting of October 24, 2007, with the following items of discussion: Public Comments on Non-Agenda Items; Approval of September 28, 2007 Minutes; 1) Receive Oral Report and Provide Direction to Staff Regarding Upcoming Grant Opportunities; 2) Discuss Development of Citywide Bicycle Master Plan; and 3) Matters from Committee Members and Staff. #230

(c) Receive and File Minutes of November 29, 2007, wherein the following items were discussed: Approval of October 24, 2007 Minutes; 1) Discuss Allocation of Prop 84 Funds for City park Projects and Provide Direction to Staff; and 2) Matters from Committee Members and Staff. #230

J. Approval of Minutes

(1) Minutes of December 10, 2007.

(2) Minutes from Special Meeting of December 17, 2007.

VOTE: Ayes: Councilmembers Turner, Courtney, Gjerde, Melo and Mayor Hammerstrom.

MATTERS REMOVED FROM CONSENT CALENDAR

4F. Adopt Resolution (3143-2008) Authorizing City Manager to Execute a Subrecipient Agreement with Mendocino Coast Hospitality Center, Inc. to Use Funds from Community Development Block Grant #06-STBG-2785 for Rehabilitation of Community Facility (Amount NTE: \$281,035; Source: CDBG Grant #06-STBG-2785).

Councilmember Gjerde stated that he requested this item be pulled since the Council just heard from members of the public that the City isn't doing enough for the homeless. This is the second grant the City applied for and received from the Community Development Block Grant program for improvements for the Hospitality House. This is a homeless shelter in Fort Bragg; there are no homeless shelters in Mendocino, Little River, or anywhere else on the coast except Fort Bragg.

Moved by Gjerde, second by Melo to adopt City Council Resolution (3143-2008) authorizing City Manager to execute a Subrecipient Agreement with Mendocino Coast Hospitality Center, Inc. to use funds from Community Development Block Grant #06-STBG-2785 for rehabilitation of community facility (Amount NTE: \$281,035; Source: CDBG Grant #06-STBG-2785).

VOTE: Ayes: Councilmembers Courtney, Gjerde, Melo and Mayor Hammerstrom.

Abstain: Councilmember Turner.

#931-08/A

5. MATTERS FROM COUNCILMEMBERS

Mayor Hammerstrom reported that the Economic Development Financing Corporation met last Thursday and discussed a new program called "Sketch Up" that places photos and/or building plans on GoogleEarth. He noted that an architectural firm in Ukiah is participating in this program and that it

allows for presentations to include 3-D drawings of buildings in their actual settings. Hammerstrom reported that he and Councilmember Melo went to Southern California to attend the Coastal Commission hearing on the City's Local Coastal Plan (LCP). The presentations went well and the Coastal Commission approved the LCP, as amended to include 8 or 9 of the items requested by the City in the letter sent after the last Council meeting, there are still 3 substantial disagreements. Two Commissioners questioned how the City would be able to administer the items the City and Commission staff are still in disagreement on; Coastal Commission staff was unable to answer. Ultimately the Coastal Commission directed their staff to work with the City on the remaining items; and changes can be made by staff without further Commission action. Hammerstrom stated that some of what occurred is a direct benefit of Councilmember Melo's work with the Coastal Cities Interest Group. He noted that there was some discussion about inviting Coastal Commissioners to Fort Bragg to see the mill site so that they will have the site in mind during the specific plan process.

Vice Mayor Turner reported that he attended the presentation regarding mushrooms and how they could be used for remediation, including remediation of dioxins. Georgia-Pacific is semi-receptive to exploring this possibility. It might be a benign method of remediation that may also be cost effective and satisfy most of the parties.

Councilmember Courtney stated that she also attended the fungi talk and found it to be amazing. She reported that Mendocino Transit Authority opened their Fort Bragg office which has been named the Diana Stuart Center because she was a very valuable member who served on the Board for 16 years. Courtney concluded by noted that a letter was received from the Employers Council of Mendocino County supporting eliminating the use of plastic bags.

Councilmember Gjerde reported that the Executive Committee of the Mendocino Council of Governments (MCOG) Board will meet to discuss the grant applications received which include: City of Fort Bragg submittal for Main Street (\$2.2 million); County's submittal for East Potter Valley Road (\$6 million); MCOG Staff submittal for Willits Bypass (\$6.1 million); and MCOG Staff submittal for Hopland Bypass (\$6.1 million). He noted that the amount available is \$6.1 million. Gjerde stated that he is hoping that the person who seconded his motion to adopt a resolution stating that submittals come from cities and the County will back him up in not recommending the projects proposed by MCOG Staff for CalTrans projects.

Councilmember Melo reported on the following:

- ✓ He intends to go to the reception and dinner on Friday for the Wave Energy Forum but won't make it to the forum in the morning due to work issues; he stated that he hopes to show up later in the day.
- ✓ He agreed with the Mayor's comments that the Coastal Commissioners were very complimentary and received the City's presentation well. They recognized that all of the activity over the last 30 days hasn't had public review and comment here in Fort Bragg and that the Council wants to have time to take the LCP back to the community for review. As for the Coastal Commission field trip to Fort Bragg, Melo noted that the Coastal Commission usually meets in Santa Rosa at one point during the year and he would like to work on a plan to rent a bus and bring them here at that time.
- ✓ He and Councilmember Gjerde met in December with the Mendocino Resource Conservation District regarding a small grant they received; they expect to have a written feasibility analysis with a plan for what the community needs to do to attract a biomass plant by the end of the month.
- ✓ The Board of Forestry has certified the Environmental Impact Report and approved the Management Plan for Jackson Demonstration State Forest and he has applied for a seat on their Advisory Committee.
- ✓ The City received a letter asking to have the tobacco ordinance action delayed until the results of litigation on the County ordinance is resolved.
- ✓ The City's Municipal Services Review (MSR) has been received back from LAFCO Executive Officer Frank McMichael and it has expanded to about double the original size. While he stated he

hasn't had time to completely review the document he has noted some errors in the amended MSR. He stated that he believes the LAFCO Board will discuss this in February.

6. CLOSED SESSION

Mayor Hammerstrom adjourned the meeting at 9:15 p.m.

DOUG HAMMERSTROM, Mayor

ATTEST:

Cynthia M. VanWormer, CMC
City Clerk

INDEXED: _____(____)

IMAGED: _____(____)